



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 9, 2018

Mr. Ric Bearbower
Frick n Frack Holdings, Inc.
PO Box 1010
Silverdale, WA 98383

Re: Further Action at the following Site:

- **Site Name:** L & E Auto Sales
- **Site Address:** 227 Naval Ave & 2101 Burwell Pl, Bremerton, WA 98312
- **Facility/Site No.:** 14170
- **VCP Project No.:** NW2785
- **Cleanup Site No.:** 11943

Dear Mr. Bearbower:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the L & E Auto Sales 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?

YES. Ecology has determined that further remedial action is necessary to clean up contamination at the Site.

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:



Mr. Rick Bearbower
March 9, 2018
Page 2

- Total gasoline-range petroleum hydrocarbons (TPHg), total diesel-range petroleum hydrocarbons (TPHd), total oil-range petroleum hydrocarbons (TPHo), benzene, toluene, ethylbenzene, and xylenes (BTEX) in Soil.

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 that the parcels 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:

1. DLH Environmental Consulting (DLH). *Historical Evaluation, L&E Auto Sales Site, 2101 Burwell Place, Bremerton, Washington 98312*. May 5, 2010.
2. DLH. *Phase II Environmental Site Assessment Activities, 2101 Burwell Place, Bremerton, Washington 98312*. June 17, 2010.
3. DLH. *Underground Storage Tank Decommissioning and Final Cleanup Report, 2101 Burwell Place, Bremerton, Washington 98312*. January 12, 2011.
4. EnviroSound Consulting, Inc. (EnviroSound). *Final Cleanup Report, L&E Auto Sales Property, 2101 Burwell Place, Bremerton, Washington 98312*. July 21, 2013.
5. Department of Ecology. *Opinion on Proposed Remedial Action, L & E Auto Sales, 227 Naval Ave. and 2101 Burwell Pl., Bremerton, WA 98312, VCP No. NW2785*. November 27, 2013.
6. EnviroSound. *Response to Department of Ecology Letter of November 27, 2013, L & E Auto Sales, Naval Avenue & 2101 Burwell Place, Bremerton, Washington, VCP No. NW2785*. February 28, 2014.
7. EnviroSound. *Summary of Issues Requiring Resolution, January 13, 2017, L & E Auto Sales, Naval Avenue & 2101 Burwell Place, Bremerton, Washington, VCP No. NW2785*. September 28, 2017.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by completing a Request for Public Record form (<https://www.ecology.wa.gov/About-us/Accountability->

Mr. Rick Bearbower
March 9, 2018
Page 3

[transparency/Public-records-requests](#)) and emailing it to PublicRecordsOfficer@ecy.wa.gov, or contacting the Public Records Officer at 360-407-6040. A number of these documents are accessible in electronic form from the Site web page:
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=11943>

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 that **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.

The September 2017 EnviroSound report provided supplemental information that responded to many of the data gaps cited in the November 2013 Ecology opinion letter. However, the following additional Site characterization information is necessary to determine if the interim cleanup actions completed at the Site to date can be considered as a cleanup action that meets MTCA substantive requirements:

- Additional soil sampling is necessary in the vicinity of the former gasoline UST excavation to assess the extent of TPHg impacts to soil at the following DLH sample locations (see **Enclosure A, Figure 3**):
 - 82010-T1-B, center of former UST T1; vertical impacts at and below 14 feet bgs
 - 82010-T2-B4, center of former UST T2; vertical impacts at and below 14 feet bgs
 - 82310-T3-W9, immediately west of former UST T3; horizontal and vertical impacts at and below 6 feet bgs
 - 82310-T3-S10, immediately south of former UST T3; horizontal and vertical impacts at and below 6 feet bgs
- The following waste oil tank issues require resolution:
 - The DLH report dated January 12, 2011, page 5, paragraph 1, states that no soils were removed from in and around the waste oil UST. This implies that soils

excavated during removal of this UST were placed back in the excavation. The DLH report does not mention that the 75.95 tons of petroleum-contaminated soil removed from the Site in October 2010 included any soil from the waste oil UST excavation. Soil samples from the waste oil UST excavation showed maximum TPHd and TPHo concentrations of 27,000 and 33,000 mg/kg, respectively, compared to Method A cleanup levels of 2,000 mg/kg.

