State of Washington
POLLUTION LIABILITY INSURANCE AGENCY
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www.plia.wa.gov

November 30, 2022

Craig and Joan Hunt
104 W 23rd Ave.
Spokane, WA 99203

Re: No Further Action at the Following Site:

- **Facility/Site Name:** 425 W. 2nd Ave., Spokane, WA 99204 (Former Allied Lock and Safe)
- **Facility/Site Address:** 425 W. 2nd Ave., Spokane, WA 99204
- **Facility Site ID:** 72355
- **Technical Assistance Program No.:** PEA012

Dear Craig and Joan Hunt:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on your independent cleanup located at 425 W. 2nd Ave., Spokane, WA 99204 (Site). This letter provides our opinion. Opinions by PLIA are made under the authority of Chapter 70A.330 RCW and Chapter 374-80 WAC. PLIA appreciates your initiative in pursuing this administrative option for cleaning up a contaminated site under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

Opinion on Cleanup

PLIA has determined that **no further remedial action is necessary** to clean up petroleum contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). Our analysis is provided below.

Description of the Site

This opinion applies only to the petroleum release at the Site located at 425 W. 2nd Ave., Spokane, WA 99204 and includes one Spokane County tax parcel described below. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcels). This letter is not intended to state that no further remedial action is required for lead or carcinogenic polycyclic aromatic hydrocarbons (cPAHs) that also affect the Property and **may** be related to non-point source contamination.

1. Description of the Site:

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH): TPH-g (gasoline) into the soil/air.
- Volatile organic compounds: benzene, toluene, ethylbenzene and total xylenes (BTEX) into the soil/groundwater/air.

The following parcel(s) have been impacted by the release(s):

- 35191.2901

Basis of the Opinion

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

1. *Remedial Investigation & Feasibility Study* by 191 North, LLC, June 3, 2022.
2. *Remedial Investigation Report* by 191 North, LLC, June 3, 2022.
3. *Work Plan* by 191 North, LLC, January 27, 2021.
4. *Limited Environmental Site Evaluation* by 191 North, LLC, November 30, 2020.
5. *Phase I Environmental Site Assessment* by 191 North, LLC, October 6, 2020

These reports are also available for download at:
https://plia.box.com/s/xab7blhyp7cqbkipauyi7bwtz2t9ihh6

Documents submitted to PLIA are subject to the Public Records Act (Chapter 42.56 RCW). To make a request for public records, please email pliamail@plia.wa.gov.

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

Establishment of Cleanup Standards and Points of Compliance

PLIA has determined the cleanup levels (CULs) and points of compliance (POCs) established for the Site meet the substantive requirements of MTCA. It is presumed that if you meet the cleanup standards under MTCA, the Site will be protective of human health and the environment for current and future property use.

1. CULs:

Table 1. The soil and groundwater cleanup levels are:

Contaminants of Concern (COCs)	**Method A** Soil Cleanup Level Unrestricted Land Use mg/kg	**Method A** Groundwater Cleanup Level ug/l
TPH-d	2,000	500
TPH-g	30*/100	800*/1,000
TPH-o	2,000	500
Benzene (carcinogen)	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylene	9	1,000
Total Lead	250	15

*When Benzene is present.

Table 2. The air cleanup levels are:

Contaminants of Concern (COCs)	**Method B** Sub-Slab/Soil Gas Screening Levels ug/m^3	**Method B** Indoor/Air Cleanup Levels ug/m^3
Benzene (carcinogen)	10.7	0.321
Toluene	15,600	2,290
Ethylbenzene	15,200	457
Xylene	310	45.7
Total Lead	-	-
Naphthalene (carcinogen) (does not include 1-methyl and 2-methyl naphthalene)	2.45	0.0735
Total Petroleum Hydrocarbon (TPH)	4,700*	140
APH [EC5-8 Aliphatics]	90,000	2,700
APH [EC9-12 Aliphatics]	4,700	140
APH [EC9-10 Aromatics]	6,000	180

* Based on the current attenuation factor of 0.03.

2. POCs:

The proposed CULs must be met at the following POCs:

Soil-Direct Contact: For CULs based on human exposure via direct contact, the standard POC is: "*…throughout the site from the ground surface to fifteen feet below the ground surface.*" This is in compliance with WAC 173-340-740(6)(d) and represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of Site development activities.

