



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 11, 2009

Matt Lessard  
234 5<sup>th</sup> Avenue South  
Edmonds, WA 98020

Re: **No Further Action at the following Site:**

- **Site Name:** 60 Minute Tune Mount Vernon (aka Short Stop Tune & Brake)
- **Site Address:** 329 East College Way, Mount Vernon, WA 98273
- **Facility/Site No.:** 69441381
- **VCP Project No.:** NW 2164

Dear Mr. Lessard:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the 60 Minute Tune Mount Vernon 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 release:

- Oil-range petroleum hydrocarbons into the Soil

**Enclosure A** includes a detailed description and diagram of the Site, as currently known to Ecology. Note that the Site is defined as, and limited to, the area where oil was released in the immediate vicinity of a former 2,000 gallon motor oil underground storage tank (UST). 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. 2009, June 11, *Phase I Environmental Site Assessment, Former 60 Minute Tune*, report prepared by The Riley Group, Inc.
2. 1999, April 20, *Re: Shortstop, 329 College Way, Mt. Vernon, WA 98273, UST Site Assessment*, letter report prepared by Pinner Engineering, 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, Sally Perkins, at 425 649-9190.

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 **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.**

Land use at the property and in the surrounding land use is mixed commercial/retail, and the property qualifies for an exclusion from the requirement to set cleanup levels for protection of terrestrial species. Method A or Method B cleanup levels for soil for unrestricted use are therefore appropriate. Only chemical analyses supportive of a Method A evaluation were run; the Method A cleanup level of 2000 mg/Kg for oil-range petroleum hydrocarbons was therefore selected as the cleanup level for this Site.

Note that testing for polycyclic aromatic hydrocarbons is normally required at sites with releases of heavy oil. However, Ecology is not requiring this analysis at this Site because the remediation took place ten years ago 1999, and because low concentrations of oil were detected at a minority of the locations sampled. Further, there was no evidence of a significant release at the time the 2000 gallon motor oil UST was removed in 1999.

**3. Selection of cleanup action.**

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

No cleanup action was selected because oil concentrations in soil are below the cleanup level.

**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.**

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).

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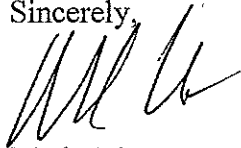
### Termination of Agreement

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#NW 2164).

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 or the termination of the Agreement, please contact me by phone at 425 649-7107 or e-mail at [mada461@ecy.wa.gov](mailto:mada461@ecy.wa.gov).

