

TÖR Environmental, Inc.

Assessment, Remediation and Regulatory Compliance

TECHNICAL MEMORANDUM

Date:	29 November 2018	From:	Jeffrey D. Borum, L.G. 2902
To:	Surprise Lake Square, LLC	Project Name:	Former Hollywood Video
Attn:	Mr. Jonathan Cheng	VCP Project No.:	SW1578
		Facility/Site No.:	6012635
Subject:	Request for No Further Action Designation with Environmental Covenant, Response to 28 September 2017, Department of Ecology Opinion Letter, Review of Environmental Covenant and Associated Compliance Monitoring Plan.		

Project Address: 816 Meridian Avenue East, Milton, Washington

SUMMARY OF CLEANUP ACTION AND ECOLOGY'S 2015 OPINION ON PROPOSED CLEANUP OF A PROPERTY ASSOCIATED WITH THE SITE.

The Washington State Department of Ecology (Ecology) provided opinions of Pacific Crest Environmental's (Pacific Crest) 2014 Property Specific Cleanup Action Report CACR on 19 February 2015 in their Opinion on Proposed Cleanup of a Property Associated with a Site. The Site included the former Hollywood Video Store Property (formerly an Exxon gas station) located at 816 Meridian Avenue East (Highway 161) on the southwest corner of Milton Way and Meridian Avenue E in Milton as well as a portion of Meridian Avenue East adjacent east of the Property. Ecology reviewed three reports that formed the basis for their opinions:

- Pacific Crest, 2014. Property Specific Cleanup Action Completion Report.
- Pacific Crest, 2014. Compliance Monitoring Plan.
- Pacific Crest, 2014. Proposed Environmental Covenant.

Pacific Crest's CACR documents investigations and remedial actions implemented at the Site. Following impacted soil removal action in 2003, light non-aqueous phase liquid (LNAPL) was recovered to the extent practicable between 2003 and 2010 and concentrations of total petroleum hydrocarbons (TPH) gasoline range organics (GRO) and benzene, toluene, ethylbenzene and xylene (BTEX) in soil and groundwater were reduced to levels compliant with MTCA Method A cleanup levels (CULs) on the Property. Residual

soil impacts exceeding MTCA Method A CULs were documented along the eastern edge of the excavation in 2003; however, additional soil removal would have undermined the south bound lanes of Meridian Avenue East. Nevertheless, groundwater monitoring since 2003 demonstrated that petroleum hydrocarbon impacted soil and groundwater beneath Meridian Avenue East had not re-contaminated the Property justifying Pacific Crest's request for a Property Specific *No Further Action* (NFA) designation from Ecology.

Ecology indicated in their 2015 Opinion Letter that *"no further remedial action will likely be necessary at the Property to clean up the contamination associated with the Site"*; however, *"further remedial action will likely still be necessary elsewhere at the Site"*. Ecology stated this additional remedial action would be limited to sampling of two monitoring groundwater wells on the Property for petroleum hydrocarbons TPH-G, TPH-D and BTEX with the purpose to *"determine if contamination is migrating onto the Property from up gradient sources"*. In 2015, Ecology evaluated and concluded that the remediated Property did not include the right-of-way (ROW) easement associated with Meridian Avenue East and acknowledged a "real property can be affected by multiple sites". The remediated Property is located adjacent downgradient of three gas stations with two having documented underground storage tank releases.

Ecology's 2015 Opinion Letter provided a determination that the Property had been adequately characterized and that Pacific Crest's proposed cleanup levels and points of compliance met the substantive requirements of MTCA. The cleanup action for the Property included excavation of impacted soil with offsite disposal, removal of water from the excavation, skimming of LNAPLs off the water table and groundwater monitoring. The remediation met the requirements of WAC 173-340-360(2) with residual concentrations of COPCs below Method A CULs.

Ecology concluded that although the Property had been appropriately remediated and deserving of a Property-specific NFA, *"further remedial action will still be necessary elsewhere at the Site"* referring to residual contamination beneath the ROW on Meridian Avenue East.

Ecology also approved Pacific Crest's Proposed Compliance Monitoring Plan (CMP) and Proposed DRAFT Environmental Covenant (EC) with the provision that TPH-diesel extended range (Dx) be added to analytes TPH GRO and BTEX for a required 18-month interval monitoring plan.