Groundwater: For groundwater, the standard POC as established under WAC 173-340-720(8) 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. Groundwater cleanup levels shall be attained in all groundwaters from the point of compliance to the outer boundary of the hazardous substance plume.*"

Air: CULs need to be attained in the ambient air throughout the Site, including indoor air within the lateral and vertical inclusion zone (WAC 173-340-750[6]).

Analysis of the Cleanup

PLIA has concluded that **no further remedial action** is necessary at the Site. Our conclusion is based on the following analysis:

1. History and Characterization of the Site

PLIA has determined your characterization of the Site **was** sufficient. The Site is described in the documents (cited above) and shown in Figures 1 through 3.

Conceptual Site Model (Exposure Pathways)

A conceptual site model is a description of how contamination at the Site can potentially come into contact with, and impact, a human or other ecological receptor.

i. Soil Direct Contact:

- TPH-g was detected above the MTCA Method A CUL approximately 6' to 6.5' below ground surface (bgs) at soil boring B3 during a Phase II Environmental Site Assessment in 2020. The TPH-g was in the vicinity of an underground anomaly discovered during a ground-penetrating radar (GPR) survey and suspected to be a current or former underground storage tank (UST). Further investigation reportedly showed that the suspected former UST had been installed in a "pocket" that was jack-

hammered out within the native basalt bedrock. The extent of TPH-g above MTCA Method A CULs was later characterized by a series of confirmation soil samples which were collected following a remedial excavation in 2021. In addition to the confirmation soil samples, a series of investigative soil borings demonstrated that the native undulating surface of basalt bedrock is generally shallower (approximately 18" to 24" bgs) than the TPH-g detection at 6'-6.5', further indicating that TPH-g contamination was limited to the "hammered" out pocket in which the former UST was determined to be located.

- An additional UST was found during the GPR assessment underneath the sidewalk (Figure 2) nearby in a separate "hammered" out pocket within the basalt. Investigations at the Site indicated that the UST was closed in place. In PLIA's opinion, this UST was adequately investigated with exploratory borings, subsurface soil sampling and analytical testing for Site contaminants of concern, with no detections that would indicate a release had occurred.
- Lead and cPAHs were also detected at the Site in the vicinity of the "hammered" out pocket of the suspected former UST. These contaminants are known to be ubiquitous to the area of downtown Spokane, with a high probability of being associated with a historic source that is unrelated to the TPH-g detections at the Site.

Result: The direct contact exposure pathway existed at this Site. This means that petroleum contaminated soil (PCS) was in a place underground where it was likely that a human may come into contact with it when working (e.g., digging for a buried utility line).

ii. Groundwater:

- Groundwater was not encountered during Site characterization at the maximum depth explored of approximately 25' bgs. Due to the limited extent of PCS encountered within the "hammered" out pocket of native basalt bedrock and a vertical separation of at least 20' between former PCS and groundwater at the Site, there is no unacceptable risk of former PCS leaching to groundwater.

Result: The soil to groundwater exposure pathway did not exist at this Site. This means that PCS was not determined to be located at a point where it could come into contact with, and leach into, groundwater that may be used for drinking water purposes.

iii. Air (Soil or Groundwater to Vapor):

- The commercial structure on the Site lies within the lateral inclusion

zone of former TPH-g detected at the Site.

Result: The air exposure pathway existed at this Site. This means that petroleum contamination underground could possibly give off harmful vapors that could enter nearby commercial or residential structures.

iv. Surface Water:

- The closest surface water body is the Spokane River, located approximately 2,300 feet north of the Site.

Result: The surface water exposure pathway did not exist at this Site. At this time, data does not suggest that surface water may be at risk for being impacted. This means that petroleum contamination has not spread to surface water.

Selection of Cleanup Action:

The conceptual site model (Section 1: i-iv above) details which exposure pathways existed prior to conducting cleanup activities at the Site. Cleanup actions performed at the Site must adequately address all known exposure pathways of concern in order to satisfy the substantive requirements of MTCA. Cleanup actions taken, along with their effect on any known exposure pathways, are described in Section 2.

