



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
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April 7, 2020

Larry Hine
Amerco Real Estate Company
2727 N. Central Avenue, Suite 500
Phoenix, AZ 85004

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:

- **Site Name:** UHaul Amerco Real Estate
- **Site Address:** 6700 Bothell Way, Kenmore, WA 98028
- **Facility/Site No.:** 15418523
- **Cleanup Site ID:** 8088
- **VCP Project No.:** NW2800

Dear Larry Hine:

The Washington State Department of Ecology (Ecology) received your request for an opinion on *Remedial Investigation Report* (RI Report) for the UHaul Amerco Real Estate 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

Does the *Work Plan to Address Existing Data Gaps* (*Work Plan*), dated March 3, 2020, respond to the Site characterization data gaps identified in the prior Ecology opinion letter dated August 19, 2019?

Ecology has determined that the proposed supplemental Site characterization activities presented in the *Work Plan* successfully responds to the August 19, 2019 opinion letter. This opinion letter describes Ecology recommendations regarding the *Work Plan* and continued progress towards Site cleanup.

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:

- Benzene, toluene, ethylbenzene, and xylenes (BTEX); total petroleum hydrocarbons (TPH) as gasoline (TPHg), diesel (TPHd), and oil (TPHo); and tetrachloroethene (PCE) releases in Soil.

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. Blaes Environmental Management, Inc., *Underground Storage Tank Removal Report, U-Haul Facility #701-53, 6720 Northeast Bothell Way, Seattle, WA*, August 5, 1996.
2. Department of Ecology, *Opinion Pursuant to WAC 173-340-515(5), Uhaul Amerco Real Estate Site, 6720 NE Bothell Way, Kenmore, WA*, March 10, 2014.
3. Cardno, Soil and Groundwater Investigation, U-Haul Facility No. 801053, 6720 Bothell Way NE, Kenmore, WA, September 4, 2015.
4. Department of Ecology, *Further Action Opinion, UHaul Amerco Real Estate, 6720 NE Bothell Way, Kenmore, WA*, July 12, 2016.
5. ATC Group Services LLC (ATC), *Remedial Investigation Report, U-Haul Facility No. 80153, 6720 Bothell Way NE, Kenmore, WA 98028*, May 20, 2019.
6. Department of Ecology, *Opinion on Remedial Action, UHaul Amerco Real Estate, 6720 NE Bothell Way, Kenmore, WA*, August 19, 2019.
7. ATC, *Work Plan to Address Existing Data Gaps, U-Haul Facility No. 801053, 6720 Bothell Way, Kenmore, WA*, March 3, 2020.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can submit a public records request by creating an account at [Public Records Request Center](#). If you require assistance with this process, you may contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or 360-407-6040. A number of these documents are accessible in electronic form from the Site web page

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=8088>.

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

Analysis and Opinion

Based on a review of the *Work Plan*, Ecology has determined:

- Ecology concurs with the proposed supplemental Site characterization activities described in the *Work Plan* and expects that the data to be collected will improve the understanding of the nature and extent of contamination at the Site.
- Regarding the proposed monitoring wells, Ecology recommends reviewing the B8 location in the southeast corner of the Site (see **Enclosure A, Diagram of the Site**). The documented groundwater flow directions (Figures 6 through 9 of the *Remedial Investigation [RI] Report*) and the contaminant plume map (Figure 10 of the *RI Report*) indicate that a location farther east (towards the eastern property line) would likely be in a better position to intercept the plume, and to assess potential plume migration off the property.
- Upon receipt and interpretation of the new data, evaluate the eligibility of the Site for a Soil or Ground Water Model Remedy. If the Site qualifies, a Feasibility Study (FS) and Disproportionate Cost Analysis (DCA) would not be required. Model Remedy requirements are described in the following Ecology guidance documents (see <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/MTCA-model-remedies>):
 - Model Remedies for Sites with Petroleum Contaminated Soils, Publication Number 15-09-043, Revised December 2017.
 - Model Remedies for Sites with Petroleum Impacts to Groundwater, Publication Number 16-09-057, Revised December 2017.
- Incorporate recommendations from the August 18, 2019 Ecology opinion letter regarding updating hydrogeologic cross sections in an updated RI Report.
- Upload Site data into the Ecology Environmental Information Management (EIM) system. The last field collection date for Site data currently in EIM was September 14, 2017.

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).

Larry Hine
April 7, 2020
Page 5

Contact Information

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. If you have any questions about this opinion, please contact me by phone at 425-649-7257 or e-mail at michael.warfel@ecy.wa.gov.

