



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 7, 2005

Mr. Thom Morin
Environmental Partners Inc.
295 NE Gilman Blvd, Suite 201
Issaquah, WA 98027

Dear Mr. Morin:

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

- Name: Brown Bear Car Wash
- Address: 3724 128th Ave. SE, Bellevue, WA 98006
- Facility/Site No.: 64242567
- VCP No.: NW 1500

Thank you for submitting your independent remedial action report for the Brown Bear Car Wash facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates 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. Ecology is 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.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. September 1, 2005, *Quarterly Ground Water Monitoring Report, March 2005, CWE Site No. 2414*, Environmental Partners Inc.
2. December 23, 2003, *Draft Baseline Environmental Assessment*, Environmental Partners inc.
3. October, 1997, *Soil and Groundwater Results, Brown Bear Car Wash, No. 5479-Factoria*, Shannon & Wilson, Inc.
4. 1995?, *Baseline Assessment Summary, Site Number 2414, 3724 – 128th Avenue Southeast, Bellevue, Washington*, author unknown
5. December 28, 1995, *Baseline Site Assessment, Brown Bear Car Wash – Factoria, Tosco Facility No. 2414*, Shannon & Wilson, Inc.
6. October 10, 1994, *Summary of Petroleum-Contaminated Soil Excavation Activities, Brown Bear Car Wash, Factoria, Washington*, Shannon & Wilson, Inc.
7. June 7, 1994, *Fuel Extent Study for Brown Bear Car Wash Construction Site, Factoria, Washington*, Shannon & Wilson, Inc.
8. November 1, 1993, *Limited Subsurface Site Investigation at Proposed Brown Bear Car Wash Location*, Shannon & Wilson, Inc.

The documents listed above will be kept in the Central Files of the Northwest Regional Office of Ecology 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 release(s):

- Diesel- and Gasoline-range Petroleum Hydrocarbons in Soil and Ground Water

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

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

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characterizing and addressing the contamination at the Site. Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List and the Leaking Underground Storage Tank (LUST) 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 Brown Bear Car Wash.

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, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (425) 649-7107.

Sincerely,



Mark Adams
NWRO Toxics Cleanup Program

MA:cg

Enclosures: A

ENCLOSURE A

ENCLOSURE A

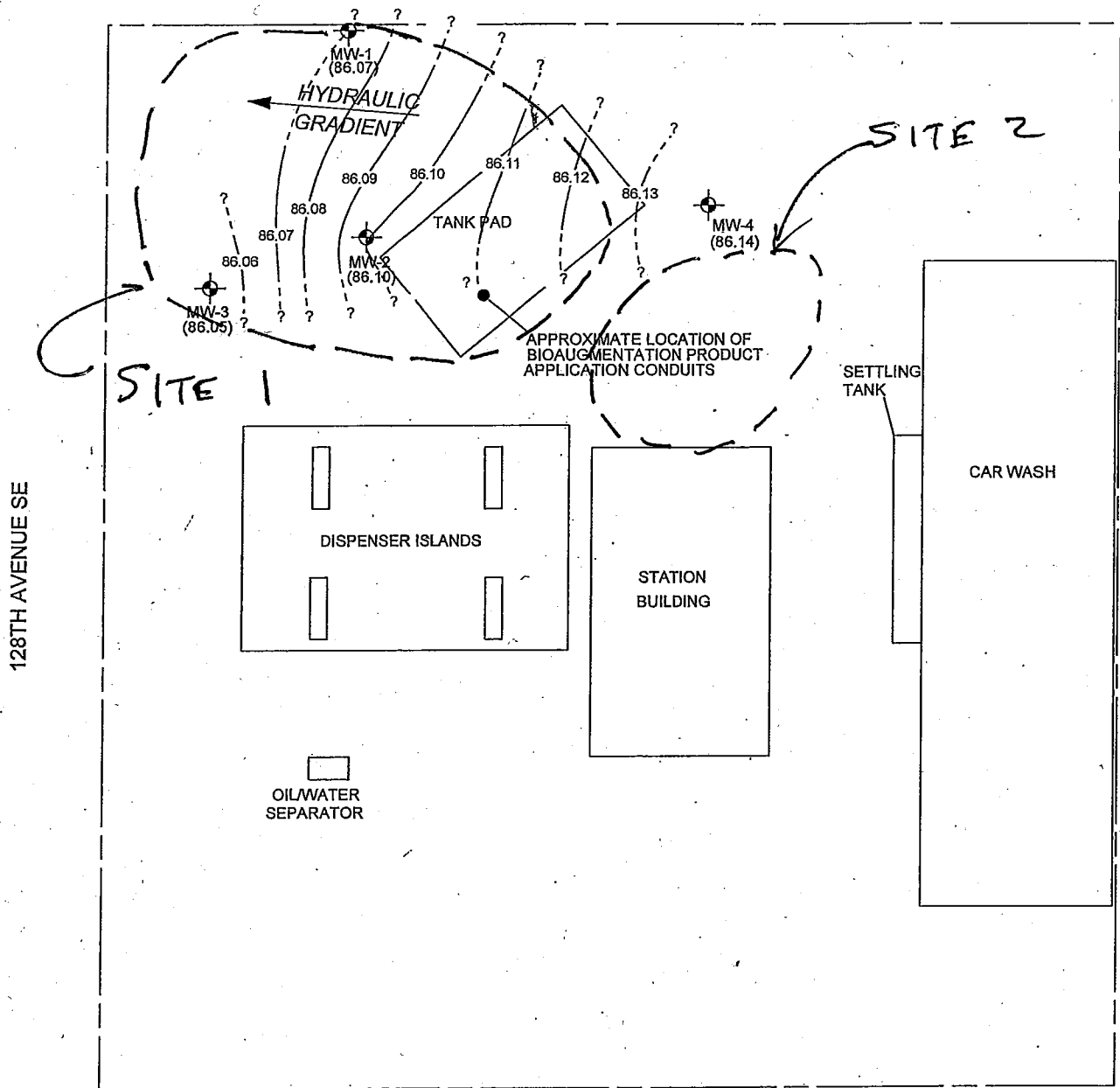
SITE DESCRIPTION – Brown Bear Car Wash, VCP NW1500