2. Cleanup of the Site:

PLIA has determined that the cleanup action(s) you performed meet(s) cleanup standards established for the Site. The following cleanup actions have been completed at the Site:

i. Soil:

- Excavation and removal of approximately 8.5 tons of TPH-g impacted PCS was reportedly conducted at the location of the former UST, as depicted in Figures 3 and 4. Excavation was reportedly completed to the full vertical depth of the "hammered" pocket within the native basalt bedrock. Confirmation soil sampling results indicate that TPH-g and its associated volatile organic compounds (VOCs) were successfully remediated to below MTCA Method A CULs in all sidewalls. No "bottom" soil sample could be collected, as soil to the complete vertical depth had been excavated, completely to the top of the bedrock.
- Soil material impacted with lead and cPAHs were also reportedly excavated and removed to the maximum extent technically practicable. Inaccessible soil impacted by lead and cPAHs reportedly remain on the

Site in the vicinity of a water line and at the structural components of the Property's building. The feasibility study for the Site's remediation determined that it was not practicable to remediate (by removal) the lead or cPAHs in Site soils to concentrations below their respective MTCA Method A CULs (or Toxicity Equivalent Factor for cPAH). It is of note that the remaining detections of lead and cPAH are currently capped by the Property's building and sidewalk which significantly limits access for direct contact exposure. It should also be noted that due to a known catastrophic event that occurred in the past, both lead and cPAHs in surrounding soils are common to the entire downtown area, including within the commercial area of downtown Spokane where the Property is located.

- **This no further action (NFA) opinion does not state that the remaining lead and cPAHs in soil are not a potential threat to future Site workers or nearby receptors if building demolition, redevelopment, or other changes to the Property take place. If Property redevelopment occurs requiring soil grading or excavation, a risk evaluation should be performed that includes development and implementation of a health and safety plan to protect Site workers and any nearby receptors from these ubiquitous contaminants of concern that are known to exist in this area of Spokane as a result of historic events.**
- Soil sampling results are listed in the following tables:
    - Table 1, *Remedial Investigation Report*
    - Data Evaluation Table*, Limited Environmental Site Evaluation*

Result: **The data indicate there is no longer an unacceptable risk of TPH-g exposure from the soil direct contact exposure pathway at the Site.** The remedial action(s) removed the potential for soil with concentrations of petroleum above CULs to come into contact with humans or ecological receptors.

ii. Groundwater:

- Groundwater was not encountered during Site characterization at the maximum depth explored of approximately 25' bgs. Due to the limited extent of PCS in the "hammered" out pocket of native basalt bedrock and a vertical separation of at least 20' between the former PCS and groundwater at the Site, there is no unacceptable risk of this former PCS leaching to groundwater.

Result: The data indicate there was no unacceptable risk of exposure from the groundwater exposure pathway at this Site. Due to the nature and extent of PCS at the Site, groundwater was determined to not have been

at an unacceptable risk for soil contaminants leaching to groundwater.

iii. Air (Soil or Groundwater to Vapor):

- The lateral and vertical extent of TPH-g was successfully remediated to a level below the MTCA Method A CUL. Because no TPH-g or associated VOCs remain within the lateral inclusion zone or vertical separation distance through which petroleum vapors are likely to intrude, it is PLIA's opinion that the air exposure pathway has been successfully closed.

Result: The data indicate there is no longer an unacceptable risk of exposure from the soil or groundwater to vapor exposure pathway at this Site. The remedial action removed the potential for contaminated soil or groundwater to give off harmful vapors that could enter nearby commercial or residential structures.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Under the MTCA, liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release(s) of hazardous substances at the Site. This opinion **does not:**

- Change the boundaries of the Site.
- 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 the Office of the Attorney General and the Department of 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 the 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 equivalent. Courts make that determination (RCW 70A.305.080 and WAC 173-340-545).

3. State is immune from liability.

The state, PLIA, 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.

Termination of Agreement

Thank you for choosing to cleanup your Site under the PLIA Technical Assistance Program (TAP). This opinion terminates the agreement Project No. PEA012.

Contact Information

Thank you for choosing to clean up your Site in coordination with the TAP. If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at pliamail@plia.wa.gov.