Sincerely,



Mark Adams  
NWRO Toxics Cleanup Program

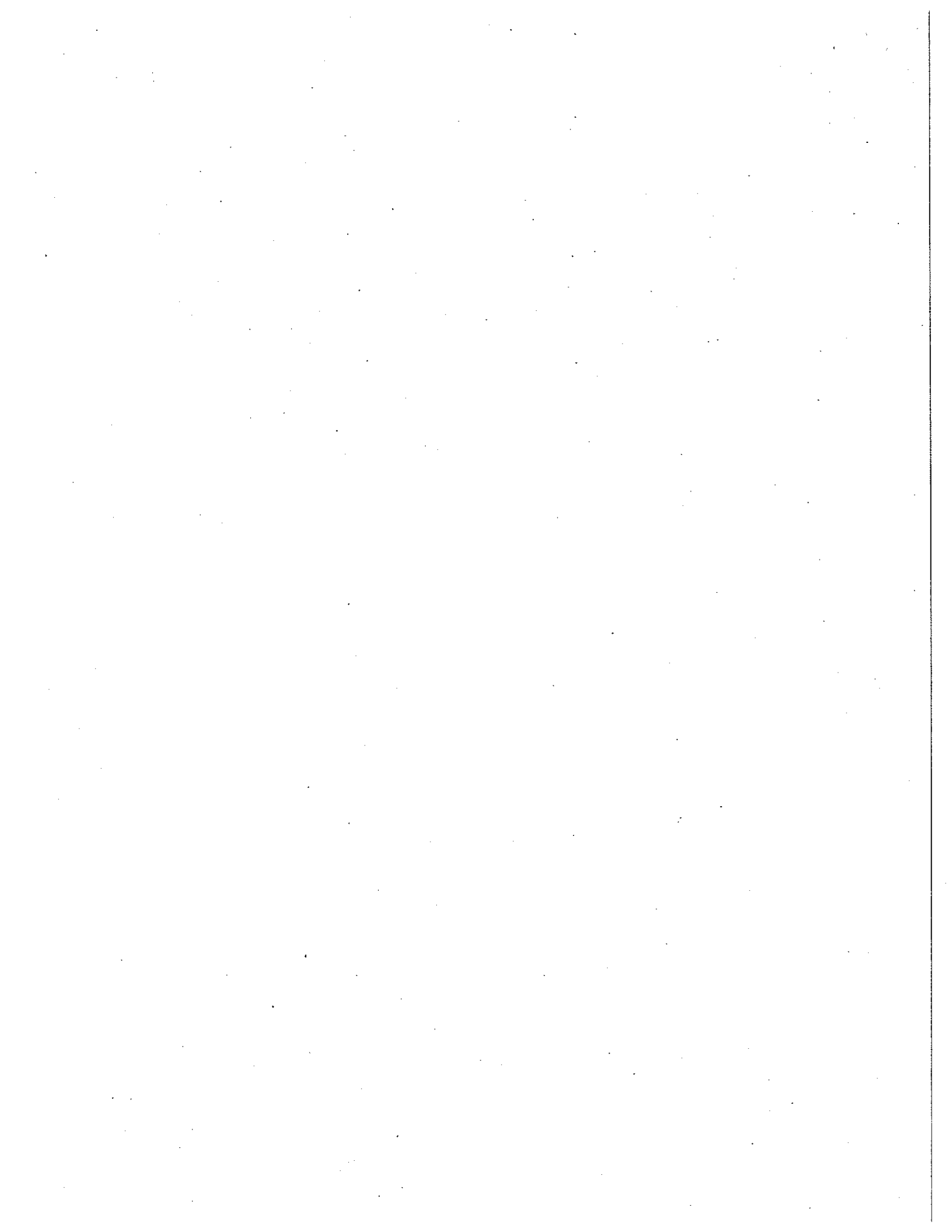
ma/kp

Enclosures ([#]): A – Description and Diagrams of the Site

cc: Jason Cass, The Riley Group, Inc.  
Dolores Mitchell, VCP FINANCIAL MANAGER (without enclosures)

## **Enclosure A**

### **Description and Diagrams of the Site**



## Site Description

The Site comprises a small area of contaminated soil within a former UST cluster located on the former 60 Minute Tune property at 329 East College Way in Mt. Vernon (the Property). The UST cluster contained 4000-gallon and 2000-gallon motor oil tanks, and a 500-gallon waste oil tank. The location of the former tanks is not absolutely known, but it is fairly certain they were near the southern border of the Property, as shown on the attached Site map, Figure 2.

The Property and surrounding area is located within a mixed retail/commercial business district, and is bordered on the south and east by major thoroughfares, East College Way and Riverside Drive, respectively. A paved shopping center occupies the area north and west of the Property. Immediately adjoining the Property to the north is a Schuck's Auto Supply.

