



Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341

February 9, 2022

Romeo Gonyea
Russell Road Industrial Park LLC
17600 147th Street SE PMB 22
Monroe, Washington 98275
(gwi7@hotmail.com)

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

- **Site Name:** HERS Industrial Park
- **Site Address:** 4403-4480 Russell Road, Mukilteo, WA 98275
- **Facility/Site No.:** 127256
- **Cleanup Site ID No.:** 3971
- **VCP Project No.:** NW1554

Dear Romeo Gonyea:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the Revised Focused Feasibility Study dated July 20, 2021 (*Revised FFS*) completed for the **HERS Industrial Park** facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW. This opinion applies only to the Site described below.

Description of the Site

The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethene (PCE) and trichloroethene (TCE) with related degradation products in Soil.
- TPH-D, TPH-O, PCE, TCE, cis-1,2-dichloroethene (cis-DCE), vinyl chloride (VC), methylene chloride, and arsenic in Groundwater.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no

information that the parcels associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**. A number of these documents are accessible in electronic format from the [Site web page](#)^[1]. The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our [Public Records Request page](#)^[2] to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or (360) 407-6040.

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

Opinion

Based on a review of the *Revised Focused Feasibility Study (Revised FFS)*, Ecology has determined:

- Ecology appreciates your continuing efforts to characterize and clean up this challenging contaminated Site.
- Ecology concurs with your selection of Alternative 2 (Enhanced Anaerobic Biodegradation [EAB] and In Situ Chemical Reduction [ISCR] as the preferred remedial alternative for this Site. The description of this alternative in the *Revised FFS* shows the initial element for remedy implementation as conducting an EAB/ISCR pilot test and preparing a design and performance monitoring plan. Ecology looks forward to receipt of a pilot test plan for our review.
- Ecology recommends ongoing quarterly monitoring and updating of trend plots for PCE and TCE in MW-16D, MW-22, and MW-23, to assess the plume boundaries.
- Ecology provides the following specific comments on the *Revised FFS*:
 - **Section 1.3.1:** The Geology section should be updated to be consistent with geologic cross-sections A-A' and B-B', drawn with interpretations using lithological data from soil borings AB-5 through AB-10 conducted in 2021. Please incorporate this information in future Site reports.

^[1] <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3971>

^[2] <https://ecology.wa.gov/publicrecords>

- **Section 1.3.2:** The Hydrogeology section also needs to describe the deep groundwater characterized in previous explorations which contains Site contaminants at concentrations exceeding Method A cleanup levels. Please incorporate this information in future Site reports.
- **Section 1.4.3:** The lack of a potential vapor pathway on the Site should be confirmed by resampling soil gas probes SS-1 and SG-1, preferably in April (or approximately 6 months from the timing of first sampling conducted in October 2019).
- **Section 3.3.1:** Alternative 1 does not include any remediation components, so it cannot be retained as a remedial action alternative. Also, the restoration time frame of 30 years for Alternative 1 is not reasonable under MTCA.
- **Section 3.3.2:** The phrase “treatment to the extent practicable” is not adequately defined. It has been Ecology’s experience that sites contaminated with chlorinated solvents exhibit contaminant concentration rebound above cleanup levels after initial treatment injection events. Note that Alternative 2 (presented as the preferred alternative) therefore needs to account for possible additional treatment events in the restoration time frame as well as the cost estimate, if rebound occurs.
- **Section 3.3.3:** For the purpose of the FS, Alternative 3 assumes that accessible soil up to 16 feet below the ground surface will be removed, with the actual limits determined in a design investigation. The maximum practicable removal depth will be limited by nearby buildings and the water table. However, because the vertical extent of contamination in soil has not been delineated, the maximum depth of excavation proposed in Alternative 3 cannot be estimated.
- **Figure 1-3:** In future Site reports, please show the boundary of the 1996 excavation that removed approximately 25 cubic yards of PCE-contaminated soil in the vicinity of stormwater catch basin D34. The shaded area appears to be what is shown in Figure 1-6 to represent the estimated extent of PCE or TCE in groundwater.
- **Figures 1-4 and 1-5:** Please show the locations of the cross-section transects in future Site reports.
- **Figure 1-6:** The legend notes do not state that the groundwater elevation contouring does not include MW-6, since Table 3 of Appendix B indicates that no water level was collected in that well on 5-6-21. Figure 1-6 indicates MW-2D was dry on 5-6-21, which is not indicated in Table 3 of Appendix B. Table 3 also indicates that when measured in 2019, MW-2D had approximately 36 feet of water in the

well, so it is unlikely it would be dry in 2021. Please incorporate this information in future Site reports.

