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DEPARTMENT OF ECOLOGY
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August 4, 2021

Grant Zoldowski
United Rentals (North America), Inc.
791 E 64th Ave
Denver, CO 80229
gzoldows@ur.com

Re: Opinion on a Proposed Cleanup at the following Site:

- **Site Name:** United Rental Facility/Rental Service Corporation 561
- **Site Address:** 2302 E Q St., Tacoma, Pierce County, WA 98421
- **Facility/Site ID:** 26536148
- **Cleanup Site ID:** 4264
- **VCP Project ID:** SW1584

Dear Grant Zoldowski:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the United Rental Facility/Rental Service Corporation 561 facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), chapter 70A.305¹ Revised Code of Washington (RCW).

Issue Presented and Opinion

Ecology has determined that, upon completion of your proposed cleanup actions, a no further action is likely appropriate for the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, chapter 70A.305 RCW², and its implementing regulations, Washington Administrative Code (WAC) chapter 173-340³ (collectively "substantive requirements of MTCA"). The analysis is provided below.

¹ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305>

² <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305>

³ <https://apps.leg.wa.gov/wac/default.aspx?cite=173.340>

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:

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:

- Total Petroleum Hydrocarbons (TPH) as diesel range (diesel or DRO) into soil and groundwater, TPH as heavy oil range (heavy oil or ORO) into groundwater, and benzene into soil.
- Potentially TPH as gasoline (gasoline or GRO) into the soil and groundwater.

The former fueling/underground storage tank (UST) system was located on Pierce County parcel 4715010505 (Property).

Please note the parcel(s) of real property associated with this Site are also located within the projected boundaries of the Tacoma Smelter Plume facility (#FSID 62855481). At this time, we have no information that those parcel(s) are actually affected. This opinion does not apply to any contamination associated with the Tacoma Smelter Plume facility.

Basis for the Opinion

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

1. ATC Group Services LLC (ATC), *Feasibility Study and Disproportionate Cost Analysis* (FS/DCA; herein referred to as the Report), May 19, 2021.
2. ATC, *2Q2020 Groundwater Monitoring Report*, August 5, 2020.
3. ATC, *1Q2020 Groundwater Monitoring Report*, May 12, 2020.
4. ATC, *4Q2019 Groundwater Monitoring Report*, January 30, 2020.
5. Ecology, Re: *Further Action at the following Site*, August 27, 2019.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Information on obtaining those records can be found on [Ecology's public records requests web page](https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests).⁴ Some site documents may be available on [Ecology's Cleanup Site Search web page](https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4264).⁵

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁵ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4264>

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, upon successful completion of your cleanup, no **further remedial action** is likely 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.

Proposed Groundwater Monitoring Well Decommissioning

You plan to decommission monitoring wells which will be impacted by paving of the facility parking lot (MW-1, MW-2, MW-3, and MW-4). You plan to decommission monitoring well MW-6 in advance of the proposed remedial excavation. Each of the five wells identified for decommissioning has at least four quarters of concentrations of Site hazardous substances in groundwater less than cleanup levels. Sufficient groundwater flow direction data have also been collected from the existing monitoring well network. After decommissioning, only monitoring well MW-5 would remain at the Site.

Well decommissioning for MW-1 through MW-4 and MW-6 should be completed in compliance with WAC 173-160-460.⁶

Terrestrial Ecological Evaluation

Ecology concurs with the presented simplified TEE. The TEE used Table 749-1, concluding that the Site is excluded from further TEE.

Environmental Information Management (EIM) Data Upload

Thank you for uploading all Site data to date into Ecology's EIM database. On June 2, 2021, the VCP cleanup project manager reviewed and concurred with the data uploaded to date. Data submittal should continue to be completed in accordance with WAC 173-340-840(5)⁷ and [Ecology Toxics Cleanup Program Policy 840](https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-840).

⁶ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-160-460>

⁷ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-840>

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.