- The EnviroSound report dated July 21, 2013, Figure 2, shows that the approximate northern half of the former waste oil UST excavation area (reported by DLH to have extended to a depth of 8 feet below ground surface [bgs]) was removed during excavation of Test Pit TP-1 in February 2013. Figure 2 also indicates that TP-1 (excavated to a depth of 9 feet bgs) did not include the southern half of the former waste oil UST excavation area. In this area, DLH soil sample 81910-B-4 (collected at 8 feet bgs and 4 feet below the bottom of the tank) showed concentrations of TPHd and TPHo at 5,600 mg/kg and 13,000 mg/kg, respectively. The EnviroSound report does not state whether the soil excavated from TP-1 was disposed or placed back in the excavation.
- The EnviroSound report dated February 28, 2014, page 4, paragraph 3, states that some of the petroleum-impacted soils have been removed from the area affected by the former waste oil tank, which implies that some impacted soils remain in place.
- Soil sampling is necessary in the vicinity of the former waste oil UST to assess the following:
 - The presence of TPHd and TPHo in soils used to backfill the former waste oil UST removal excavation and the former TP-1 excavation.
 - The vertical extent of TPHd and TPHo impacts at the 81910-B-4 location.
- Enter additional Site sampling data into the Ecology Environmental Information Management (EIM) database.

Before further work is completed, Ecology encourages the development of a work plan to insure that sufficient data is collected to avoid unnecessary expenditure of time and money.

2. Establishment of cleanup standards.

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

Soil

Cleanup Levels: The Site does not meet the MTCA definition of an industrial property; therefore, soil cleanup levels suitable for unrestricted land use are appropriate. Soil cleanup levels based on protection of ground water are appropriate. The MTCA Method A cleanup levels for TPHg, TPHd, TPHo, and BTEX are considered appropriate for soil at the Site and are protective of human health and the environment.

Soil cleanup levels protective of terrestrial ecological receptors are not necessary because the Site meets the Terrestrial Ecological Evaluation (TEE) exclusion criteria (MTCA WAC 173-340-7491). The results of the TEE Exclusion Form worksheet indicated that the TEE evaluation could be ended and that protective cleanup levels based on TEE factors are not required for this Site.

Point of Compliance: For soil cleanup levels based on the protection of ground water, the point of compliance is defined as Site-wide throughout the soil profile and may extend below the water table. This is the appropriate point of compliance for the Site.

Ground Water

Cleanup Levels: MTCA Method A cleanup levels for TPHg, TPHd, TPHo, and BTEX are the applicable ground water cleanup levels for this Site.

Point of Compliance: The standard point of compliance for ground water is throughout the Site, from the uppermost level of the saturated zone extending vertically to the lowest depth that could potentially be affected.

Ground water was not encountered beneath the Site to the maximum subsurface exploration depth of 20 feet below ground surface (bgs). The Site characterization documented a depth to ground water of 71 feet bgs from the record of a monitoring well located approximately 600 feet north of the Site.

3. Selection of cleanup action.

As noted in Section 1 of this letter, additional Site characterization information is necessary to determine if the interim cleanup actions completed at the Site can be considered as a cleanup action that meets MTCA substantive requirements.

4. Cleanup.

The following interim actions have been completed at the Site:

- Three gasoline USTs and one waste oil UST were removed from the Site in 2010.
- A reported total of 75.95 tons (approximately 54 cubic yards) of petroleum-contaminated soil was removed from the gasoline UST excavation and disposed at a permitted off-Site facility.

As noted in Section 1 of this letter, additional Site characterization information is necessary to determine if the interim cleanup actions completed at the Site can be considered as a cleanup action that meets MTCA substantive requirements.

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 that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you

Mr. Rick Bearbower
March 9, 2018
Page 7

performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

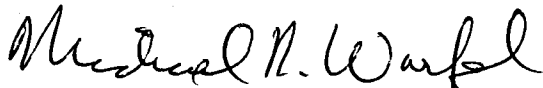
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

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, please contact me by phone at 425-0649-7257 or e-mail at michael.warfel@ecy.wa.gov.

