



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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May 21, 2015

Jimmy Blais  
Environmental Manager  
Gary Merlino Construction Co. Inc.  
9125 10<sup>th</sup> Avenue South  
MJB Properties  
Seattle, WA 98108

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

- **Site Name:** MJB Properties North Dock Area – Parcel Numbers: P78000, P58064, P32969, P32970, P3297, P32915, P32929, P32943, P32913, P32916 of the MJB Properties North Dock Area Site – UPLAND PARCEL AREAS
- **Site Address:** R Ave 20<sup>th</sup>-22<sup>nd</sup> St, Anacortes, WA 98221
- **Facility/Site No.:** 2690

Dear Mr. Blais:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the MJB Properties North Dock Area Site – UPLAND PARCEL AREAS (UPLANDS) owned by MJB Properties. 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**

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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**

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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:

- Cadmium, mercury, cPAHs into the soil.
- Cresol into the groundwater.

**Enclosure A** includes a detailed description and diagram of the Site, as currently known to Ecology.

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. Geomatrix, Upland Investigation Work Plan – MJB Properties North Dock Area (20<sup>th</sup> to 22<sup>nd</sup> Streets), dated May 12, 2010.
2. Farallon Consulting, LLC, Technical Memorandum: Re Property Investigation Work Plan - MJB North Dock Area, dated October 14, 2011.
3. Farallon Consulting, LLC, Property Investigation Summary Report – MJB North Dock Area, dated October 15, 2012.
4. Farallon Consulting, LLC, Closure Report – MJB North Dock Area, dated October 30, 2013.

Those documents are kept in the Central Files of the Headquarters Office of Ecology (HQ) for review by appointment only. You can make an appointment by calling the HQ resource contact at (360) 407-7224.

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 Uplands as defined in **Enclosure A**. 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**.

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Ecology has determined your characterization of the Uplands is sufficient to establish cleanup standards and select a cleanup action. The Uplands are described above and in **Enclosure A**.

In 2013, ten test pits using a backhoe were advanced and samples collected under an Ecology approved work plan (Geomatrix 2010, Farallon 2011). Sampling occurred from 1.5 – 11.5 feet below surface. A total of 16 samples were collected and analyzed for the following constituents of potential concern (COPCs): Gasoline, diesel, and oil-range total petroleum hydrocarbons (GRO, DRO, ORO respectively), benzene, ethylbenzene, toluene, xylene, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polychlorinated biphenyl aroclors, and total metals (arsenic, lead, cadmium, chromium, copper, mercury, nickel, and zinc).

Four samples exceeded the MTCA Method B standards for cPAHs within test pits TP-5 and TP-6. One sample exceeded MTCA Method B standards for cadmium and one exceeded for mercury, also within test pits TP-5 and TP-6. Seven soil samples were collected and analyzed for dioxins and furans. None exceeded the screening levels.

Six samples total collected from test pits TP-1, 2, 5, 6, 8, and 10 exceeded the MTCA Method B screening levels for copper. Three samples total collected from test pits TP-8 and 10 exceeded the MTCA Method B screening levels for nickel. Three samples total collected from test pits TP-1, 2, and 5 exceeded the MTCA Method B screening levels for zinc.

Three temporary wells were installed to a depth ranging from 10.5 to 15 feet bgs. Groundwater samples were analyzed for the following COPCs: GRO, DRO, ORO, VOCs, SVOCs, cPAHs, PAHs, and total metals. One sample exceeded MTCA Method B standards for the SVOC, m,p-cresol. This sample was collected in proximity to test pit TP-6.

## 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.

### Cleanup Levels:

The land use is designated for the following: parcel P78000 for marine craft transportation; all other parcels for industrial with residence. The selected MTCA Method B standards for used at this site for soil and groundwater are protective of human health and the environment:

Soil     cadmium – 0.13 mg/Kg  
              mercury – 2.0 mg/Kg

### Groundwater

m,p-cresol - 8µg/L

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**3. Selection of cleanup action**

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

The method selected – excavation of the contaminated soil with transportation off-site and institutional controls/soil management plan meets the minimum requirements for cleanup actions by providing a permanent solution and immediate restoration time frame in the affected areas.

**4. Cleanup**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Uplands.

In 2013, approximately 52.5 cubic yards was excavated from test pits TP-5 and TP-6 in conjunction with confirmation sampling at the furthest extent of the dig locations.

**Listing of the Site**

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The above listed parcels, at this time, will remain on our Confirmed and Suspected Contaminated Sites List. The in-water parcel areas require further investigation.

**Limitations of the Opinion**

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**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.

