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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Southwest Region Office

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June 12, 2023

Darian Lightfoot
City of Olympia
PO Box 1967
Olympia, WA 98507-1967
dlightfo@ci.olympia.wa.us

Re: No Further Action opinion for the following contaminated Site

Site name: Boulevard Nursery
Site address: 2021 Boulevard Rd SE, Olympia, Thurston County, WA 98501
Facility/Site ID: 3749
Cleanup Site ID: 223
VCP Project No.: SW1796

Dear Darian Lightfoot:

The Washington State Department of Ecology (Ecology) received your request on May 8, 2023, for an opinion regarding the sufficiency of your independent cleanup of the Boulevard Nursery facility (Site) under the Voluntary Cleanup Program (VCP).¹ The opinion request was complete, including upload and acceptance of Site data into Ecology's Environmental Information Management (EIM) system on May 19, 2023. This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), chapter [70A.305](#) RCW.²

Opinion

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

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

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

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in chapter 70A.305 RCW and chapter [173-340 WAC](#)³ (collectively called “MTCA”).

Site Description

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(s):

- Dieldrin into soil.

Enclosure A includes a Site description. **Enclosure B** includes a Site diagram.

Please note that releases from multiple sites can affect a parcel of real property. At this time, Ecology has no information that other sites affect the parcel(s) associated with this Site.

Basis for the Opinion

Ecology bases this opinion on the information contained in the following documents:

1. Pioneer Technologies Corporation (Pioneer), *Interim Action Completion Report* (the Report), May 2023.
2. Pioneer, *Interim Action Work Plan*, August 2021.
3. Pioneer, *Phase II Environmental Site Assessment Report*, August 2021.
4. Ecology, *Site No Further Action opinion letter*, October 30, 2020 (rescinded June 7, 2021).

You can request these documents by filing a [records request](#).⁴ For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on [Ecology’s Cleanup Site Search web page](#).⁵

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

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

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

⁵ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14894>

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. Ecology bases its conclusion on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards and selecting a cleanup action.

Ecology previously issued a no further action (NFA) opinion letter on October 30, 2020, for the Site. That NFA opinion was later rescinded on June 7, 2021, when it was brought to Ecology's attention that a soil berm was present on the Site, and soil sampling results showed dieldrin in soil at concentrations in excess of the MTCA Method B cleanup level. To address the dieldrin in soil, Pioneer drafted an interim action work plan in August 2021, which proposed removing a soil berm containing dieldrin contaminated soil. Please refer to the reports and the past opinion in Ecology's Site file for a complete cleanup history at the Site.

For the 2023 interim action, initial soil sampling for the entire suite of organochlorine pesticides by EPA Method 8081 was performed. Only dieldrin in soil exceeded a screening/cleanup level that required additional evaluation. Dieldrin in soil is the only contaminant for this cleanup, though Ecology's October 30, 2020, opinion letter addressed other contaminants that were detected at the Site. During this cleanup, 4,4-DDE, endrin, endosulfan, and 4,4-DDT were also detected in selected soil samples, but no concentration exceeded the most stringent MTCA Method B cleanup level.⁶ Only dieldrin in soil had to be considered further.

The soil berm dimensions were approximately 25 feet wide by 5 feet high, and along the entire western Property boundary.

In Ecology's opinion dated October 30, 2020, we previously concurred that the Site groundwater pathway is incomplete. The Site also excluded from further terrestrial ecological evaluation (TEE), in the same opinion letter. The conditions true for that opinion remain the same at the Site. The Report summarizes these past findings.

A cultural resources consultation and standard inadvertent discovery plan (IDP) was completed by Ecology, dated February 8, 2023. Pioneer had also drafted an IDP prior to their 2021 soil investigation project. The cultural resources consultation results were distributed to affected

⁶ See Ecology's Cleanup Levels and Risk Calculation (CLARC) tables at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Contamination-clean-up-tools/CLARC>

parties and were in place prior to the beginning of the interim action excavation work. Cultural resources were not observed during the interim action.