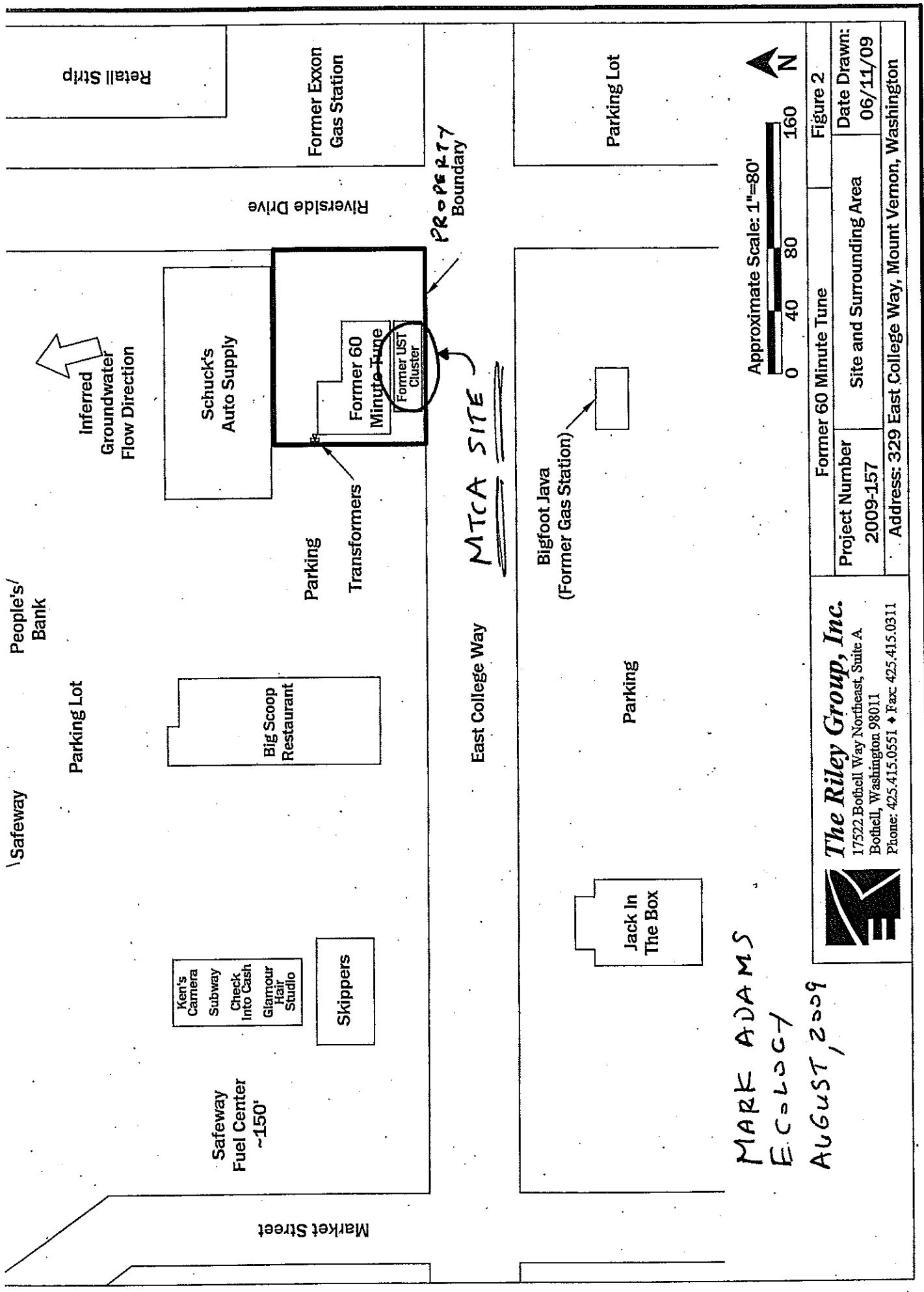
The Property was originally occupied by a residence constructed some time prior to 1950. The residence was converted to a restaurant in 1950 and then to a realty office in 1971. The original building was torn down in 1985 and replaced with another (existing) building. The existing building has been occupied since then by a series of similar automotive tuning and lubrication businesses, with Advanced Automotive the last. This business closed in 2008, and the building is currently vacant.


The Site and surrounding area is situated on the Skagit River floodplain, and is relatively flat lying. The river makes a large bend around the area, and is about 3000 feet north of and 3000 feet south of the Site. Surface water runoff in the area appears to be captured in storm drains, which almost certainly discharge to the river.

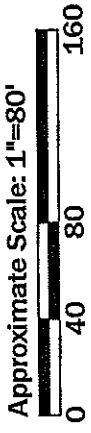
There are no areas of undeveloped land or natural habitat in proximity to the Site.

