



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (for the speech or hearing impaired)

May 3, 2006

Mr. Ryan Rayburn, Project Manager
SAIC
18912 North Creek Parkway, Suite 101
Bothell, Washington 98011

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: Burger King/Former Chevron Service Station – CVX #30-4409
- Address: 19905 Aurora Avenue North, Shoreline, WA 98133
- Facility/Site No.: 2957795
- VCP No.: NW 1408

Dear Mr. Rayburn:

Thank you for submitting your independent remedial action report for the Burger King/Former Chevron Service Station (Site) for review by the State of Washington Department of Ecology (Ecology or we) under the Voluntary Cleanup Program (VCP). We appreciate your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. We are providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Our Toxics Cleanup Program has reviewed the following information regarding the Site:

1. *Phase I Environmental Site Assessment, 19905 Aurora Avenue N., Shoreline, Washington 98133, May 30, 2003, by Whitman Environmental Sciences,*

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2. *Environmental Site Investigation, Shoreline Burger King Property, 19905 Aurora Avenue N., Shoreline, Washington, August 23, 2004, by Whitman Environmental Sciences,*
3. *Supplemental Site Investigation, Chevron Texaco Facility #30-4409, 19905 U.S. Highway 99, Shoreline, Washington, February 16, 2005, by SAIC, and*
4. *Remedial Excavation Report, Chevron Site No. 30-4409, Former Chevron Service Station, 19905 Aurora Avenue North, Shoreline, Washington, February 8, 2006, by SAIC.*
5. *Remedial Excavation Report, Chevron Site No. 30-4409, Former Chevron Service Station, 19905 Aurora Avenue North, Shoreline, Washington, April 25, 2006, by SAIC.*

The documents listed above will be kept in the Central Files of our Northwest Regional Office NWRO for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7190.

The Site is defined by the extent of contamination caused by the following releases:

- Petroleum Hydrocarbons in Soil.

The former Chevron Service Station #304409 is located at 19905 Aurora Avenue North in Shoreline, Washington. The Site elevation is approximately 460 feet above mean sea level and slopes downward to the east.

Rex Strickland Service Stations owned the property between 1951 and 1977. Standard Oil Company of California, predecessor to Chevron, operated the facility from 1951 to 1977, and was listed as the fee owner of improvements. According to a 1951 as-built plan, the facility included two 5,000-gallon and one 3,000-gallon fuel underground storage tanks (USTs), one 550-gallon waste oil UST, and one 550-gallon fuel oil UST. The station was decommissioned in 1977, and the site was redeveloped as a Burger King restaurant in 1978. In 2001, the property was sold to the current owners, Three Graces, LLC. Lakeshore Investment Corporation of Seattle currently manages the property. The Burger King restaurant building remains on site, but has been abandoned since 2003. The remainder of the property is a vacant parking lot.

On July 12, 2004, Whitman Environmental Services completed a site investigation. Thirteen soil samples were analyzed from test pits at various elevations for petroleum hydrocarbons. Gasoline and diesel-range petroleum hydrocarbons were detected above the Model Toxics Control Act (MTCA) Method A cleanup levels at 97 milligrams per kilogram (mg/kg) and 3,400 mg/kg, respectively.

Between September and December 2004, SAIC conducted a two-phase subsurface investigation that further defined the lateral and vertical extent of the soil contamination. Subsurface soil samples collected from the former waste oil tank/hydraulic lift area and the northern end of the eastern pump island exceeded the MTCA Method A cleanup levels for gasoline and diesel-range petroleum hydrocarbons and xylenes.

In the summer of 2005, SAIC completed additional remedial actions at the site to remove contaminated soil, remove the septic tank, and remove construction debris in the former UST basin and associated product lines. The excavated soils, 1,305 tons, from four excavations and two trenches, were taken to Rinker Materials Company's Everett facility for treatment and/or disposal.