Sincerely,



Michael R. Warfel, VCP Site Manager
NWRO Toxics Cleanup Program

Enclosure (1): A – Description and Diagrams of the Site

cc: Shawn Williams, EnviroSound Consulting

Enclosure A

Description and Diagrams of the Site

Site Description

This section provides Ecology's understanding and interpretation of site conditions, and is the basis for the opinions expressed in the body of the letter.

Site: The Site is defined by TPHg, TPHd, TPHo, and BTEX releases to soil. The Site is located on Kitsap County tax parcel number 3778-005-001-0002 at 227 Naval Avenue & 2101 Burwell Place in Bremerton, Washington (Property).

Area and Property Description: The Property is located within an area of mixed commercial and residential properties. The Property is located west of Naval Avenue, south of Burwell Place, and north of Burwell Street in Bremerton, Washington, see **Figure 1**. Single family residences are located west and south of the Property. A KFC restaurant and a pub are located north and east of the Property.

Site History and Current Use: The Site is noted to have been previously used as a taxi cab stand, but the dates of this use are unknown. Historical aerial photograph review in 2010 indicated the former presence of three pump islands at the northeastern portion of the Property. Concurrent Kitsap County file review indicated that three USTs were present at the Property. Four USTs were removed from the Property in 2010. These included two 1,000-gallon steel tanks and one 2,000-gallon steel tank believed to have been used for gasoline storage, and one 250-gallon steel UST used to store waste oil. One hydraulic lift was also identified near the former waste oil tank. The Property has one building that is reportedly vacant and a gravel parking area. Locations of Site features are shown on **Figure 2**.

Sources of Contamination: The sources of contamination at the Site are the former fuel USTs (and associated product piping and dispensers) and the former waste oil UST. Contamination was not observed or detected beneath the former hydraulic lift upon its removal.

Physiographic Setting: The Site is situated at an elevation of approximately 100 feet above mean sea level. The land surface in the Site vicinity slopes generally to the west.

Surface/Storm Water System: The nearest identified surface water body is Sinclair Inlet located approximately $\frac{3}{4}$ mile south of the Site. Storm water from the Property and adjoining properties likely flows to municipal storm drains.

Ecological Setting: The Property located in a densely developed urban area, is paved with asphalt and gravel cover, and is surrounded by roadways and residential and commercial properties.

Geology: Soils at the Site are mapped as glacial till that typically consist of silty sand to sandy silt with gravel and lenses of sand, gravel, and silt. Soils described at the Site include

approximately 2 feet of sandy backfill underlain by stiff to hard gray, sandy silt with clay (interpreted to be glacial till) to the total depth explored of 20 feet bgs.

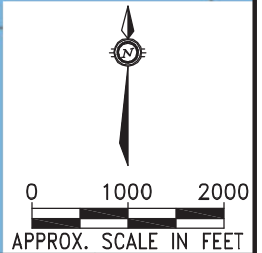
Groundwater: Ground water has not been identified in borings or excavations advanced at the Property to a total depth of exploration of 20 feet bgs. A depth to ground water of 71 feet bgs was identified from the record of a monitoring well located approximately 600 feet north of the Site.

Release and Extent of Contamination: In 2010, historical research identified three likely dispenser island locations and the potential presence of three USTs at the Site. Six borings advanced at the Site indicated that TPHo was detected at concentrations greater than MTCA Method A soil cleanup levels at location B-1 (**Figure 2**). In late 2010, two 1,000-gallon steel gasoline USTs and one 2,000-gallon steel gasoline UST were removed from one excavation at the northeast portion of the Property. One 250-gallon steel waste oil tank and one hydraulic lift were also removed from the former garage building (the garage was removed at the same time as the tank removals) in 2010. UST and soil sampling locations are shown on **Figure 3**.

Soil samples collected from below each of the former gasoline tanks at depths of approximately 8 to 12 feet bgs contained TPHg and one or more of the BTEX compounds at concentrations greater than MTCA Method A soil cleanup levels. One base sample was collected from the gasoline UST excavation at 14 feet bgs, but it was not located directly beneath any of the previous samples collected under the USTs that showed TPHg concentrations up to 20,000 mg/kg. Therefore, the base sample does not confirm that the overexcavation removed contamination above Method A cleanup levels.