ECOLOGY'S 28 SEPTEMBER 2017 REVIEW OF ENVIRONMENTAL COVENANT AND ASSOCIATED COMPLIANCE MONITORING PLAN

With the expectation of receiving a Property Specific NFA for the former Hollywood Video Property, the Surprise Lake Shopping Center including the former Hollywood Video property was sold to Surprise Lake Square LLC and an Environmental Covenant (EC) was prepared and submitted to Ecology with the revised *Compliance Monitoring Plan* per their 19 February 2015 opinion letter for final review and recordation. Ecology responded to the submittal 28 September 2017 not with the expected Property Specific NFA and directive to record the EC but with a *Review of Environmental Covenant and Associated Compliance Monitoring Plan*.

In thier consideration of the submitted EC and CMP, Ecology prepared a new opinion basing it on review of four reports/documents for which an opinion had already been provided. The documents reviewed forming the basis for Ecology's new opinion were:

- Pacific Crest, 2014. *Property Specific Cleanup Action Report*.
- Pacific Crest, 2014. *Compliance Monitoring Plan*.
- Proposed Environmental Covenant for Tax Parcel 0420044126.
- Environmental Associates, Inc. (EAI). 1995. *Supplemental Environmental Study*.

Ecology's additional comments and opinions are summarized below and TOR's responses follow:

Ecology Comments on EC:

Comment 1.1: Ecology indicates that Exhibit B of the EC should “*clearly delineate the remaining contamination and illustrate the most recent soil and groundwater sampling results both on-Site and within the right-of-way. Results exceeding the applicable MTCA Method A cleanup levels and locations exhibiting light non-aqueous-phase liquids should be clearly depicted*”.

Response to Comment 1.1:

Exhibit B of the EC is based on the Property Assessor's map and the subject of the EC showing points of compliance (groundwater monitoring wells) subject of the EC. Impacted soil and groundwater on the Property have been shown as having concentrations of known contaminants below MTCA Method A CULs. We understand that current conditions at the

Site have historically been documented in the CACR and NFA rather than on the EC Exhibit B map. We have included a revised copy of the Draft EC with this submittal. We have included as a separate item a map of the Site showing the extent of petroleum hydrocarbon impact.

Comment 1.2: *“Ecology requested inclusion of analysis by Total Petroleum Hydrocarbons as Diesel extended (TPH-Dx) in the list of analytes provided in the Draft EC and related CMP”.*

Response to Comment 1.2: EC included the additional analysis already and CMP (Comment 2.2) has been revised as such and both are included with this submittal.

Ecology indicated that the Draft EC was provided to the State Attorney General’s office for review and comment. Surprise Lake Square L.L.C. has not been contacted regarding the results of the AG’s review.

Ecology has requested a title search for the property. Surprise Lake Square L.L.C. owns the property and ownership information was provided with the owners VCP application. Any additional information in this regard is available upon request.

Comment 2.1: Although Ecology provided a review of the CMP in 2015 for which the owner has agreed, this 2017 additional review of the CMP, Ecology is requesting the owner add an additional monitoring well (HVMW-6a) to the monitoring schedule. Ecology points out that there is an adjacent north leaking underground storage tank source of dissolved-phase petroleum hydrocarbons that could potentially impact groundwater beneath the Property and the owner of the Property should *“monitor for the potential on-Site migration of”* stated contaminants.

Response to Comment 2.1: In reference to potential off-Property sources, Conoco Phillips 2705501/GBP Fuel/Circle K/76 (currently operating as Mobil gas station) at 728 Meridian Avenue E is located directly north across Milton Way on the northwest corner of the intersection between Milton Way and Meridian Avenue E upgradient of the Property. The site is listed on the WA ICR, RCRA NonGen/NLR, WA MANIFEST, WA CSCSL, WA LUST, WA UST, WA VCP, and WA ALLSITES databases (EDR, 2018). The LUST database indicates the site is in the Voluntary Cleanup Program with cleanup started 18 December 1992. The CSCSL HWS and ICR databases indicate petroleum products including gasoline have impacted soil and groundwater. According to information obtained from the WDOE, the last entry in the file was receipt of a groundwater monitoring report on 9 December 2016. The 2014 and 2015 annual groundwater monitoring reports indicate MW-7 is coincident with Property groundwater monitoring well HVMW-6A which is the same well that Ecology has

requested be included in the CMP and EC for Hollywood Video. For the years 2014 and 2015, MW-7 is shown as having no detections for TPH GRO or TPH D. Site cleanup of soil and/or groundwater appears to still be occurring based on the WDOE information.