Sincerely,

DocuSigned by:
Justin Woerth
37703CDC1AC84D4...

State of Washington
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Justin Woerth, L.G.
Site Manager

Ulysses Cooley Jr., L.HG., L.G
Hydrogeologist

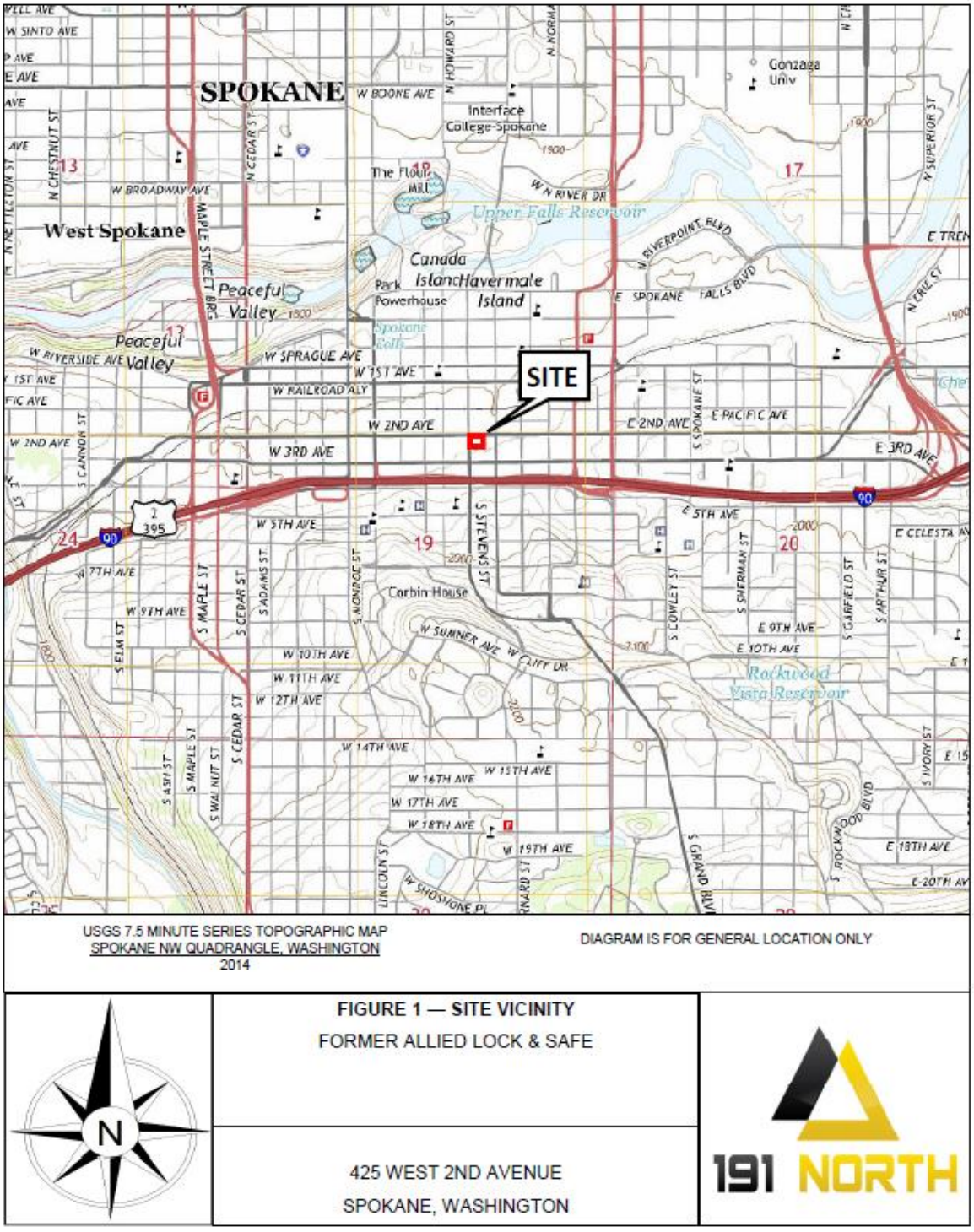
Enclosure A: Figure 1: Site Vicinity & Topographic Map
Figure 2: Site Plan Location Map
Figure 3: Extent of Petroleum Contaminated Soil (PCS)
Figure 4: Extent of Remedial Excavation

cc: Seth Brundige, P.G., 191 North, LLC (by email)