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**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).

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (360) 407-7236 or e-mail at [sandra.caldwell@ecy.wa.gov](mailto:sandra.caldwell@ecy.wa.gov).

Sincerely,



Sandra Caldwell, Supervisor  
Land Unit, HQ Toxics Cleanup Program

Enclosures: A – Description and Diagrams of the Site

cc: Barry Rogowski, Ecology

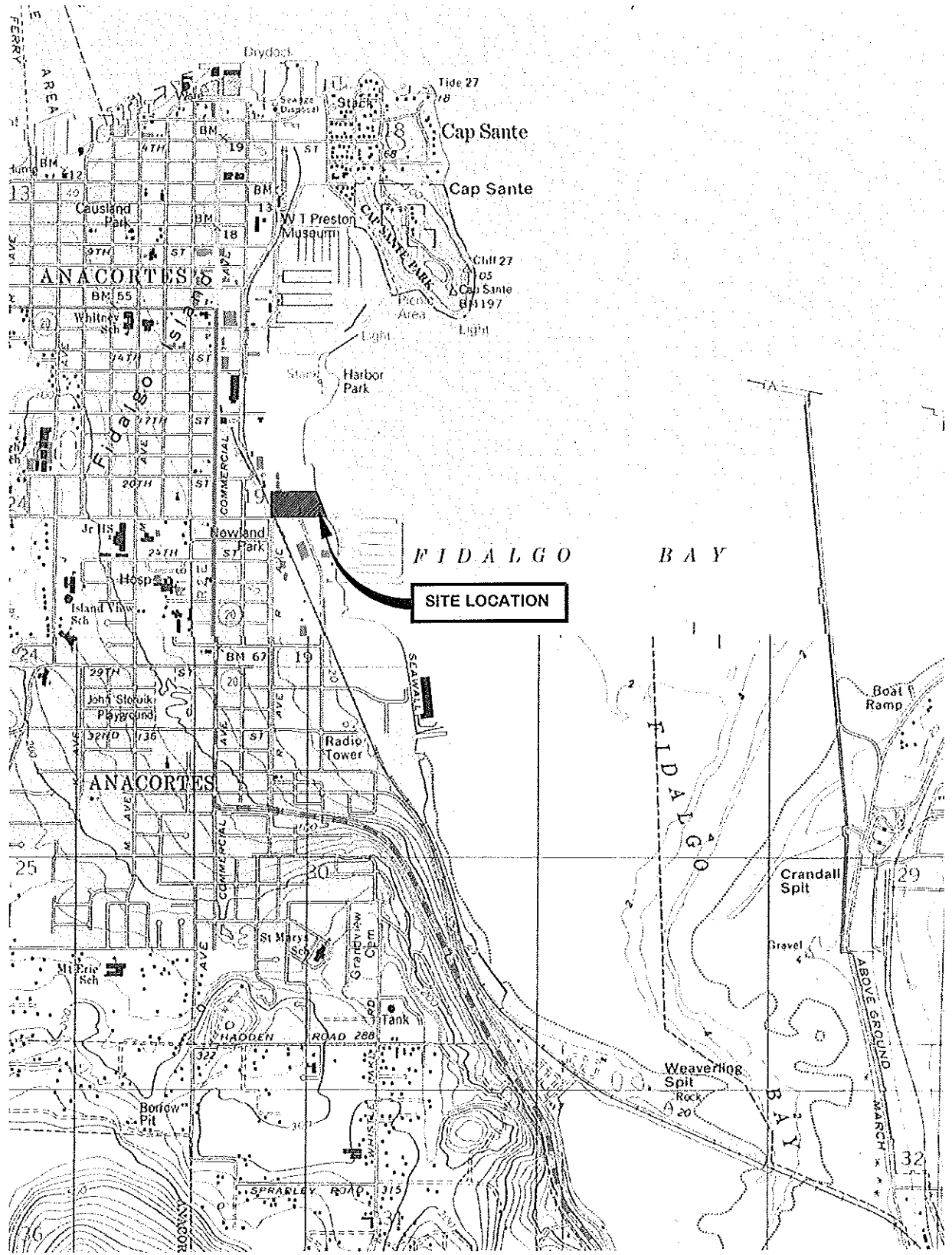


## **Enclosure A**

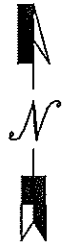
### **Description and Diagrams of the Site**







