



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 16, 2010

Mr. Ravinder Singh Dhillon  
20612 11<sup>th</sup> Ave South  
Seattle, WA 98198

**RE: No Further Action at the following Site:**

- **Site Name:** Eat Em Up Hut, Former ARCO Service Station
- **Site Address:** 12640 Renton Avenue South, Seattle, WA
- **Facility/Site No.:** 6805845
- **VCP Project No.:** NW2149

Dear Mr. Dhillon:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Eat Em Up Hut/Former ARCO Service Station 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 that no 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:

- Total petroleum hydrocarbon as gasoline (TPH-G) and heavy oil (TPH-O), and associated benzene, toluene, ethylbenzene, and xylenes into the Soil.
- Total petroleum hydrocarbon as gasoline (TPH-G), and associated benzene, toluene,



ethylbenzene, xylenes, and lead into the Ground Water.

**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 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:

1. Northwest HydroGeo Consultants, *Testing for Dissolved Lead in Ground Water at the Former Arco Service Station, 12640 Renton Avenue South, Seattle, WA 98178*, March 9, 2010.
2. Northwest HydroGeo Consultants, *Final Report Summary and Results of Four Quarters of Ground Water Monitoring at the Former Arco Service Station, 12640 Renton Avenue South, Seattle, WA 98178*, March 17, 2009.
3. Northwest HydroGeo Consultants, *Monitoring Well Installation at the Former Arco Service Station, 12640 Renton Avenue South, Seattle, WA 98178*, March 7, 2008.
4. Alkai Consultants, LLC., *UST Decommissioning, Site Assessment, and Independent Soil Remedial Action, 12640 Renton Avenue South, Renton, Washington 98178*, August 17, 2005.
5. Northwest HydroGeo Consultants, *Site Characterization Report Continuation of the Environmental Site Assessment Phase II Soils and Ground Water Testing at a Former Service Station, 12640 Renton Avenue South, Seattle, WA 98178*, March 17, 2004.
6. Northwest HydroGeo Consultants, *Site Investigation Report Environmental Site Assessment Phase II Soils and Ground Water Testing at a Former Service Station, 12640 Renton Avenue South, Seattle, WA 98178*, December 18, 2003.

These 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 calling the NWRO resource contact at (425) 649-7190.

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

## **Analysis of the Cleanup**

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Ecology has concluded that **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**.

Your characterization included 13 soil borings and installation of four groundwater monitoring wells (one of which did not intercept groundwater) plus performance sampling conducted during excavation of contaminated soils.

### **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 MTCAL.

Future site plans could include businesses to which the public has access, so unrestricted land use is the appropriate basis for development of soil cleanup levels. The following potential exposure/risk pathways were appropriate to consider:

- Human health protection from direct soil contact pathway exposure
- Human health protection from soil-to-groundwater pathway exposure
- Human health protection from soil-to-air pathway exposure
- Human health protection from soil-to-surface water pathway exposure
- Human health protection from ground water ingestion exposure pathway
- Human health protection from ground water-to-air exposure pathway
- Human health protection from ground water-to-surface water exposure pathway
- Terrestrial ecological protection

Because the site has relatively few contaminants, Method A can be used to develop cleanup levels for the Site contaminants of concern.

Appropriate soil cleanup levels are the WAC 173-340 Method A Table 740-1 values of 30 mg/kg for TPH – GRO, 0.03 mg/kg for Benzene, 7 mg/kg for Toluene, 6 mg/kg for Ethylbenzene, 9 mg/kg for Xylenes, and 2,000 mg/kg for TPH-O.

Appropriate groundwater cleanup levels are the WAC 173-340 Method A Table 720-1 values of 800 ug/l for TPH – GRO, 5 ug/l for Benzene, 1,000 ug/l for Toluene, 700 ug/l for Ethylbenzene, 1,000 ug/l for Xylenes, and 15 ug/l for lead.

The point of compliance for soil is throughout the site, which is a standard point of compliance.

The point of compliance for groundwater is throughout the site, which is a 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 consisted of the removal and transport off-site for disposal of petroleum contaminated soil exceeding cleanup standards.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

The performed cleanup consisted of the removal and transport off-site for disposal of one discovered heating oil underground storage tank UST and approximately 1981 tons of petroleum contaminated soil, plus sufficient performance monitoring to demonstrate achievement of cleanup standards for soil and groundwater. Two gasoline USTs previously had been removed approximately 25 years ago.

**Listing of the Site**

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Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank List.

**Limitations of the Opinion**

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**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 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).

**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 (NW2149).

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://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 (425) 649-7233 or e-mail at [rswa461@ecy.wa.gov](mailto:rswa461@ecy.wa.gov).

Sincerely,



Robert D. Swackhamer, PE  
NWRO Toxics Cleanup Program

RDS:m

By Certified Mail [7008 0150 0003 7623 7449]

Enclosure: A – Description of the Site

cc: Doug Dillenberger, Northwest HydroGeo Consultants  
Dolores Mitchell, Ecology VCP Financial Manager

**Enclosure A**

**Description and Diagrams of the Site**

**NFA Rescinded 4/14/15**