Enclosure A:

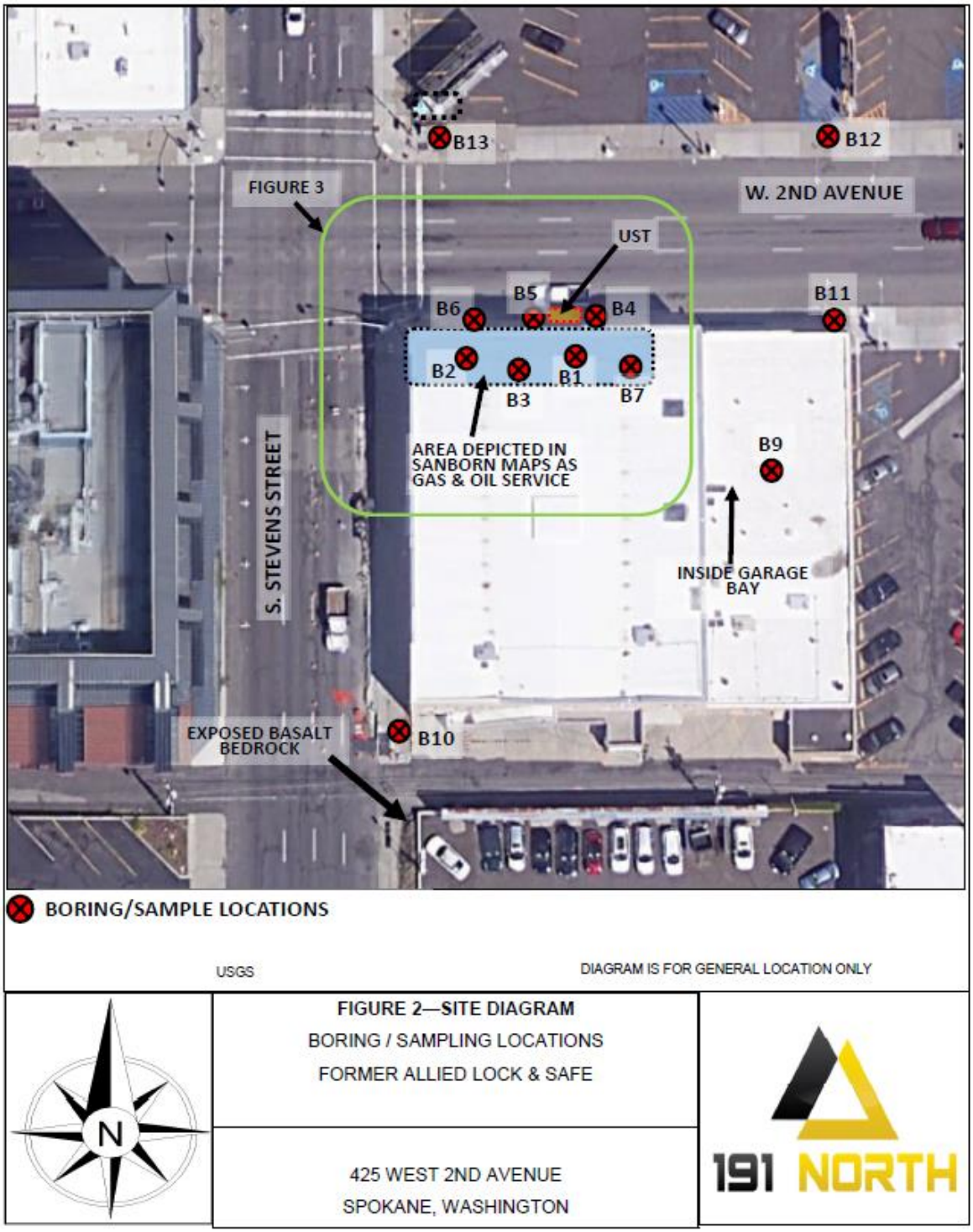
425 W. 2nd Ave., Spokane, WA
TAP Project No. PEA012

