



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 24, 2011

Mr. Matthew Dalton  
Dalton Olmsted & Fuglevand Inc  
6034 N Star Road  
Ferndale, WA 98248

**Re: Further Action at the following Site:**

- Name: Unified Grocers 3301 Norfolk
- Address: 3301 South Norfolk St, Seattle
- Facility/Site No.: 73338176
- VCP No.: NW1807

Dear Matthew Dalton:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Unified Grocers 3301 Norfolk 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**

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Is further remedial action necessary to clean up contamination at the Site?

**YES. Ecology has determined that 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**

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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:

- Gasoline (tph-g), diesel (tph-d), oil (tph-o) in Soil & Ground Water;
- Benzene, toluene, ethylbenzene and xylenes (BTEX) in Soil & Groundwater.



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**

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This opinion is based on the information contained in the following documents:

1. *Results of Groundwater Monitoring- Unified Grocers Site*, dated November 19<sup>th</sup> 2010, prepared by Dalton, Olmsted & Fuglevand Inc.

Those 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 425.649.7239.

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 **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.

Current Site uses 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
- Terrestrial ecological protection

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

Soil cleanup levels were selected as the WAC 173-340 Method A Table 740-1 values of 30 mg/kg for Gasoline-Range Organics, 0.03 mg/kg for Benzene, 7 mg/kg for Toluene, 6 mg/kg for Ethylbenzene, 9 mg/kg for Xylenes, 2,000 mg/kg for Diesel-Range Organics, and 2,000 mg/kg for Oil-Range Organics.

Groundwater cleanup levels were selected as the WAC 173-340 Method A Table 720-1 values of 800 ug/l for Gasoline Range Organics, 5 ug/l for Benzene, 1,000 ug/l for Toluene, 700 ug/l for Ethylbenzene, and 1,000 ug/l for Xylenes.

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 is likely to meet the substantive requirements of MTCA.

The selected cleanup action consisted of excavation and transportation off-site for disposal of all petroleum contaminated soil above cleanup levels. Owner plans on demolishing the Site office building sometime in the future. At that time the remaining contaminated soil at this Site will be remediated.

### **4. Cleanup.**

Ecology has determined that additional remedial activities are required at the Site.

- Between July and August 2009, Dalton, Olmsted & Fuglevand supervised the excavation and removal of approximately 12,000 tons of contaminated soil and approximately 17,500 gallons of groundwater that had accumulated in the excavation pit. Confirmational sampling was performed at the limits of final excavation with results indicating that the cleanup level established for the Site in soil had been met, with the exception of the area in the northern end of the excavation;

- Sample number CS-B18 is a bottom sample located within the northern quarter of the remedial excavation at maximum depth of 15 feet exhibited a benzene concentration of 1,400  $\mu\text{g}/\text{kg}$ . This soil was not removed due to excavation depth, presence of groundwater and need to support overlying utilities.
- Sample numbers CS-B35, CS-SW26 & CS-SW27 located at the northern edge of the remedial excavation pit exceeded the cleanup level for TPH-g and benzene. This soil was not removed due to jeopardizing the foundation support of the adjacent office building foundation;
- Prior to back filling the excavation pit, approximately 1,500 pounds of Oxygen Release Compound (ORC) was applied across the excavation footprint;
- **Dalton, Olmsted & Fuglevand has informed Ecology that the owner of the property intends to demolish the office building located along the northern portion of the remedial excavation pit. If this is done remedial activities should occur in this remaining portion of the Site. If this demolition does not occur, an Environmental Covenant will be required for the contaminated soil remaining under this office building. In this case a completed Remedial Investigation & Feasibility Study (RI/FS) which will include a disproportionate cost analysis will be required;**
- Confirmational groundwater monitoring began on November 12<sup>th</sup> 2009;
- Once remedial activities are completed at the Site a Final Cleanup report will be submitted to Ecology for review.

### Limitations of the Opinion

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#### 1. **Opinion does not settle liability with the state.**

Liabe 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.

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**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).

**Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

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, please contact me by phone at 425.649.4446 or e-mail at [damy461@ecy.wa.gov](mailto:damy461@ecy.wa.gov).