Cleanup action that occurred at the Property, occurred in 2003. Remedial activities at former Hollywood Video included collection and analysis of soil and groundwater samples along the northern property boundary along Milton Way. Laboratory analysis of soil samples showed one location where soil concentrations exceeded MTCA Method A CULs. WDOE agreed that excavation of impacted soil related to the historic release at Hollywood Video had been adequately cleaned up.

Groundwater testing at the northern boundary of the Property between 2003 and 2008 revealed concentrations of gasoline and associated volatiles (BTEX) as not detected. This information suggested that the release from Conoco Phillips 270550/GBP Fuel site was either no longer impacting, or never did impact, the Hollywood Video site.

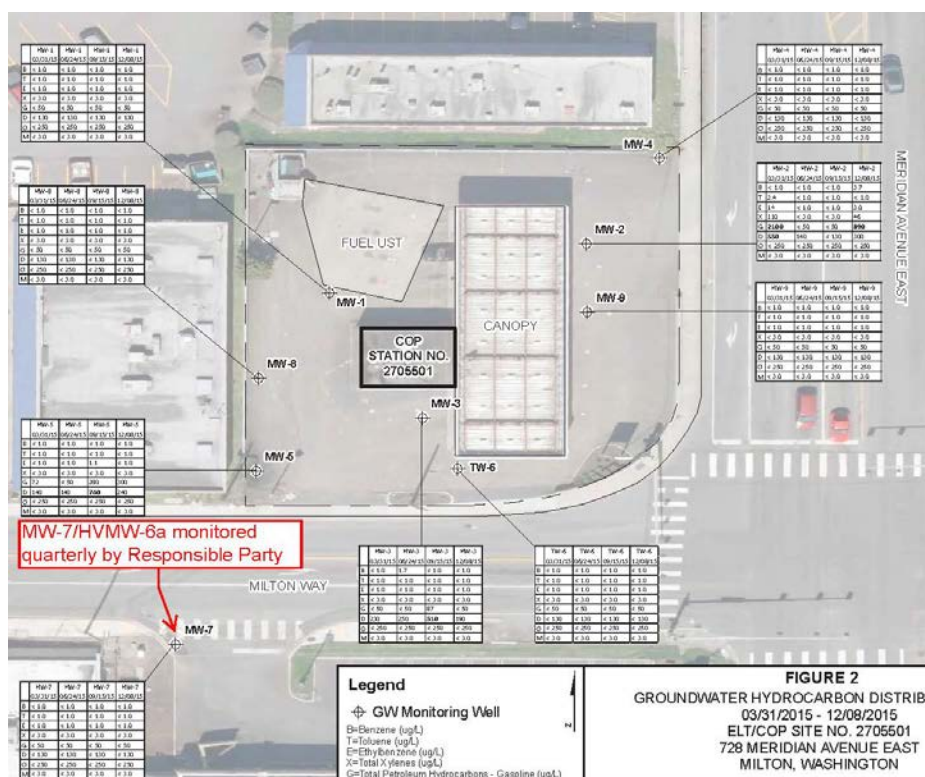


Illustration 1: Groundwater monitoring results at Mobil gas station adjacent north of Property (Antea, 12/9/15). MW-7/HVMW-6a tested quarterly to monitor migration from gas station source upgradient of Property.