- The field collection end date for this Site in the Ecology Environmental Information Management (EIM) database is August 11, 2015. Please upload all additional and future Site sampling data into EIM.

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).

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.305.080 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 70A.305.170(6).

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/vcp. If you have any questions about this opinion, please contact me by phone at (206) 594-0121 or by email at michael.warfel@ecy.wa.gov.

Sincerely,



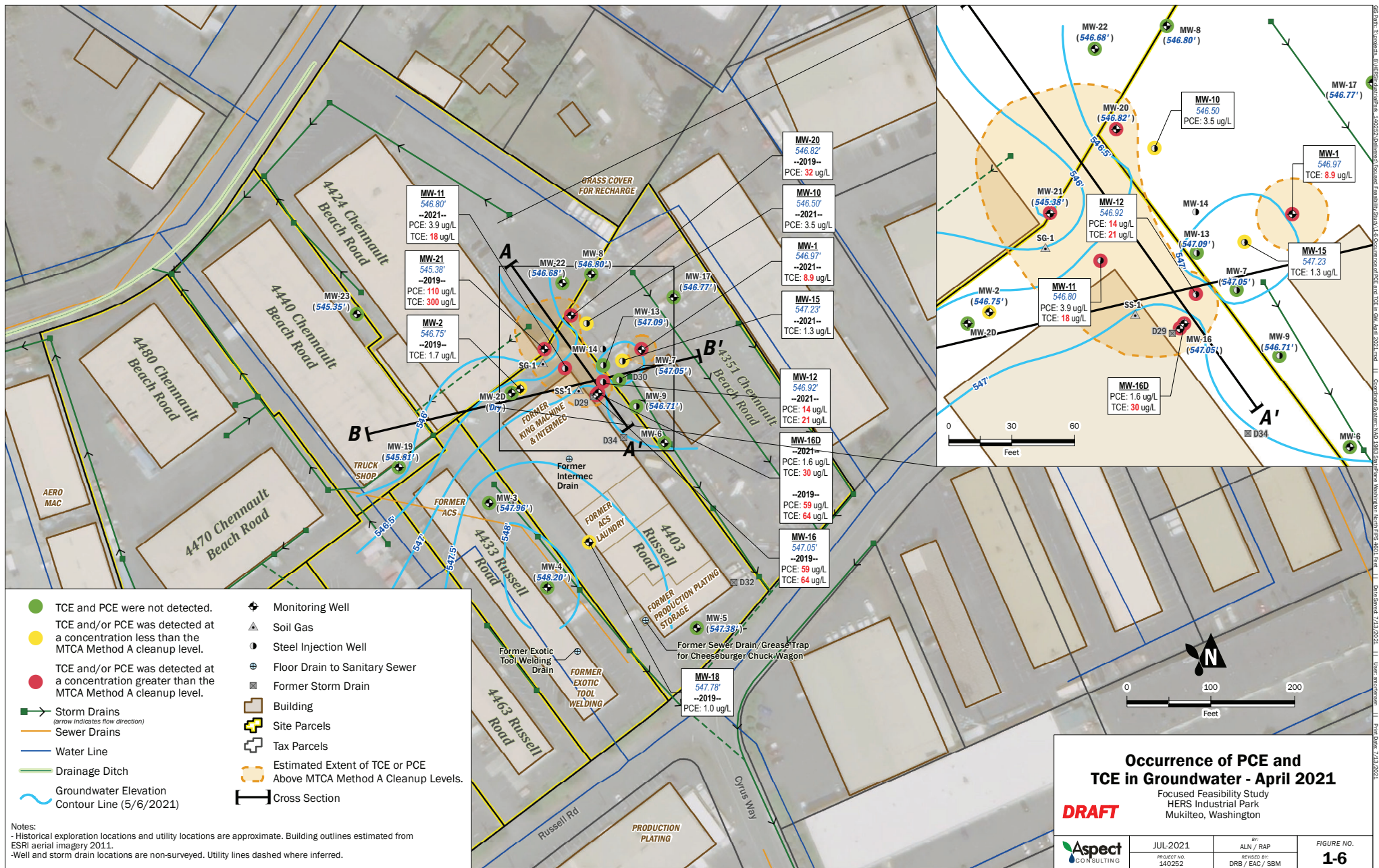
Michael R. Warfel, VCP Site Manager
Toxics Cleanup Program, NWRO