As cleanup levels have been met in soil, and dieldrin has an extremely low vapor pressure (doesn't enter into the vapor phase), the air/vapor pathway is considered incomplete.

Site data were accepted into EIM on May 19, 2023. The VCP cleanup project manager reviewed and approved these data on May 23, 2023.

Setting Cleanup Standards

Ecology has determined the cleanup levels and points of compliance you set for the Site meet the substantive requirements of MTCA.

Dieldrin into soil was the release requiring cleanup standards be set. Based on the incomplete soil-to-groundwater pathway, the MTCA Method B cleanup level for dieldrin in soil (direct contact) applies at this Site, which is 0.063 milligrams per kilogram (mg/kg).

The standard point of compliance for the soil direct pathway from ground surface to 15 feet below ground surface (bgs) applies at the Site. No adjustments to the cleanup standards were needed based on consideration of applicable state and federal laws.

Selecting and Implementing the Cleanup Action

Excavation to remove the dieldrin in soil was selected as the cleanup action. A total of 488 tons of contaminated soils were disposed of at Wasco County Landfill in The Dalles, Oregon, under waste profile WC-23-28. The soil berm containing the dieldrin was completely removed. Where confirmatory soil sampling results indicated dieldrin in soil concentrations exceeded the Method B cleanup level, additional excavation to more than the originally proposed 0.5 feet bgs was completed, up to a maximum excavation depth of about 1.0 ft bgs.

Following the majority of the cleanup work, at the southern extent of the former soil berm (soil sample SS-22), the concentration of dieldrin in soil slightly exceeded two times the MTCA Method B direct contact cleanup level. All other concentrations of dieldrin in soil at the maximum excavation extents were in compliance with the direct contact cleanup level of 0.063 mg/kg. However, this single exceedance excluded the Site from demonstrating compliance for dieldrin in soil via the statistical approach.⁷ Hand digging at SS-22 was completed to remove the remaining contamination.

⁷ WAC 173-340-740(7)

A total of 25 soil confirmatory soil samples⁸ were collected during the soil berm removal. At the final extents of excavation, confirmatory soil sampling showed that all concentrations of dieldrin in soil remaining at the Site meet the MTCA Method B cleanup level (direct contact) for dieldrin soil at a standard point of compliance.

As a permanent cleanup action was selected, a feasibility study (FS) with disproportionate cost analysis (DCA) was not required.⁹

The cleanup work was performed under brownfields grant (agreement) number OGTP-2023-Olympi-00019 and Amendment 1. The Report was submitted before the May 15, 2023, agreement deadline, to receive the draft cleanup report for Ecology comment. The Ecology project manager for the agreement, Ali Furmall, concluded that the Report submittal met the requirements of the grant. From the VCP technical perspective, the VCP cleanup project manager had no comments on the draft Report submitted, and because the Report was not marked "draft", the Report was considered final. Thus, the Report met the June 30, 2023, deadline in the agreement for final submittal.

Based on the soil sampling results, as well as Ecology's previous evaluation in 2020, groundwater sampling was not needed.

Per WAC 173-340-360(2)(a), threshold requirements appear to be met for this cleanup and closure is appropriate because:

- The cleanup is protective of human health and the environment, complies with cleanup standards, and complies with applicable state and federal laws.
- Contaminated soil has been removed.
- Cleanup levels are met at a standard point of compliance.
- The cleanup method used is permanent to the maximum extent practicable, and provided for cleanup in a reasonable restoration timeframe.
- Cleanup meets the requirements of WAC 173-340-360(2)(d). The Property is currently zoned as 91 Undeveloped Land, but may be developed as residential in the future.
- Groundwater was not considered at risk.

⁸ See Table 1 in the Report.

⁹ WAC 173-340-360(3)(d)

- Cleanup actions did not rely on dilution or dispersion.
- Remediation levels are not being used for this Site.
- No engineered or institutional controls are required as part of this cleanup.