The results of the soil confirmation samples show:

Excavation 1 – in the former waste oil tank pit and the northern hydraulic lift. All confirmation soil samples are below the MTCA Method B cleanup levels.

Excavation 2 – in the former eastern dispenser island. All soil sample results are below the MTCA Method B direct contact cleanup level for total petroleum hydrocarbons of 3,100 mg/kg or the TPH cleanup level for groundwater protection of 5,000 mg/kg, or below laboratory method detection limits.

Trench T1 – at the south end of the former eastern dispenser island. Heavy oil-range petroleum hydrocarbons were detected below the MTCA Method B cleanup levels. All other analytes were below laboratory method detection limits.

Excavation 3 – in the former UST basin. Gasoline, diesel, and heavy oil-range petroleum hydrocarbons were detected below the MTCA Method B cleanup levels. All other analytes were below laboratory method detection limits.

Trench T2 – near the northwestern portion of Excavation 3. All analytes were below laboratory method detection limits.

Excavation 4 – the septic tank located west and adjacent to Excavation 3. Arsenic, barium, chromium, lead, acetone, and methylene chloride were detected below the MTCA Method B cleanup levels. All other analytes were below laboratory method detection limits.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), we are issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

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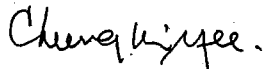
Based on this no further action determination, we will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List. This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Three Graces, LLC.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, we appreciate your initiative in successfully completing cleanup under the Voluntary Cleanup Program. If you have any questions regarding this opinion, please contact me at (360) 407-6991.

Sincerely,



Chung Ki Yee
Toxics Cleanup Program

cc: Mr. Dale R. Myers, VCP Administrator, NWRO

Cleanup/Decision Summary

Site Name:

FS ID #: 2957795

VCP #: NW 1408

Site Decision (attach letters): No Further Action

1. Site Description (include site address with street, city, and county; physical description; current and historical uses of site; etc.):

The former Chevron Service Station #304409 is located at 19905 Aurora Avenue North in Shoreline, Washington. The Site elevation is approximately 460 feet above mean sea level and is slope downward to the east.

The station was decommissioned in 1977 and the site was redeveloped as a Burger King restaurant in 1978. The property was sold to the current owners of the site, Three Graces, LLC in 2001. Lakeshore Investment Corporation of Seattle currently manages the property. The Burger King restaurant building remains on site but has been abandoned since 2003. The remainder of the property is a vacant parking lot

2. Describe affected media (soil, groundwater, surface water, sediment, air):

Petroleum Hydrocarbons in Soil.

3. Cleanup method used:

- ☐ Method A
☒ Method B (Attempted to utilize Method B Worksheet)
☐ Method C

4. Describe cleanup activities (for each media) and if contamination remains on-site (including conformational sampling/analysis, points of compliance, etc...):

In the summer of 2005, SAIC completed additional remedial actions at the site to remove contaminated soil, remove the septic tank, construction debris in the former UST basin, and associated product lines. The excavated soils, 1,305 tons, from four excavations and two trenches, were taken to Rinker Materials Company's Everett facility for treatment and/or disposal.

The results of the soil confirmation samples show:

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below the MTCA Method B direct contact cleanup level for total petroleum hydrocarbons of 3,100 mg/kg or the TPH cleanup level for ground water protection of 5,000 mg/kg, or below laboratory method detection limits.

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Excavation 4 – the septic tank located west and adjacent to Excavation 3. Arsenic, barium, chromium, lead, acetone, and methylene chloride were detected below the MTCA Method B cleanup levels. All other analytes were below laboratory method detection limits.

5. Describe restrictive covenant (e.g., contamination remains under structure, groundwater restrictions, 5-year review):

None

6. Indicate if site to be delisted and EEOS contact (only for HSL sites):

Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

Chungkiper 5/3/2006
Signature, Title, and Date

Nandi Madwar 5/3/06
Signature, Title, and Date

Signature, Title, and Date

Signature, Title, and Date