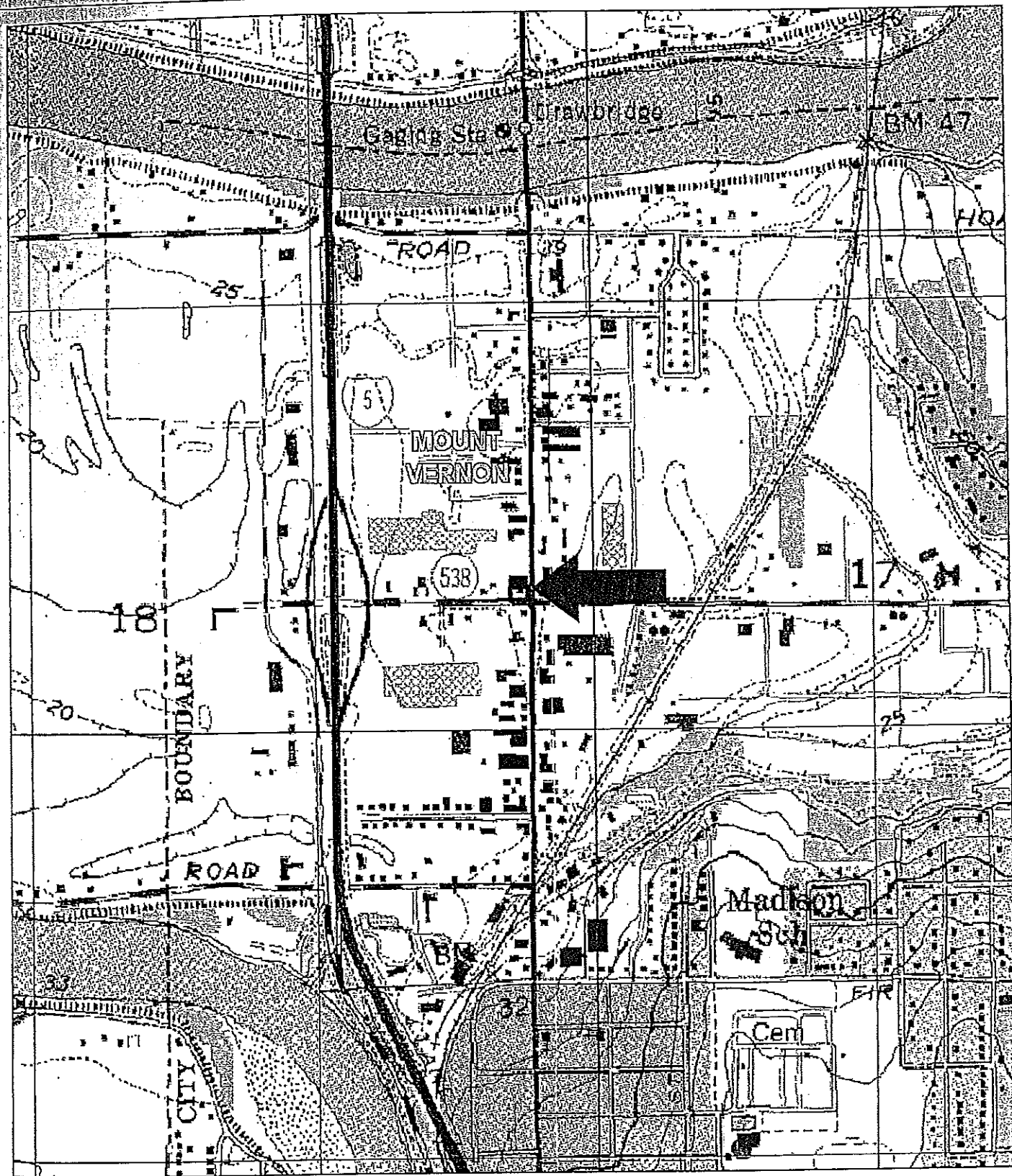
Shallow geologic conditions have not been explored at the Site, but undoubtedly consist of a thin veneer of fill overlying recent sediments deposited by the Skagit River. A water table aquifer is known to be present in the alluvial sediments, and the depth to water is expected to be quite shallow at 10 to 15 feet below ground surface. Ground water flow directions should be generally down-valley to the west.

In 1999, the three USTs described above were removed, and soil samples were taken from the sides and base of the resulting excavation. Seven soil samples were obtained for analysis by NWTPH-Dx extended. Oil-range hydrocarbons were detected in only two samples, and these were obtained from below the 2000-gallon tank. The detected concentrations were less than Method A cleanup levels. The tanks were reported intact and good condition upon removal, suggesting that the oil contamination resulted from minor spills at the surface or leaks from piping connections near the surface.



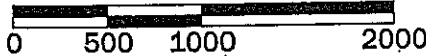
 <b>The Riley Group, Inc.</b> 17522 Bothell Way Northeast, Suite A Bothell, Washington 98011 Phone: 425.415.0551 ♦ Fax: 425.415.0311		Project Number <b>2009-157</b>	Site and Surrounding Area	Date Drawn: <b>06/11/09</b>
Former 60 Minute Tune		Figure 2		
Address: 329 East College Way, Mount Vernon, Washington				





USGS, 1981, Mount Vernon, Washington  
7.5-Minute Quadrangle

Approximate Scale: 1"=1000'



**The Riley Group, Inc.**  
17522 Bothell Way Northeast, Suite A  
Bothell, Washington 98011  
Phone: 425.415.0551 ♦ Fax: 425.415.0311

Former 60 Minute Tune

Figure 1

Project Number  
2009-157

Site Vicinity Map

Date Drawn:  
06/11/09

Address: 329 East College Way, Mount Vernon, Washington