- (a) **Cleanup Standards:** Under MTCA, cleanup standards consist of three primary components; (a) points of compliance,⁸ (b) cleanup levels,⁹ and (c) applicable state and federal laws.¹⁰
- (b) **Points of Compliance.** Points of compliance, that you need to propose, are the specific locations at the Site where cleanup levels must be attained. Based on available data, these standard points of compliance appear to be applicable to the Site:

Media	Points of Compliance
Soil-Direct Contact	Based on human exposure via direct contact, the standard point of compliance is throughout the Site from ground surface to fifteen feet below the ground surface. ¹¹
Soil- Protection of Groundwater	Based on the protection of groundwater, the standard point of compliance is throughout the Site. ¹²
Groundwater	Based on the protection of groundwater quality, the standard point of compliance is throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. ¹³
Air Quality	Based on the protection of air quality, the point of compliance is indoor and ambient air throughout the Site. ¹⁴

- (c) **Cleanup Levels.** MTCA Method A cleanup levels have been used to screen analytical results. A MTCA Method B cleanup level (site-specific) was calculated for diesel and heavy oil in soil adjacent to monitoring well MW-6. Ecology concurs with the using MTCA Method A cleanup levels for Site soil and groundwater. The Site-specific cleanup value for diesel and heavy oil for remediation of contaminated soils at MW-6 appears to also be acceptable for that area.

⁸ WAC 173-340-200 "Point of Compliance."

⁹ WAC 173-340-200 "Cleanup level."

¹⁰ WAC 173-340-200 "Applicable state and federal laws," WAC 173-340-700(3)(c).

¹¹ WAC 173-340-740 (6)(d)

¹² WAC 173-340-747

¹³ WAC 173-340-720(8)(b)

¹⁴ WAC 173-340-750(6)

- (d) **Applicable Laws and Regulations.** In addition to establishing minimum requirements for cleanup standards, applicable local, state, and federal laws may also impose certain technical and procedural requirements for performing cleanup actions. These requirements are described in WAC 173-340-710.¹⁵ An [online tool](#)¹⁶ is currently available to help you evaluate the local requirements that may be necessary.

All cleanup actions conducted under MTCA shall comply with applicable state and federal laws.¹⁷ The person conducting a cleanup action shall identify all applicable local, state, and federal laws. The department shall make the final interpretation on whether these requirements have been correctly identified and are legally applicable or relevant and appropriate.^{18,19}

- In the Report, ATC lists several applicable laws.²⁰ Ecology concurs with the proposed list, though we add the Puget Sound Clean Air Agency requirements. The proposed cleanup levels appear to be appropriate for this Site and more stringent cleanup standards are not required by any of the identified applicable laws. It is Ecology's determination that it no further evaluation of applicable laws is necessary for this Site cleanup.

3. Selection of Cleanup Action.

Ecology has determined the cleanup action you selected for the Site, will more likely than not meets the substantive requirements of MTCA. The cleanup (remedial) actions proposed are likely to meet Site cleanup standards at the standard points of compliance.

The proposed cleanup actions are likely to meet the threshold requirements under WAC 173-340-360(2)(a)²¹ and requirements under WAC 173-340-370.²²

Two cleanup actions are proposed to remediate contamination in two areas of the Site. Ecology's comments on the proposed cleanup actions do not need to be addressed in a deliverable prior to implementing the cleanup actions.

¹⁵ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-710>

¹⁶ <https://apps.oria.wa.gov/opas/index.asp>

¹⁷ WAC 173-340-710(1)

¹⁸ WAC 173-340-710(2)

¹⁹ Note – MTCA Method A includes ARARs and concentration-based tables (WAC 173-340-700(5)(a)) If MTCA Method A remains in use as proposed Site cleanup levels, identify non-concentration based technical and procedural requirements. If Method B or C cleanup levels are proposed, also include concentration-based requirements.

²⁰ p. 19 of the Report.