Soil samples collected beneath and in the vicinity of the former waste oil UST showed concentrations of TPHd and TPHo above MTCA Method A soil cleanup levels. Site reports do not specify if contaminated soil was totally removed from the area below and around the waste oil UST.

Additional soil samples were collected from test pits in 2013, to further assess the extent of soil impacts (see **Figures 3 and 4**). These samples provided information to bound the horizontal extent of soil impacts in the vicinity of the former gasoline and waste oil USTs.



SOURCE: ALLTRAILS SOFTWARE PROGRAM 2017.

2017 Dwg\17 ESC\17 BUR SC FILE: 17-E034-BUR-SC-F1.DWG PLOTTED: 9/26/17.

DATE: SEPT. 2017
REV.: -
CHKD: K.L.W.
DRAWN: C.E.H.
PROJ. No.: ESC17-E034



SITE LOCATION MAP

BURWELL PLACE
2017 SITE CHARACTERIZATION
Bremerton, Washington

FIGURE

1

Enclosure A, Figure 1

DRAFT



LEGEND

- B-1 ⊕ SOIL BORING LOCATION
- 81910 ● SOIL SAMPLE LOCATION
- A A' CROSS SECTION A-A' (SEE FIGURE 4)

NOTE: ALL SITE FEATURES AND SAMPLE LOCATIONS HAVE BEEN DIGITIZED FROM REPORTS BY OTHERS AND LOCATIONS SHOULD BE CONSIDERED APPROXIMATE.
 SOURCE: IMAGE DOWNLOADED FROM GOOGLE EARTH PRO. DATED 5/11/17.

2017 Dwg\17 ESC17 BUR SC FILE: 17-E034-BUR-SC-F3.DWG PLOTTED: 9/26/17.

<p>FIGURE</p> <p style="font-size: 24pt; font-weight: bold;">3</p>	<p>SITE DETAIL AND SAMPLING LOCATIONS</p> <p>BURWELL PLACE 2017 SITE CHARACTERIZATION Bremerton, Washington</p>
<p>EnviroSound Consulting</p>	<p>DATE: SEPT. 2017</p> <p>REV: -</p> <p>CHKD: K.L.W.</p> <p>DRAWN: C.E.H.</p> <p>PROJ. No.: ESC17-E034</p>