Figure 1: Site Vicinity & Topographic Map



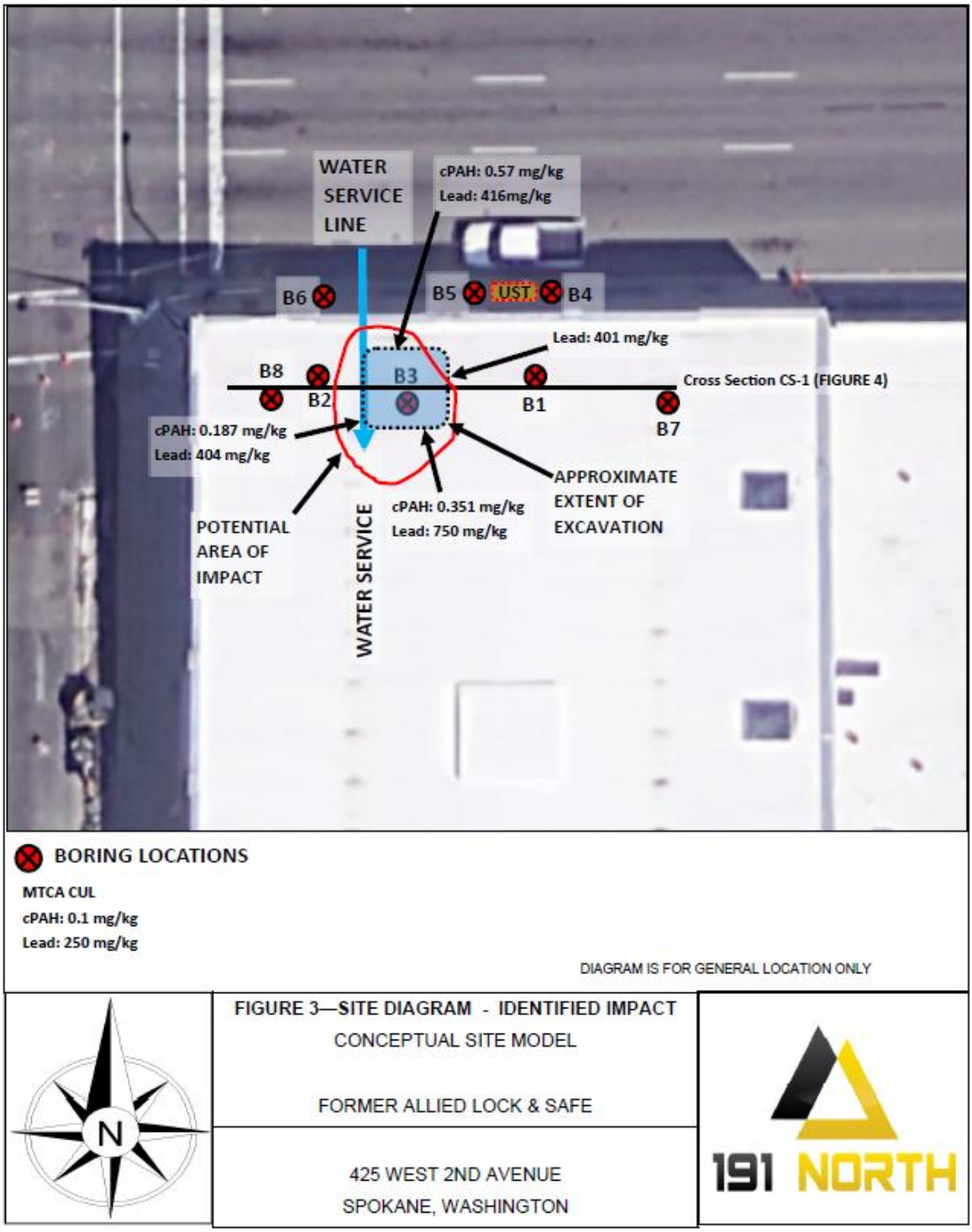
Source: *Remedial Investigation,* 191 North, LLC, June 3, 2022.

