



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 30, 2012

Mr. Simon Payne
ATC Associates
6347 Seaview Avenue NW
Seattle, WA 98107

Re: No Further Action at the Following Site:

- **Site Name:** Aurora Village 76
- **Site Address:** 20409 Aurora Avenue NW, Seattle, WA
- **Facility/Site No.:** 36559851
- **CS ID:** 4205
- **VCP Project No.:** NW2607

Dear Mr. Payne:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup at the Aurora Village 76 facility. 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 release:



- Hydraulic Fluid into the Soil.

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. Confirmation Soil Boring and Closure Request Report, issued June 4, 2012. Report prepared by ATC Associates.
2. Addendum to Soil Boring and Closure Request Report, issued October 19, 2012. Report prepared by Cardno ATC.

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) 649-7235 or email at nwro_public_request@ecy.wa.gov.

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**.

The contaminated "Site" is limited to the area around the hydraulic lifts and is shown in the attached figure. Ecology agrees that the characterization is adequate to define lateral and vertical extent of contamination at this Site.

2. Establishment of cleanup standards.

The MTCA Method A cleanup levels were selected to be protective of human health and environment at this Site. A Simplified Terrestrial Ecological Evaluation (TEE) was performed for this Site. The results of the TEE indicate that ecological impacts are not of concern for this Site. Based on the evaluation process, exclusion from the TEE is because the area of contamination is less than 350 square feet; current and planned land use makes wildlife exposure unlikely; and no potential exposure pathways from soil contamination to ecological receptors. Ecology agrees that Method A cleanup level is appropriate to be protective of human health and environment.

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 at this Site consisted of containment and removal of material contaminated after the hydraulic oil leak during removal of hydraulic lift equipment.

4. Cleanup.

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

Cleanup at this Site consisted of containment and removal of leaked hydraulic fluid during removal of two hydraulic lift units. Subsequent confirmational samples near the leak location show that soil samples are below MTCA Method A cleanup levels. Soil samples were collected during April 2012 in the vicinity of the hydraulic fluid leak at the wells (depth): HAS-1 (10', 20'); HAS-2 (10', 20'); HAS-3 (5', 15'); HAS-4 (5', 15') are below MTCA Method A cleanup levels for soil.

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.

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 (#NW2607).

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 by phone at (425) 649-7191 or e-mail at eufr461@ecy.wa.gov.

Sincerely,

Eugene Freeman
Toxics Cleanup Program

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

cc: Aurora Village BP Inc.,
Carrie Pedersen, Ecology
Delores Mitchell, VCP Financial Manager, Ecology

Enclosure A

Description and Diagrams of the Site

Site Definition

The Aurora Village 76 is a gasoline station located at 20409 Aurora Avenue, North Seattle. Release is from a hydraulic line break that consisted of hydraulic fluid released to the ground, which comprised the Site.

Area/Property Description

The property is located at the corner of Aurora Avenue and 244th Street in North Seattle. The business at this Site is a gasoline station identified in King County Assessment records as Parcel Number 062604-9151. The area surrounding the Site is developed commercial and residential.

Property History and Current Use

The history from 1984 through present identifies the Property as a gasoline service station. Aerial photos of the Site show that it was undeveloped in 1936. Two hydraulic lifts at the Property were removed during 2001. During removal hydraulic fluid was released to the ground.

Contaminant Source and History

The contaminant release identified at the Site resulted from the break of a hydraulic line during removal of hydraulic hoists at the Site. After the break, the spill was contained and removed. During characterization at the Site, soil borings were installed to detect hydraulic fluid releases from the Hoist Spill.

Physiographic Setting

The Site is located within the Puget Sound Lowlands physiographic province located between the Puget Sound to the west and the Cascade Mountains to the East. The property is moderately level surface that has a slope to the east. Elevation of the Site is approximately 420 feet above mean sea level.

Ecological Setting

The Site is located in an urban area of North Seattle. It is surrounded by developed land on all sides that is a mix of commercial business and residential homes. There are no significant undeveloped, open areas within 500 feet of the Property. A Simplified Terrestrial Ecological Evaluation was performed for this Site.

Geology

Sediments at this Site consist of coarse grained sediments including sand and sandy silt. The overall geology is the product of glacial activities. Sediments include glacial till and outwash deposits.

Groundwater

Ground water was not encountered in any of the soil borings at the Site down to a maximum depth of 40 feet below ground surface.

Surface Water

Echo Lake is located about 2,000 feet to the south of the Property. Surface runoff at the Site is collected by storm water structures for the City of North Seattle.

Release and Extent of Contamination – Soil

Hydraulic fluid was released during removal of the hoists from breaks in the hydraulic lines. Contamination was recovered at the time. Four soil borings ranging from five to 20 feet deep, were installed round the leak location. Samples from these soil borings produced results that were below MTCA Method A cleanup levels.

Extent of Contamination – Groundwater

Ground water was not encountered in any of the soil borings at the Property, down to a maximum depth of 50 feet below ground surface.

NORTH 205TH STREET



LEGEND

- ⊕ BORING LOCATIONS (HSA-1 THROUGH HSA-5)
- ⊕ SOIL BORING LOCATION - 2007 (B-1 THROUGH B-5)
- ⊙ SAMPLE LOCATIONS - DECEMBER 2001 (HE1 THROUGH HE3, TE1 & TE2)
- ▲ HAND AUGER BORING (TOSCO) - MARCH 1994 (HB-1 & HB-2)
- SOIL BORING (TOSCO) - MARCH 1994 (TB-8 THROUGH TB-11)
- ◻ SOIL BORING LOCATION 1991 - 1992 (SB-1 THROUGH SB-8)



NOTE: ALL LOCATIONS ARE APPROXIMATE

PROJECT NUMBER: 767518.1682	DATE: 5/21/12	FIGURE: 2
APPROVED BY: KK	DRAWN BY: SC/BK	

WATC 7070 SW Fir Loop, Suite #100
Tigard, Oregon 97223-6466
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BORING LOCATION MAP
PHILLIPS 66 SITE NO. 2603149
20409 AURORA AVENUE N
SEATTLE, WA

APPROXIMATE
SITE BOUNDARY

ASPHALT

Site
Boundary