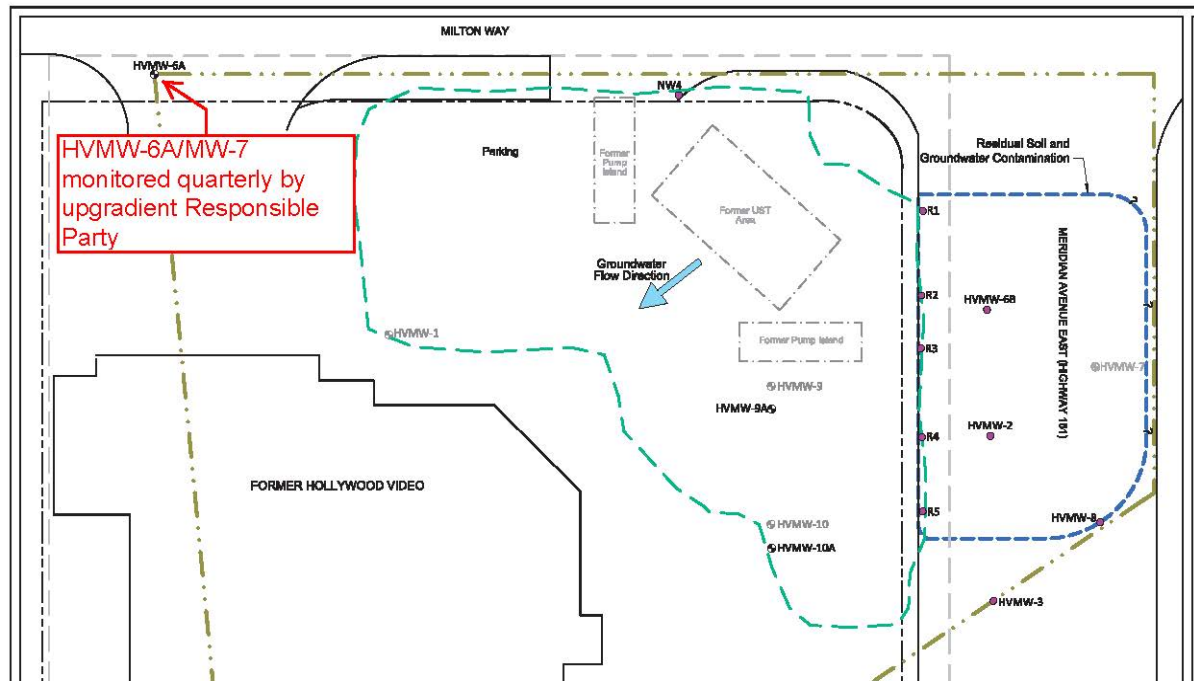


Illustration 2: Monitoring well HVMW-6A/MW-7 located at the northwest corner of the Property is monitored quarterly by upgradient Responsible Party.

The Conoco Phillips 270550/GBP Fuel/Circle K/76/Mobil gas station site has been in active remediation for over 26 years, responsible parties are known, and it is under agency oversight. Groundwater testing on the Subject Property between 2003 and 2015 does not show impacts from an off-site source. The location is currently operated a gas station in compliance with state and federal regulations based on review environmental records discussed in this report.

The owner of the Property does not see rationale or purpose in the inclusion of monitoring well HVMW-6A in the CMP or EC for the Property. Further, based reporting from Antea Group, the responsible party is monitoring their own release to groundwater as appropriate.

7-Eleven 2303-26153 at 817 Meridian Avenue E is located directly across Meridian Avenue E on the southeast corner of Meridian Avenue E and Milton Way (east; upgradient) of the Property. It is listed on the WA ALLSITES, WA Financial Assurance, WA UST, RCRA NonGen/NLR, FINDS and ECHO databases. The business is listed as a hazardous waste generator and an UST operator. There are three fiberglass single-wall USTs listed with capacities 10,000 to 19,000-gallon capacities. The facility has a RCRA NonGen/NLR listing

as of 1989 indicating they presently do not generate hazardous waste. No releases or violations are reported from 7-Eleven. Nevertheless, the presence of petroleum hydrocarbons in the Meridian Avenue E ROW upgradient of the Property which is adjacent downgradient of 7-Eleven at 817 Meridian Avenue E does suggest a potential for a release from 7-Eleven. The scenario is more plausible than a release from the downgradient Property and an unlikely scenario of upgradient migration into the ROW of Meridian Avenue E.

Jiffy Lube 2755/Jackpot Station 323 at 823 Meridian Avenue E is located across Meridian Avenue E (east; upgradient) of the Subject Property. It is listed on the UST-WA, LUST-WA and CSCSL HWS databases.

According to the UST database, three USTs were removed from the Jackpot Station as of 6 August 1996; no install dates, capacity or contents provided. According to the CSCSL HWS database, soil and groundwater were impacted by “petroleum other”. Based on this information, it appears that a waste oil UST may have been the source of the release. The LUST database indicates Jackpot Station cleanup was started on 5 November 1996 as an “independent action”. According to information obtained from Ecology, two LUST Reports were received in 1991 and four reports received 1996. The LUST list shows the owner submitted reports indicated the site had been appropriately cleaned up. The final entry on the Ecology’s Cleanup Site Details report was in 2006 and indicates that an “Independent Report Review-Paid” was cancelled by Ecology. Mr. Cline could not be reached for comment during the performance of this evaluation. Ecology’s listing for this site indicates the site is *“in various stages of the cleanup process”*. The information is incomplete; however, the number of reports suggest the source of the contamination has been removed and Jackpot Station 323 was razed, and the site was redeveloped with a Jiffy Lube auto maintenance business.