Sincerely,

Michael R. Warfel, VCP Site Manager
NWRO Toxics Cleanup Program

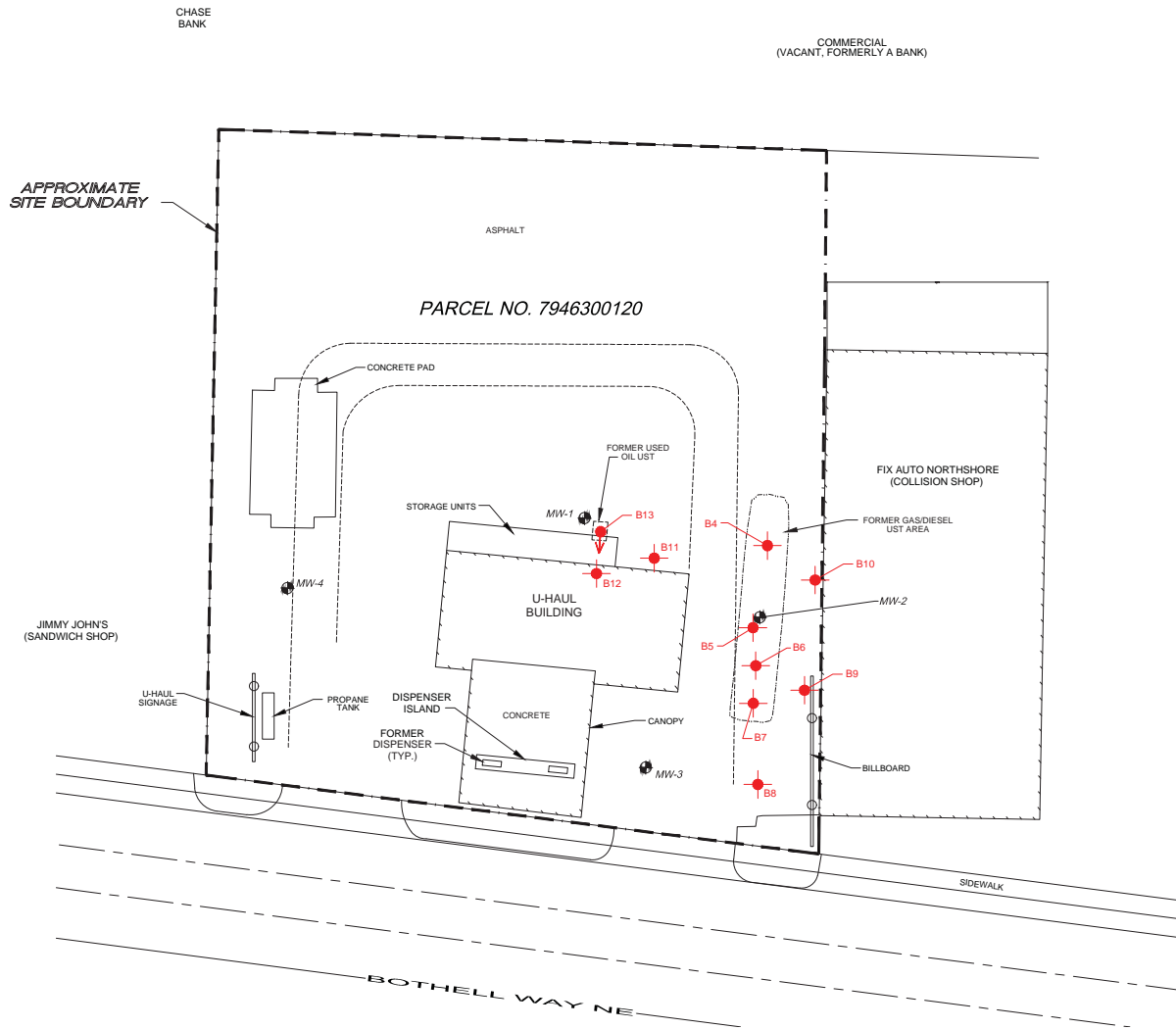
Enclosures (1): A – Diagram of the Site

cc: Ed Vandergrift, ATC Group Services LLC

Enclosure A

Diagram of the Site

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LEGEND

- GROUNDWATER MONITOR WELL
- PROPOSED SOIL BORING
- PROPOSED ANGLED SOIL BORING

0 30 60
SCALE, FT

NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

ROPOSED BORING LOCATIONS

U-HAUL FACILITY NO. 801053
6720 BOTHELL WAY NORTHEAST
KENMORE, WA 98028

PROJECT NUMBER: 1052105307	DATE: 2/28/20	FIGURE
APPROVED BY: EV	DRAWN BY: BK	1
ATC 9185 S. Farmer Ave., Ste. #111 Tempe, Arizona 85284-2912 Ph: (480) 894-2056 *** Fax: (480) 894-2497		