The Brown Bear Car Wash property includes two geographically distinct sites, associated with a number of apparently unrelated releases.

Site 1 comprises an area around and to the west of the existing underground storage tank (UST) nest at the property. Three separate releases occurred here and affected soil and ground water in the vicinity. The first release was associated with diesel in an abandoned well discovered during UST installation in 1994. The second release was thought to have been a fuel spill in February 1995 that occurred during UST refueling operations. The second was a longer-term release associated with a faulty spill containment bucket at one of the UST fill ports. The faulty bucket was discovered and repaired in 2000.

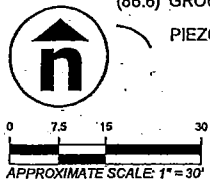
Site 2 comprises an area near and north of the existing convenience store. Near-surface contaminated soil was discovered here during redevelopment activities in 1994. The source of this contamination was not known.

SHOPPING CENTER



APPROXIMATE SITE BOUNDARY

KEY:
 APPROXIMATE SUBJECT PROPERTY BOUNDARY
 GROUND WATER MONITORING WELL
 GROUND WATER ELEVATION (86.6)
 PIEZOMETRIC CONTOUR



ept ENVIRONMENTAL PARTNERS INC
 295 NE Gilman Boulevard, Suite 201
 Issaquah, Washington 98027

FIGURE 2

PIEZOMETRIC CONTOURS WITH GROUND WATER ELEVATION DATA IN FEET
 MARCH 2005

PROJECT	08412.0		
PREPARED FOR	CAR WASH ENTERPRISES		
LOCATION	3724 128TH AVENUE SE BELLEVUE, WASHINGTON		
SHEET 1 of 1	DRAWN BY TK	REVIEWED BY TM	DATE 08/31/05

Cleanup/Decision Summary

Site Name: **BROWN BEAR CAR WASH (FACTORIA)**

FS ID #: 64242567 VCP #: NW1500

Site Decision (attach letters): NFA 11/4/05

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

There are two sites at this property, one associated with the existing tank nest (Site 1) and another in an area north of an existing convenience store (Site 2). Both sites are within the Brown Bear Car Wash property, located at 3724 128th Avenue SE, Bellevue, King County, Washington. The property is situated on a major arterial, with adjoining commercial/retail developments.

The property history is not available prior to 1993, when it was a bank. A combination gas station / car wash was constructed in 1994. It apparently began operation in 1995, and has continued to date.

The property slopes down to the northwest. Richards Creek historically crossed the property, and apparently continues to do so in a culvert. Alluvial sediments underlie the property, with a water table at about 6 to 7 feet below ground surface. Near surface soils are fine grained silts and clays, with interbedded fine sands. The sediments are coarser grained below about 10 feet.

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

Site 1: Three different releases are known or thought to have occurred in this area. The first involved an abandoned well that was discovered while excavating for a new UST nest in 1994. The well was 3' diameter with a concrete ring liner. Diesel had been released to the well in some manner and had contaminated both soil and ground water. A second release was thought to have occurred in 1995 in the same area, when gasoline was spilled during UST refueling. A third release occurred over a longer period of time associated with a faulty spill containment bucket at a fill port. Contaminants associated with these releases included: in soil up to 570 ppm diesel in soil, and in ground water, up to 1,280 ppb diesel, 160 ppb gasoline, and 1,490 ppb benzene. T,E,X compounds were also detected at lower concentrations.

Site 2: Up to 520 ppb diesel was detected in soil at this location. The source of the contamination was not known.

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...):

Site 1: For the initial release associated with the well, all of the contaminated soil and groundwater were removed and disposed of offsite. For the second release, ground water monitoring was used to confirm that cleanup had taken place. For the third release, natural degradation processes were enhanced through the injection of microbes and nutrients up gradient of the spill area. This remedial action was followed by five years of monitoring.

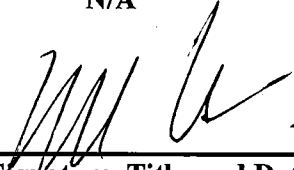
Site 2: All of the contaminated soils were excavated and disposed of offsite in this area. Excavation sidewall and base samples were obtained to confirm that cleanup levels had been attained.

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


N/A

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

N/A

 SITE MANAGER 11/4/05

Signature, Title, and Date

 unit sup 11-7-05

Signature, Title, and Date

Signature, Title, and Date