²¹ <https://apps.leg.wa.gov/wac/default.aspx?dispo=true&cite=173-340>

²² <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-370>

- 1) Hotspot excavation of contaminated soil at MW-6. Ecology has the following comments regarding this cleanup action:
 - a. Ecology recommends sampling for any needed Table 830-1 analyses from at least one location and depth with heavy oil contamination from a delineation boring or excavation extent sample. At boring SB-1, for the sample collected at seven feet below ground surface (SB1-7; bgs) it appears that there was no petroleum detected where sampling was completed to satisfy required testing parameters provided in Table 830-1.²³
 - b. We support the proposed delineation borings to refine the extent of the needed excavation.
 - c. Based on the planned parking lot paving later this year, Ecology recommends removal to the maximum extent practicable of all contaminated soils.
 - d. As there are more than four consecutive quarterly events of compliant results for groundwater at MW-6, we support decommissioning this well ahead of the excavation.
 - e. Site hazardous substance concentrations in groundwater at MW-6 comply with MTCA Method A cleanup levels. ATC calculated a specific value for TPH at MW-6, using Ecology's MTCA TPH spreadsheet. Therefore, the Method B TPH value calculated can be used at the excavation as a remediation level.²⁴ The proposed location-specific total petroleum (gasoline, diesel, and heavy oil combined) value of 3,121.79 milligrams per kilogram²⁵ (mg/kg) does not cause an exceedance in other media (groundwater). The contaminated soil is more than 100 feet from the facility building, so vapor intrusion is not a concern.
 - i. Ecology recalculated the MTCA TPH spreadsheet value, adding one-half the detection limit for those contaminants not detected, and adding values for supporting contaminants not included. The re-calculated Method B Site-specific TPH value was 3,681 mg/kg. You can choose to use this value for TPH as the remediation level for the proposed excavation, or recalculate a new TPH value and report on the result.

²³ WAC 173-340-900 Table 830-1

²⁴ WAC 173-340-740(3)(d)

²⁵ p. 14 of the Report.

- 2) Chemical injections around MW-5 and monitored natural attenuation (MNA). Ecology has the following comments regarding this cleanup action:
- a. Ecology requested specific information regarding the proposed injection plan in an email dated June 1, 2021. Please provide these details.
 - b. Remedial injections are considered Class 5 injection wells. An underground injection control (UIC) permit is required from Ecology to complete the remedial work. Ecology's UIC permit application is available on our webpage,²⁶ and the application is mostly automated. Please allow at least 60 days before the start of injections to register your UIC permit.
 - c. If field screening suggests contaminated soils are present, Ecology requests sampling those soils for applicable analytes provided in WAC 173-340-900,²⁷ Table 830-1.
 - d. We concur with the proposed monitoring natural attenuation (MNA) interval for post-remedial groundwater monitoring in the Report.²⁸ However, it will be necessary to evaluate for any potential "rebound" effect of petroleum contamination being desorbed from soil and entering solution in groundwater. The proposed sampling timeframe may need to be extended for the desorbed contamination to sufficiently attenuate in groundwater to achieve compliance with cleanup levels for at least four consecutive quarters. Alternately, performance groundwater monitoring may be started three to six months after the remedial injections to maximize the length of time for chemical degradation of the petroleum hydrocarbons to work and to best fit the proposed post-remedial monitoring interval.
 - e. Of note, Ecology's MNA guidance focuses on groundwater only, not soil. Confirmatory soil sampling may be needed after the groundwater MNA sampling is completed to ensure no soils contamination exceeding cleanup levels in the vicinity of MW-5 remains.

If the Site hazardous substances concentrations in groundwater do not meet MTCA Method A cleanup levels, then additional review of the vapor intrusion pathway may be necessary.