The lack of Ecology information indicating the remediation was completed on this site might be considered a potential off-Site source of the impacts found beneath Meridian Avenue E adjacent east of the Property; however, more information would be needed.

Comment 2.2: This comment makes the same request as Comment 1.2.

Response to Comment 2.2: The response is the same as stated for Comment 1.2.

Comment 2.3: Ecology is requesting revision of the CMP submitted for the Property. Ecology specifies that if monitoring results indicate any of listed analytes are detected above MTCA Method A, a follow-on confirmation groundwater sampling completed within 14 days of receipt of the results would be added to the CMP specifying analysis of *“all constituents*

listed in Table 830-1 of MTCA to evaluate for the potential migration offsite sources offsite sources onto the Property". Further, Ecology is requesting notification of any exceedance "within 30 days of receipt of the results of confirmation sampling" and "preparation of an investigation work plan within 60 days of receipt of the confirmation sampling" laboratory data.

Response: The CMP has been updated per this request.

Comment 3.0: Request for Site Monitoring Well Logs and other subsurface information.

Response: Well logs for HVMW-9a and HVMW-10a as well as additional boring log and EIM information have been provided by Pacific Crest in November of 2017. This information is also included in reports already submitted by Pacific Crest.

Comment 4.0: Ecology is requesting a *Work Plan to Address Residual Petroleum Hydrocarbons in the Meridian Avenue ROW*.

Response: In 2015, Ecology reviewed the same documents reviewed for this opinion letter including the Pacific Crest CACR and agreed that no further remedial action would be taken excepting an on-Property groundwater monitoring remediation requirement of HVMW-9A and -10A in accordance with their CMP. The details of the characterization and remediation work were coordinated and carried out under Ecology's oversight and approved and documented in the CACR in accordance with MTCA. In July of 2014, prior to issuance of the 2015 opinion, a meeting was facilitated between representatives of Ecology and the then owner of the Property (WRP Meridian) and Pacific Crest at Ecology's Northwest Regional Office. During the meeting Ecology indicated a Property specific NFA was appropriate due to the presence of residual concentrations of petroleum hydrocarbons beneath the ROW of Meridian Avenue East.

Although the cleanup action, which included remedial measures beneath the ROW, was considered an "interim action" because of residual mostly adsorbed soil contamination suspected beneath the ROW upgradient of the Property, but within the suspected Site boundaries. The CMP was developed as an interim measure to monitor the Property for downgradient migration of an upgradient secondary source whose primary source has not been identified.

A compliance groundwater monitoring program was implemented following the remedial excavation in 2003 that included the installation of wells in Meridian Avenue East and in 2006 a Disproportionate Cost Analysis which Ecology reviewed and found that groundwater monitoring and LNAPL recovery with institutional controls met the substantive requirements

of MTCA and were considered acceptable *“provided that ground-water concentrations above MTCA Method A cleanup levels continues to be limited to the area within the right-of-way of Meridian Avenue East”*.

A LNAPL skimmer was installed and used between 2009 and 2010 when it was removed because LNAPL was no longer present in the well or skimmer. A trailer-mounted SVE system was operated on the same well where the skimmer had been to remove residual volatile organic compounds and induce air flow to the impacted area. In 2010, Pacific Crest submitted the *Groundwater Monitoring and LNAPL Mitigation Report* and later that same year Pacific Crest provided a CMP for the on-going monitoring of groundwater moving across the Property from upgradient.

Ecology approved the CMP as well as the abandonment of several monitoring wells (HVMW-1 through HVMW-5 and HVMW-6B) which were also abandoned in 2010. Groundwater samples were collected three times in 2011 and one more time in 2012. In 2013, Ecology reviewed the reporting and issued another Opinion Letter indicating further action was necessary to obtain a Site-wide NFA; however, in 2014, Ecology stated that a Property Specific NFA was appropriate. In Ecology's Opinion Letter of 2015, it is indicated that a Property Specific NFA is appropriate with and EC requiring implementation of the CMP.

With the 2017 Opinion Letter, Ecology is requesting the Property owner prepare a Work Plan to further investigate petroleum impacts upgradient of the Property. These impacts have previously been investigated and interim actions have been implemented by the Property owner. Groundwater testing between 2010 and 2012 suggest the mobility of residual impacts beneath the Meridian Avenue ROW is limited as recontamination of the Property was not observed.

