



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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CERTIFIED MAIL

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October 30, 2008

Mr. Craig Hultgren
PNG Environmental
1339 Commerce Avenue, Suite 313
Longview, WA 98632

Re: No Further Action at the following Site:

- **Site Name:** Kolln-Pietro's Pizza Property, Longview
- **Site Address:** 1238 California Way, Longview
- **Facility/Site No.:** 4559902
- **VCP Project No.:** SW0599

Dear Mr. Hultgren:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Kolln-Pietro's Pizza Property 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:

- Petroleum hydrocarbons and associated constituents into the Soil, and Ground Water.

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

Please note that 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. 3 Kings Environmental, Inc., **Phase II Environmental Assessment Preliminary Report**, October 1, 2002.
2. PNG Environmental, Inc., **Focused Environmental Site Assessment Report, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington 98632**, May 24, 2004.
3. PNG Environmental, Inc., **Soil Excavation and Groundwater Monitoring Report, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington 98632**, November 9, 2004.
4. PNG Environmental, Inc., **ORC Injection and Groundwater Monitoring Event – October 20, 2005, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington, VCP Identification Number SW0599**, November 16, 2005.
5. PNG Environmental, Inc., **Additional Soil Excavation and Groundwater**

Monitoring, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington, 98632, February 23, 2007.

6. PNG Environmental, Inc., **Groundwater Monitoring Event – November 28, 2007, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington, VCP Identification Number SW0599, January 3, 2008.**
7. PNG Environmental, Inc., **Groundwater Monitoring Event – June 30, 2008, Kolln/Pietros Pizza Property, 1238 California Way, Longview, Washington, VCP Identification Number SW0599, July 25, 2008.**

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can make an appointment by calling the SWRO resource contact at (360) 407-6365.

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 **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**.

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.

a. Cleanup levels.

The cleanup levels are MTCA Method A soil- and ground-water cleanup levels based on unrestricted land use. No benzene was detected in either the soils or ground water and no other carcinogenic constituents were detected in either the soil or ground water. Soil analytical results were compared against the 30 milligrams per kilogram (mg/kg) cleanup level for total petroleum hydrocarbons (TPH) as if benzene was present.

However, the applicable cleanup level for soil would be 100 mg/kg for unrestricted land use. Because benzene was not present in the ground water the applicable cleanup level for TPH is 1,000 microgram per liter (ug/l).

b. Points of compliance.

The point of compliance for soil is based on protection of ground water for non-carcinogenic effects during drinking water use. Therefore, the point of compliance for soil is established in the soils throughout the site. The point of compliance for ground water is the standard point of compliance established 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.

3. Selection of cleanup action.

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

The cleanup action selected was excavation of the source residual contamination in the soils and placement of Oxygen Release Compound (ORC) to enhance remediation any residual contamination in the soils and ground water.

4. Cleanup.

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

Soil analytical results indicated only one detection of gasoline-range organic (GRO) TPH constituents was found in the two confirmation samples collected in the excavation. Normally, more than two confirmation samples are collected from an excavation. However, due to rapid sloughing, the excavation was backfilled quickly to protect the PUD's utility pole and lines. This precluded the collection of additional confirmation samples. It is Ecology's opinion that sufficient soil data has been collected from the site during the previous excavation, and borehole drilling and monitoring wells to demonstrate the extent of soil contamination and that soil contamination has been removed. The results of ground-water sampling collected on January 4, 2007, indicate that the concentration of all gasoline constituents is below their respective MTCA cleanup level at each monitoring well. This is the first ground-water sampling event where this has been observed. Quarterly ground-water sampling has continued

throughout 2007 with similar results. However, monitoring well MW-6 sample results for July 5, 2007 did spike to the cleanup level of 1,000 ug/l. Because of this spike in concentration at MW-6, additional sampling was requested. On March 28, 2008, another round of sampling was conducted. Another spike of GRO TPH concentration to 1,000 ug/l was observed in monitoring well MW-6. However, the duplicate was 910 ug/l. On June 30, 2008, another round of sampling indicated concentrations of 590 ug/l and 480 ug/l for TPH in the initial sample and duplicate, respectively, in monitoring well MW-6. All other monitoring wells returned concentrations below the MTCA Method A cleanup levels on the two days of sampling. In addition, the entire data set was evaluated using Ecology's MTCASat statistical program. An upper confidence limit (UCL) around the true mean was evaluated for monitoring well MW-6. An UCL of 695.4 ug/l was calculated which is less than the cleanup level of 1,000 ug/l and meets the first of three criteria used to evaluate data from each individual well. The other two criteria are that; "no single sample concentration shall be greater than two times the ground water cleanup level"; and "less than ten percent of the sample concentrations shall exceed the ground water cleanup level during a representative sampling period". Therefore, monitoring well MW-6 would not be considered contaminated and all of the monitoring wells now meet Ecology's cleanup standards.

Listing of the Site

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

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.

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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.

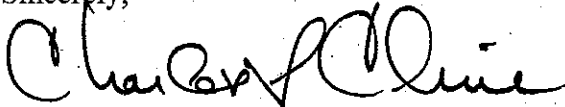
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

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 (#SW0599).

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 at (360) 407-6267.

Sincerely,



Charles S. Cline
SWRO Toxics Cleanup Program

CSC/ksc:Kolln-PietroPizza Site NFA 10 2008

Enclosures (#1): A – Description and Diagram of the Site

cc: Mr. Mitch Kolln
Mr. Paul Turner – Department of Ecology
Mr. Scott Rose, Ecology
Ms. Dolores Mitchell, Ecology