Sincerely,



Dale R. Myers  
Site Manager  
NWRO Toxics Cleanup Program

dm/kh

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

## Enclosure A

### Description and Diagrams of the Site

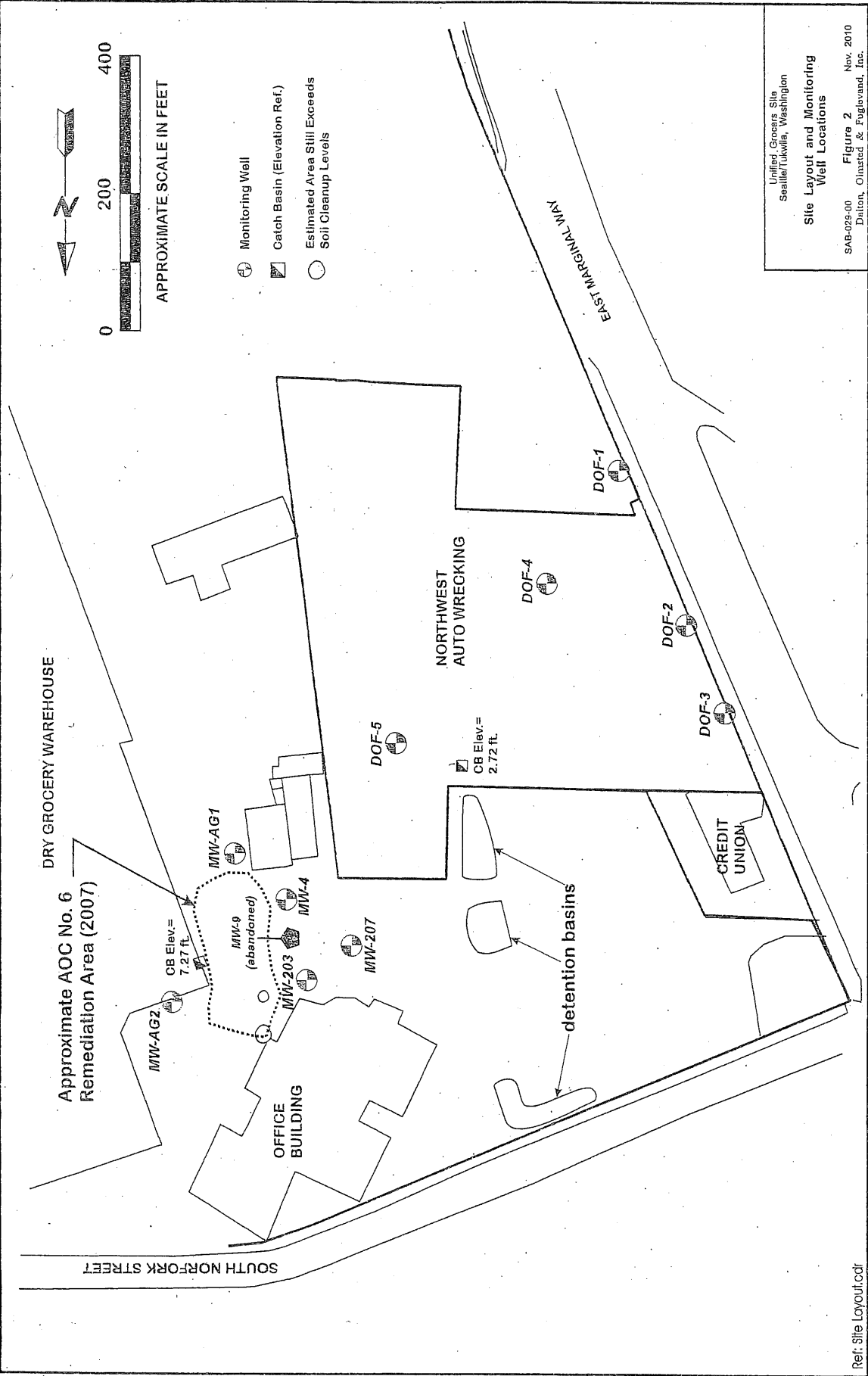
VCP ID# NW1807, the United Grocers 3301 Norfolk aka Former Associated Grocers (AG) property is located at 3301 South Norfolk, Seattle. The property boundaries are defined by South Norfolk St (north), Airport Way South (east), South Boeing Access Rd (south) and East Marginal Way South (west). The property also bounds the VCP Site Northwest Auto Wrecking, NW1812 (west). The Duwamish River is located to the west of East Marginal Way South.

Prior to 1950, the property was either undeveloped or was generally used for farmland, residential and commercial purposes. AG constructed four buildings in 1951/1952, including a large warehouse, a truck repair shop and Pump Island, an office building and another smaller shop building. The Site has been identified as around the area of the Pump Island and is designated as "AOC No. 6".

Ground surface is immediately underlain by a layer of fill that extends from four to ten feet below existing grades. Below the fill a silt layer with varying amounts of clay are present. The silt layer generally extends to about ten to twelve feet below existing property grades where a fine to medium sand is present.

Groundwater lies at depths of between approximately seven and twelve feet below ground surface. The hydraulic gradient is generally westerly towards the Duwamish.

Several Underground Storage Tanks (UST), were installed in the early 1950s. The USTs consisted of two 10,000-gallon, one 1,000-gallon and one 500-gallon tanks. These tanks contained gasoline, diesel and oil and were removed in the late 1980s.



Unified Grocers Site  
 Seattle/Tukwila, Washington  
**Site Layout and Monitoring Well Locations**  
 Figure 2  
 SAB-029-00 New, 2010  
 Dutton, Olmsted & Fuglebrand, Inc.