This residual petroleum hydrocarbon contamination exists beneath a busy arterial asphalt thoroughfare where no health or ecologic risks have been identified. Remedial action over the past 15 years has been conducted voluntarily by the Property owner. Ecology has already agreed that a Property Specific NFA is appropriate. With the resubmittal of the revised EC and CMP the owner is requesting the Property Specific NFA.

The rationale for further investigation of petroleum impacted soil beneath Meridian Avenue East is not supported by investigative results presented over the last 15 years. The Property owner believes responsibility for monitoring or remediation of impacts upgradient of the Property are the responsibility of the parties responsible for upgradient releases of these contaminants. The owner of the Property requests Ecology contact and engage such responsible parties.

Comment 5: Ecology cites MTCA Table 830 indicating testing for EDB, EDC and MTBE will be required. Ecology states that sampling for these constituents have not been performed.

Response: Pacific Crest's CACR indicates an LNAPL sample was collected and analyzed for gasoline additives in 2008. MTBE was not introduced until early to mid-1990s. The USTs were reportedly removed from the Property in 1976.

CONCLUSIONS AND REQUEST FOR NO FURTHER ACTION DESIGNATION AT HOLLYWOOD VIDEO

Primary sources at the Property were removed in 1976. Cleanup actions at Hollywood Video (Property) completed between 2003 and 2012 have removed impacted soil and groundwater with petroleum hydrocarbon concentrations above MTCA Method A CULs. Remediation of an area upgradient of the primary source location beneath Meridian Avenue East was also completed between 2003 and 2012. Points of compliance approved by Ecology were established and groundwater monitoring was conducted between 2010 and 2012. Although residual concentrations of contaminants may exist upgradient beneath Meridian Avenue East, groundwater testing did not indicate any recontamination of the Property. Ecology agreed in 2015 that a Property Specific NFA was appropriate with the execution and recording of an EC requiring groundwater monitoring at the Points of Compliance.

Upon submittal of the Draft EC in 2017, Ecology responded with an Opinion Letter including additional requirements for the NFA. This memorandum presents our response to Ecology's additional requests and are summarized as follows:

1. EC and CMP have been revised adding TPH-Dx to the list of analytes and reporting schedules have been added to the CMP per Ecology's requests and are attached to hereto.
2. Surprise Lake Square LLC is not offering to conduct monitoring of HVMW-6A as requested because it is monitored quarterly by the party responsible for the upgradient leaking underground storage tank release.
3. There are three adjacent upgradient UST facilities with the potential to impact groundwater that flows towards the Property. Either of these sites has the potential to impact soil and groundwater beneath Meridian Avenue East immediately upgradient east and northeast of the Property.

4. Site monitoring information, compliance monitoring well logs have been provided. It is our understanding this information was provided previously; however, if Ecology still requires additional information, please let us know.
5. With the 2017 Opinion Letter, Ecology is requesting the Property owner prepare a Work Plan to further investigate petroleum impacts upgradient of the Property. These impacts have previously been investigated/characterized and interim actions have been implemented by the Property owner. Groundwater testing between 2010 and 2012 suggest the mobility of residual impacts beneath the Meridian Avenue ROW is limited as recontamination of the Property was not observed.

The rationale for further investigation of petroleum impacted soil beneath Meridian Avenue East is not supported by investigative results presented over the last 15 years. The Property owner believes responsibility for monitoring or remediation of impacts upgradient of the Property are the responsibility of the parties responsible for upgradient releases of these contaminants. The owner of the Property requests Ecology contact and engage such responsible parties

6. Ecology has requested analysis of EDB, EDC and MTBE in accordance with MTCA. Pacific Crest's CACR indicates an LNAPL sample was collected and analyzed for gasoline additives in 2008. MTBE was not introduced until early to mid-1990s. The USTs were reportedly removed from the Property in 1976.

With this submittal, Surprise Lake Square LLC is requesting a Property Specific NFA with EC requiring compliance groundwater monitoring. Should you have any questions or comments regarding this Technical Memorandum, please contact us at your earliest convenience.

Sincerely,

TÖR Environmental, Inc.



Jeffrey D. Borum, L.G.
Principal Geologist

Attachments: Department of Ecology Opinion Letter, Dated 19 February, 2015
Environmental Covenant-Revised

cc: Department of Ecology, Toxics Cleanup Program
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