Figure 2: Site Plan Map



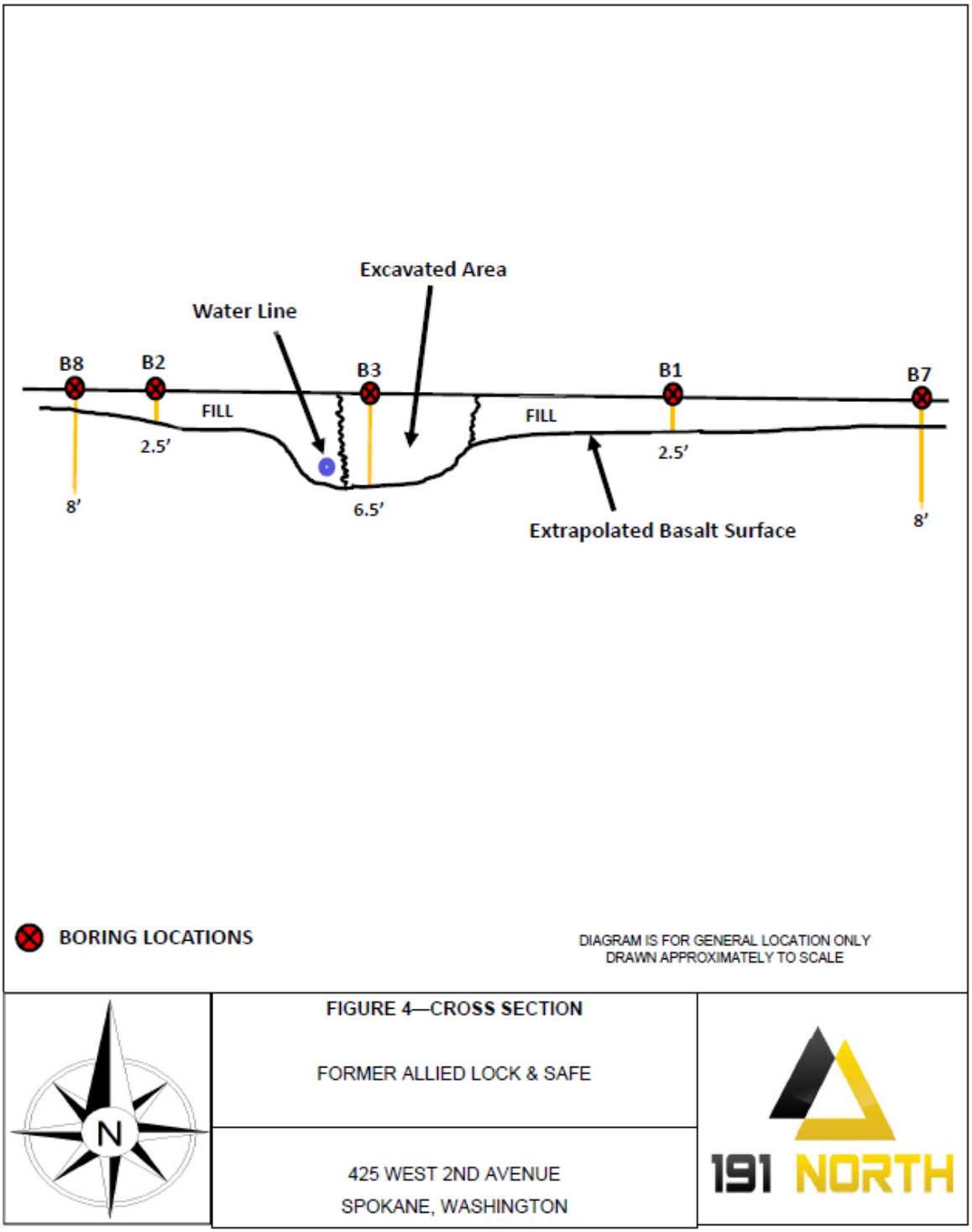
Source: ***Remedial Investigation,*** **191 North, LLC, June 3, 2022.**

Figure 3: Extent of Petroleum Contaminated Soil (PCS)



Source: ***Remedial Investigation,*** **191 North, LLC, June 3, 2022.**

Figure 4: Extent of Remedial Excavation



Source: ***Remedial Investigation,*** **191 North, LLC, June 3, 2022.**