Enclosure A, Figure 2

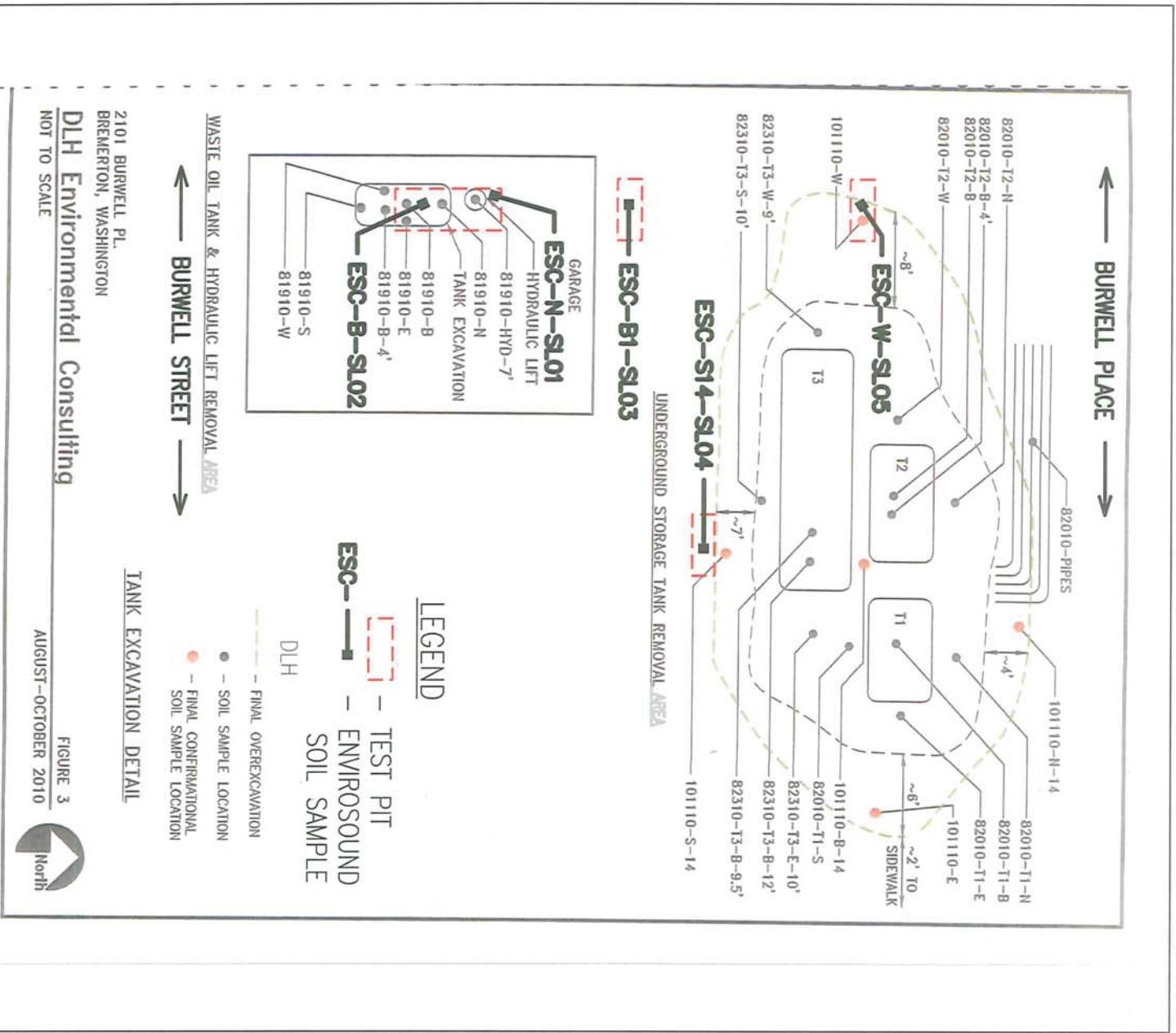


Figure Provided by DLH Environmental Consulting

Not to Scale

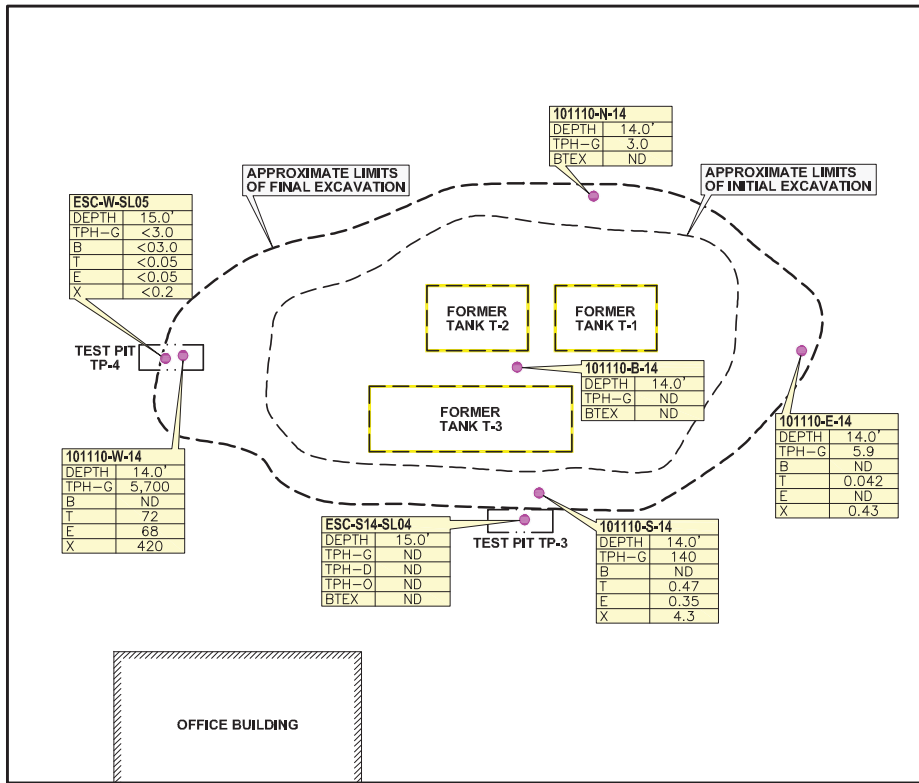
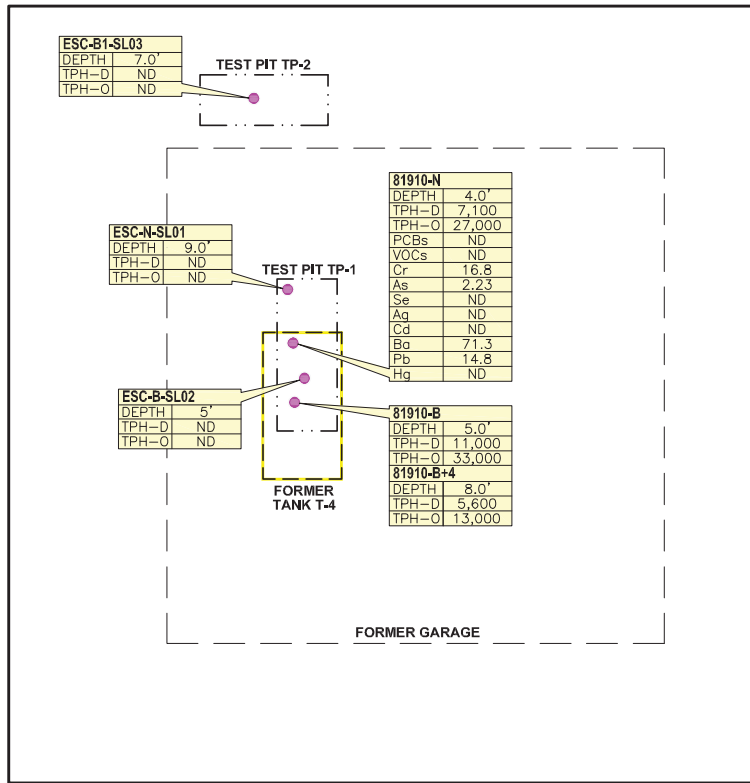


FIGURE 2. Site Map
 Project Name: Burwell Place
 Location: Bremerton, Washington
 Project: ESC13-E002
 Client: Frick N Frack Holdings LLC
 Date: May 2013



Enclosure A, Figure 3

2017 Drawings\17 ESC\17 BUR SC FILE: 17-E034-BUR-SC-F4.DWG PLOTTED: 9/26/17.



LEGEND

● SOIL SAMPLE LOCATION

ANALYTICAL RESULTS IN mg/kg

TPH-G	TOTAL PETROLEUM HYDROCARBONS-GASOLINE	As	ARSENIC
TPH-D	TOTAL PETROLEUM HYDROCARBONS-DIESEL	Se	SELENIUM
TPH-O	TOTAL PETROLEUM HYDROCARBONS-OIL	Ag	SILVER
BTEX	BENZENE, TOLUENE, ETHYLBENZENE, XYLENES	Cd	CADMIUM
PCBs	POLYCHLORINATED BIPHENYLS	Ba	BARIUM
VOCs	VOLATILE ORGANIC COMPOUNDS	Pb	LEAD
Cr	CHROMIUM	Hg	MERCURY
		ND	NOT DETECTED

NOTE:
ALL SITE FEATURES AND SAMPLE LOCATIONS HAVE BEEN DIGITIZED FROM REPORTS BY OTHERS AND LOCATIONS SHOULD BE CONSIDERED APPROXIMATE.

DRAFT



FIGURE 4

FUEL TANK EXCAVATION, SAMPLING, AND RESULTS

BURWELL PLACE
2017 SITE CHARACTERIZATION
Bremerton, Washington

esc
EnviroSound Consulting

DATE: SEPT. 2017
REV: -
CHKD: K.L.W.
DRAWN: C.E.H.
PROJ. No.: ESC17-E034

Enclosure A, Figure 4