Enclosures (2): A – Diagram of the Site
 B – Basis for the Opinion: List of Documents

cc: Jeremy Porter, Aspect Consulting, LLC, (jporter@aspectconsulting.com)
 Sonia Fernandez, Ecology VCP Coordinator, (sonia.fernandez@ecy.wa.gov)

Enclosure A

Diagram of the Site



Enclosure B

Basis for the Opinion: List of Documents

1. Aspect Consulting, LLC (Aspect), 2021. *Revised Focused Feasibility Study, HERS Industrial Park, Mukilteo, Washington*. July 20.
2. Aspect, 2020. *Focused Feasibility Study, HERS Industrial Park, Mukilteo, Washington*. March 10.
3. Department of Ecology (Ecology), 2018, *Further Action Opinion, VCP NW1554, HERS Industrial Park*, June 28.
4. Aspect, 2018. *Groundwater Classification and Proposed Cleanup Standards, HERS Industrial Park Site, 4403 Russell Road, Mukilteo, Washington*. January 29.
5. Ecology, 2016. *Opinion on Remedial Investigation/Feasibility Study, VCP NW1554, HERS Industrial Park*, November 8.
6. Aspect, 2015. *Remedial Investigation/Feasibility Study, HERS Industrial Park, Mukilteo, Washington*. November 9.
7. Ecology, 2012. *Opinion on Proposed Remedial Action, VCP NW1554, HERS Industrial Park*, October 18.
8. The Riley Group (Riley), 2012. *Groundwater Sampling Event, 1st Quarter 2012, Russell Road Industrial Park (aka Hers Industrial Park), 4403 Russell Road, Mukilteo, Washington*. February 23.
9. Riley, 2009. *Groundwater Sampling Event – Third Quarter 2009, Russell Road Industrial Park (aka Hers Industrial Park), 4403 Russell Road, Mukilteo, Washington*. October 2.
10. Riley, 2009. *Groundwater Sampling Event – First Quarter 2009, Russell Road Industrial Park (aka Hers Industrial Park), 4403 Russell Road, Mukilteo, Washington*. March 26.
11. Riley, 2008. *Groundwater Sampling Event – Second Quarter 2008, Russell Road Industrial Park (aka Hers Industrial Park), 4403 Russell Road, Mukilteo, Washington*. August 20.
12. Riley, 2005. *Well Installation and Groundwater Sampling Event – Fourth Quarter 2005, HERS Industrial Park, 4403 Russell Road, Mukilteo, Washington*. December 27.

13. Riley, 2005. *Supplemental Phase II Subsurface Investigation, Hers Industrial Park, 4403 Russell Road, Mukilteo, Washington.* June 22.
14. Riley, 2005. *Phase I Environmental Site Assessment, Hers Industrial Park, 4403 Russell Road, Mukilteo, Washington.* June 20.
15. James P. Hurley Company (Hurley), 1996. *Site Assessment Report, HERS Industrial Park, 4403 to 4493 Russell Road and 4424 to 4480 Chennault Beach Road, Mukilteo, Washington.* September 25.
16. Hurley, 1995. *Phase II Environmental Site Assessment Report, 4403 to 4493 Russell Road and 4424 to 4480 Chennault Beach Road, Mukilteo, Washington.* August 3.
17. Hurley, 1995. *Combined UST Removal and Petroleum Contaminated Soil Cleanup Summary Report, 4493 Russell Road, Mukilteo, Washington.* July 24.
18. ATC Environmental, Inc. 1994. *Phase I Environmental Site Assessment, Hers Industrial Park, Mukilteo, Washington.* October 25.