²⁶ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-injection-control-program/Register-UIC-wells-online>

²⁷ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-900>

²⁸ p. 22 of the Report

Concentrations of petroleum in groundwater less than the MTCA Method A cleanup levels are generally considered protective of the vapor intrusion pathway.²⁹

To evaluate monitored natural attenuation as part of the cleanup action proposed for contamination at MW-5, please collect geochemical and groundwater parameters in addition to Site hazardous substances from groundwater sampled from MW-5. For reference, please see Ecology Publication No. 05-09-091, *Guidance on Remediation of Petroleum-Contaminated Groundwater by Natural Attenuation*.³⁰

- After collection of several post-remediation groundwater results, these data could be evaluated using trend analysis available in USEPA's ProUCL 5.1³¹ to refine the projected post-remedial sampling interval.³²
- Alternately, it may not be necessary to evaluate monitored natural attenuation parameters at MW-5, if post-injection groundwater sampling results show compliance with cleanup levels or Site hazardous substance concentrations are in an obvious strong downtrend.

4. Cleanup.

The results of the proposed cleanup actions will need to be evaluated to determine if cleanup standards have been met for the Site.

²⁹ Ecology Publication No. 17-09-043, *Implementation Memorandum No. 18, Petroleum Vapor Intrusion (PVI): Updated Screening Levels, Cleanup Levels, and Assessing PVI Threats to Future Buildings*, January 10, 2018.

³⁰ July 2005. <https://apps.ecology.wa.gov/publications/SummaryPages/0509091.html>

³¹ As an example software package. Other software could be used to conduct the analysis.

³² <https://www.epa.gov/land-research/proucl-software>

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 70A.305.040(4).³³

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 70A.305.080³⁴ and WAC 173-340-545.³⁵

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 70A.305.170.³⁶

³³ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305.040>

³⁴ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305.080>

³⁵ <https://apps.leg.wa.gov/wac/default.aspx?dispo=true&cite=173-340>

³⁶ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305.170>

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 [Voluntary Cleanup Program web site](#).³⁷ If you have any questions about this opinion, please contact me at (360) 407-6265 or tim.mullin@ecy.wa.gov.

Sincerely,



Tim Mullin, LHG
Toxics Cleanup Program
Southwest Regional Office

TCM: sl

Enclosure: A – Site Description

cc: Jerome Schneider, Four Square Development Company, LLC
 Elisabeth Silver, ATC; Elisabeth.Silver@atcassociates.com
 Rob Olsen, TPCHD; ROlsen@tpchd.org
 Nicholas Acklam, Ecology; nick.acklam@ecy.wa.gov
 Ecology Site File

³⁷ <https://www.ecy.wa.gov/vcp>

Enclosure A

Site Description

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Site Description

The Site is located at 2302 E Q Street, Tacoma, Pierce County, Washington. According to the Pierce County Assessor-Treasurer's website, the Site is associated with parcel 4715010505, which totals 1.49 acres in size (Property). The Property is zoned industrial.

Property History and Current Use: The Property is occupied by an equipment rental facility. Two 2,000-gallon steel USTs (one gasoline and one diesel), as well as associated product piping and one gasoline and one diesel pump situated on a common dispenser island were installed in 1986.

Property Vicinity: The Property is in an area of industrial and commercial properties.

Soils and Geology: Site soils are fill underlain by sands and silty clays in varying percentages. Gravel sometimes present. The maximum depth explored at the Site is 15 feet below ground surface.

Groundwater: During the Site excavation in October 2014, groundwater was present in the excavation, at a depth of approximately 6 feet bgs. Depth to groundwater in monitoring wells has been observed mostly from approximately 3 to 5 feet below top of casing. Groundwater flow direction fluctuates between to the west and southeast, with secondary flow directions to the north, northeast, and east.

Surface/Storm Water/Septic Systems: Per the Pierce County Treasurer-Assessor's website, the building at the Property is serviced by a septic system. The location of the septic system is unknown. There is no naturally occurring surface water at the Site. The nearest natural surface water features to the Site appear to be the Puyallup River located about 900 feet northeast of the Site.