REFERENCE: 7.5 MINUTE USGS QUADRANGLE ANACORTES NORTH AND SOUTH, WASHINGTON. DATED 1953 AND PHOTOREVISED 1981



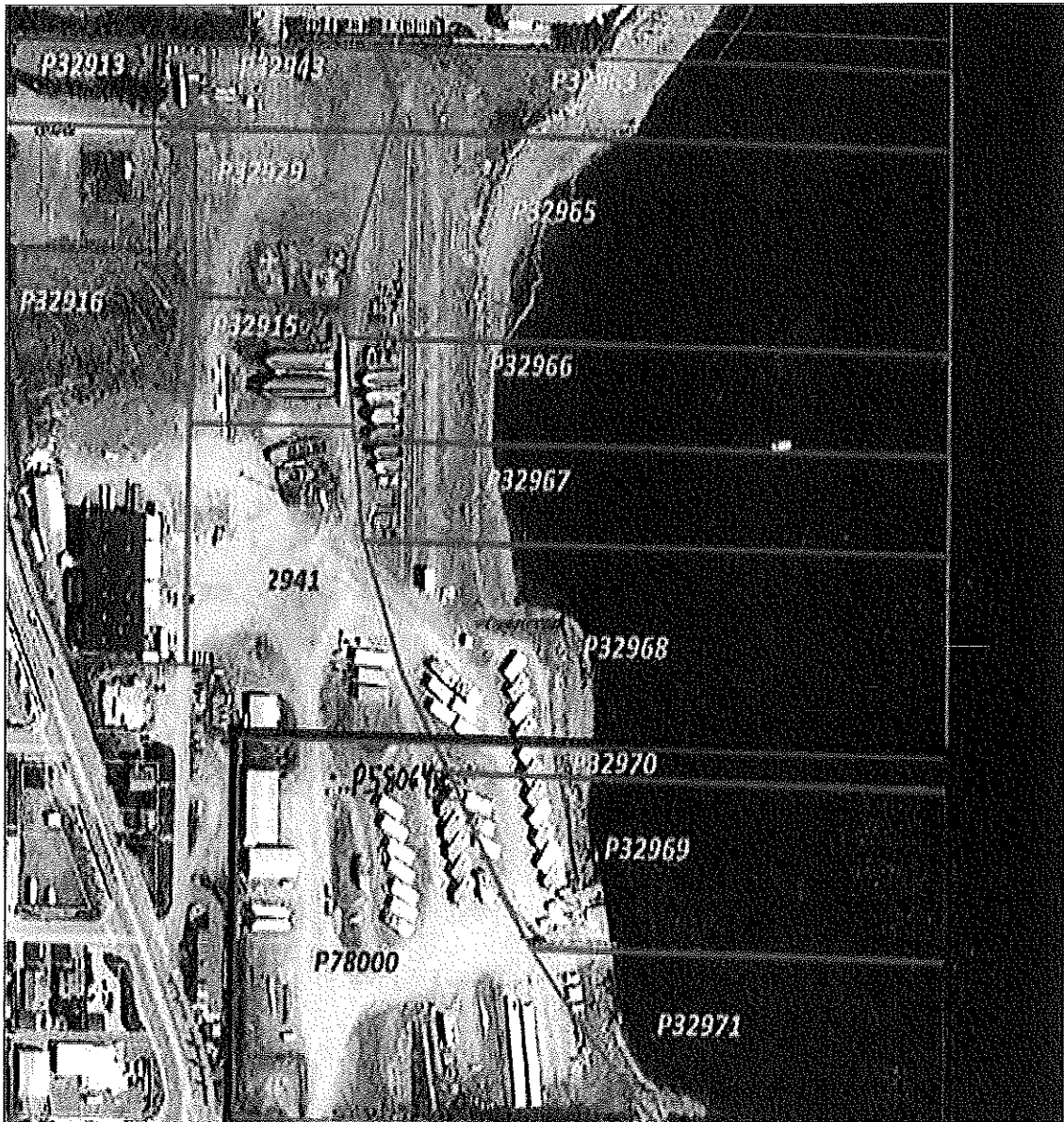
**FARALLON CONSULTING**  
 975 5th Avenue Northwest  
 Issaquah, WA 98027

**FIGURE 1**  
 SITE VICINITY MAP  
 MJB NORTH DOCK AREA  
 ANACORTES, WASHINGTON

FARALLON PN: 299-001

Drawn By: DEW	Checked By: RC	Date: 10/29/13	Disk Reference: 299001
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**FIGURE 2**  
MJB NORTH DOCK UPLAND AREA PARCELS COVERED UNDER NFA  
Department of Ecology – Toxics Cleanup Program- HQ Cleanup Section



\*in-water parcel areas excluded

