



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 19, 2014

Mr. Michael T. Archey, Esq.
Senior Counsel – Real Estate
AutoNation, Inc.
200 SW 1st Avenue, 14th Floor
Fort Lauderdale, FL 33301

Re: No Further Action at the following Site:

- **Site Name:** Appleway Chevrolet, Inc.
- **Site Address:** 8500 Block of East First Avenue, Spokane, WA
- **Facility/Site No.:** 28314355
- **VCP Project No.:** EA0148

Dear Mr. Archey:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Appleway Chevrolet, Inc. facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined no further remedial action is necessary to clean up contamination at the Site.

This opinion is dependent on the continued performance and effectiveness of the post-cleanup controls specified below.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively “substantive requirements of MTCA”). The analysis is provided below.



Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and metals into the Soil.
- Total petroleum hydrocarbons and metals into the groundwater.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

- Phase II Environmental Site Assessment, 8500 Block East First Avenue, Spokane County, Washington: EMCON, June 30, 1997.
- Site Reporting and Conceptual Closure Plan, Appleway Automotive Group: EMCON, September 23, 1997.
- Monitoring Well MW-5 Installation: EMCON, February 2, 1998.
- Interim Remedial Action Report, Quarterly Groundwater Monitoring, 8500 Block East First Avenue, February 1998 – November 2000 (7 reports): Leppo Consultants, Inc., 1998 – 2000.
- Appleway Landfill Management Plan, Valley Couplet Project No. 2396: Sheila Pachernegg & Randy Knight, February 19, 2001.
- Interim Remedial Action Report, Ground Water Monitoring Event – January 30 and September 28, 2004, Appleway Chevrolet, Former Construction Waste and Demolition Landfill: SLR International Corp, 2004.
- Independent Remedial Action Report, Ground Water Monitoring Events (March 2005 through July 2006) (5 reports): LFR, Inc., 2005 – 2006.
- Quarterly Groundwater Monitoring Report, June 10, 2008: LFR, Inc., July 22, 2008.
- Second Quarterly Groundwater Monitoring Report, September 12, 2008: LFR, Inc., November 4, 2008.
- Groundwater Monitoring Reports, Appleway Chevrolet (November 2010 – June 2013) (7 reports): Arcadis, 2010 – 2013.

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Those documents are kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling Kari Johnson at 509-329-3415.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The lateral and vertical extent of contaminated soil and groundwater was defined in the reports listed above.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

For soil, the cleanup levels were established using MTCA Method A and are based on protection of groundwater. The cleanup levels are as follows:

- Diesel-range hydrocarbons: 2,000 mg/kg
- Oil-range hydrocarbons: 2,000 mg/kg
- Arsenic: 20 mg/kg
- Cadmium: 2 mg/kg
- Lead: 250 mg/kg
- PCBs: 1 mg/kg

The point of compliance for soil is throughout the soils at the Site. This is the standard point of compliance.

For groundwater, the cleanup levels were established using MTCA Method A and are based on protection of drinking water. The cleanup levels are as follows:

- Diesel-range hydrocarbons: 500 ug/l
- Oil-range hydrocarbons: 500 ug/l
- Arsenic: 5 ug/l
- Chromium: 50 ug/l
- Lead: 15 ug/l

For groundwater, the point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. This is the standard point of compliance.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The selected cleanup includes the following:

SOIL

- Capping of contaminated soil
- Stormwater control system
- Institutional controls
- Groundwater monitoring

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls.

The Site is capped to prevent infiltration and mobilization of contaminants. A stormwater control system was also installed to prevent infiltration.

An Environmental Covenant was required because the remedial actions resulted in residual concentrations of petroleum hydrocarbons, PCBs, and metals contaminated soil at the Site.

Post-Cleanup Controls

Post-cleanup controls are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Prohibition of activities that may interfere with the cleanup action or that may result in exposure of the hazardous substances at the Site.

To implement that control, an Environmental Covenant (Covenant) has been recorded on the following parcels of real property in Spokane County:

- 45191.0502
- 45191.0503
- 45191.0601
- 45191.9187

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

2. Operation and maintenance of engineered controls.

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered control is necessary at the Site:

- A cap over the impacted area.

The cap must be inspected and maintained to prevent infiltration and mobilization of contamination.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure they remain protective of human health and the environment. If Ecology determines, based on a periodic review, further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

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3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#EA0148).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 509-329-3522 or e-mail at patti.carter@ecy.wa.gov.

Sincerely,



Patti Carter
ERO Toxics Cleanup Program

PC:ew

Enclosures (2): A – Description and Diagram of the Site
B – Environmental Covenant for Institutional Controls

cc: Dolores Mitchell, VCP Financial Manager (without enclosures)

