



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 23, 2012

Mr. Chong Lee
FedEx Freight Inc.
3405 Victor Street
Santa Clara, CA 95054

Re: Further Action at the Following Site:

- **Site Name:** FedEx Freight Seattle Terminal (former)
- **Site Address:** 18221 E Valley Highway, Kent, WA 98032
- **Facility/Site No.:** 98241451
- **VCP Project No.:** NW2587

Dear Mr. Lee:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the FedEx Freight Seattle Terminal (former) 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

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

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:



- Total pPetroleum Hydrocarbons-Gasoline Range Organics (TPH-GRO), Total Petroleum Hydrocarbons-Diesel Range Organics (TPH-DRO), and Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) into the soil and 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

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

1. Groundwater Technology, Inc. (GTI), P.I.E. Truck Terminal, Kent, WA, July 28, 1988.
2. GTI, P.I.E. Truck Terminal, Kent, WA, February 24, 1989.
3. GTI, Metro Discharge Authorization, August 18, 1989.
4. SEACOR, Results of a Phase I Environmental Assessment, October 25, 1991.
5. SEACOR, Groundwater Quality Assessment, January 8, 1992.
6. SEACOR, Design and Construction Specification for the Proposed Groundwater Treatment System, July 1, 1992.
7. SECOR, Underground Storage Tank Closure Site Assessment, June 19, 1998.

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.

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 **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.

2. Establishment of cleanup standards.

Ecology concurs with your established point of compliance and MTCA Method A cleanup standards for soil and groundwater, which meet the substantive requirements of MTCA.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA. Ecology concurs with your excavation and removal as a preferred remedy for dealing with the petroleum contaminated soil. However, no preferred remedy is proposed to address the existing groundwater contamination at the Site.

4. Cleanup.

Ecology has determined the cleanup you performed does not meet any cleanup standards at the Site.

During the 1988 underground storage tank (UST) removal, the south and some of the western confirmation wall samples included elevated concentration of contaminants that exceeded MTCA Method A Cleanup Levels for soil (GTI, July 1988). During the 1998 UST removal, excavated soil with elevated concentration of TPH-D was used to backfill the excavation pit (SECOR, June 1998). Additionally, there are no confirmation wall samples from the excavation pit in the vicinity of the fiberglass UST where free product was encountered (GTI, July 1988). There is no evidence that these contaminated soils at the Site are addressed by the remedial efforts implemented at the Site since 1989.

According to the latest groundwater monitoring report for the Site, monitoring well MW-10 has elevated concentration of benzene that does not allow the completion of groundwater cleanup efforts at the Site, based on four consecutive quarterly sampling results with no detection of contaminants above the MTCA Method A Cleanup Levels (WES, March 2012). Furthermore, there are substantial groundwater contamination in monitoring wells MW-9 and MW-12 that exceeded the MTCA Method A Cleanup Levels. Considering the northwestward direction of the groundwater flow, MW-9 and MW-12 may continue impacting the groundwater quality at the Site in the future.

To qualify for No Further Action for the Site, Ecology requires a definitive confirmation that the soil and groundwater at the Site are cleaned up to concentrations below MTCA Method A Cleanup Levels.

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).

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.

Mr. Chong Lee
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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) 649-7097 or e-mail at tgho461@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Ghofrani', followed by a horizontal line.

Toraj Ghofrani, P.E.
Toxics Cleanup Program

cc: Daniel Whitman, Whitman Environmental Services