No investigation derived waste (IDW) remains at the Site. There are no monitoring wells at the Site which require decommissioning.

As the Site is ranked #2 (Moderate-High Risk), a minimum 30-day public notice and comment period is required. Based on the comments received, Ecology will either remove the Site from the Hazardous Sites List or rescind this opinion.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from its lists of contaminated sites, including the:

- Hazardous Sites List

A minimum 30-day public notice and comment period is required to delist the ranked VCP site from the Hazardous Sites List. Ecology will complete this process and will update you when the public comment period is scheduled to occur. That process includes providing public notice and the opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or rescind this opinion. Additionally, the public comment results determines whether Ecology updates the Site status on Ecology's Confirmed and Suspected Contaminated Sites List to no further action.

Limitations of the Opinion

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).¹⁰

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](#)¹¹ and WAC [173-340-545](#).¹²

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).¹³

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. SW1796.

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

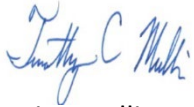
¹² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me at 360-999-9589 or tim.mullin@ecy.wa.gov.

Sincerely,



Tim Mullin, LHG
Toxics Cleanup Program
Southwest Region Office

TCM: js

Enclosures (2): A – Site Description
 B – Site Diagram

cc by email: Jeremy Graham, City of Olympia; jgraham@ci.olympia.wa.us
 Joel Hecker, Pioneer Technologies Corporation; heckerj@uspioneer.com
 Ali Furmall, Ecology; ali.furmall@ecy.wa.gov
 Angela Harkins, Ecology; angela.harkins@ecy.wa.gov
 Jerome Lambiotte, Ecology; jerome.lambiotte@ecy.wa.gov
 Rebecca Lawson, PE, LHG, Ecology; rebecca.lawson@ecy.wa.gov
 Fiscal, VCP Fiscal Analyst; ecyrevcp@ecy.wa.gov
 TCP, Operating Budget Analyst; tra.thai@ecy.wa.gov
 Ecology Site file

Enclosure A

Site Description

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Site Description

The subject property is a vacant lot at 2021 Boulevard Rd SE, in Olympia, Washington, which was a former plant nursery. The Site, as defined in MTCA, is "...any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposal of, or placed, or otherwise come to be located." The Site is located on Thurston County Parcel Number 12824411300 (Property). The Property is currently zoned as 91 Undeveloped Land, but may be developed as residential in the future.

The northern edge of the soil berm may have extended a few feet over the northern Property boundary, depending on the parcel map outline used for a given figure. The Property boundaries were not surveyed as part of the cleanup, and their depiction in any figure is approximate.

The property consists of a 0.9-acre vacant lot that was formerly used for a plant nursery. The Property is surrounded by residential properties. To the west and north is a residence with a large backyard and home garden, and to the south and east (across Boulevard Road) are residences. The Site is in an area of low topographic relief, roughly two miles southeast of downtown Olympia. Soils are reported to be sandy loam.

Heavy metals and chlorinated pesticides were detected in soils at the Site in 2009. Additional soil sampling for chlorinated pesticides were conducted in 2020, 2021, and 2023. Dieldrin in soil was shown to be the only contaminant with concentrations exceeding a cleanup level. For the 2023 interim action, analytical results showed only concentrations of dieldrin in soil exceeded a cleanup level. The dieldrin was likely attributable to historical pesticide applications associated with the plant nursery. However, pre-nursery activities at the Property are uncertain and those may have contributed to dieldrin contamination as well.

No groundwater sampling has been conducted at the Site; however, contaminated soils have been removed, and no other contamination was found to suggest a groundwater contamination concern. The water table is estimated at a depth of approximately 27 feet bgs. Dieldrin (and other chlorinated pesticides detected in Site soil) all have high distribution coefficients (K_d) and low solubility. Therefore, pesticide migration to groundwater is unlikely.

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Enclosure B

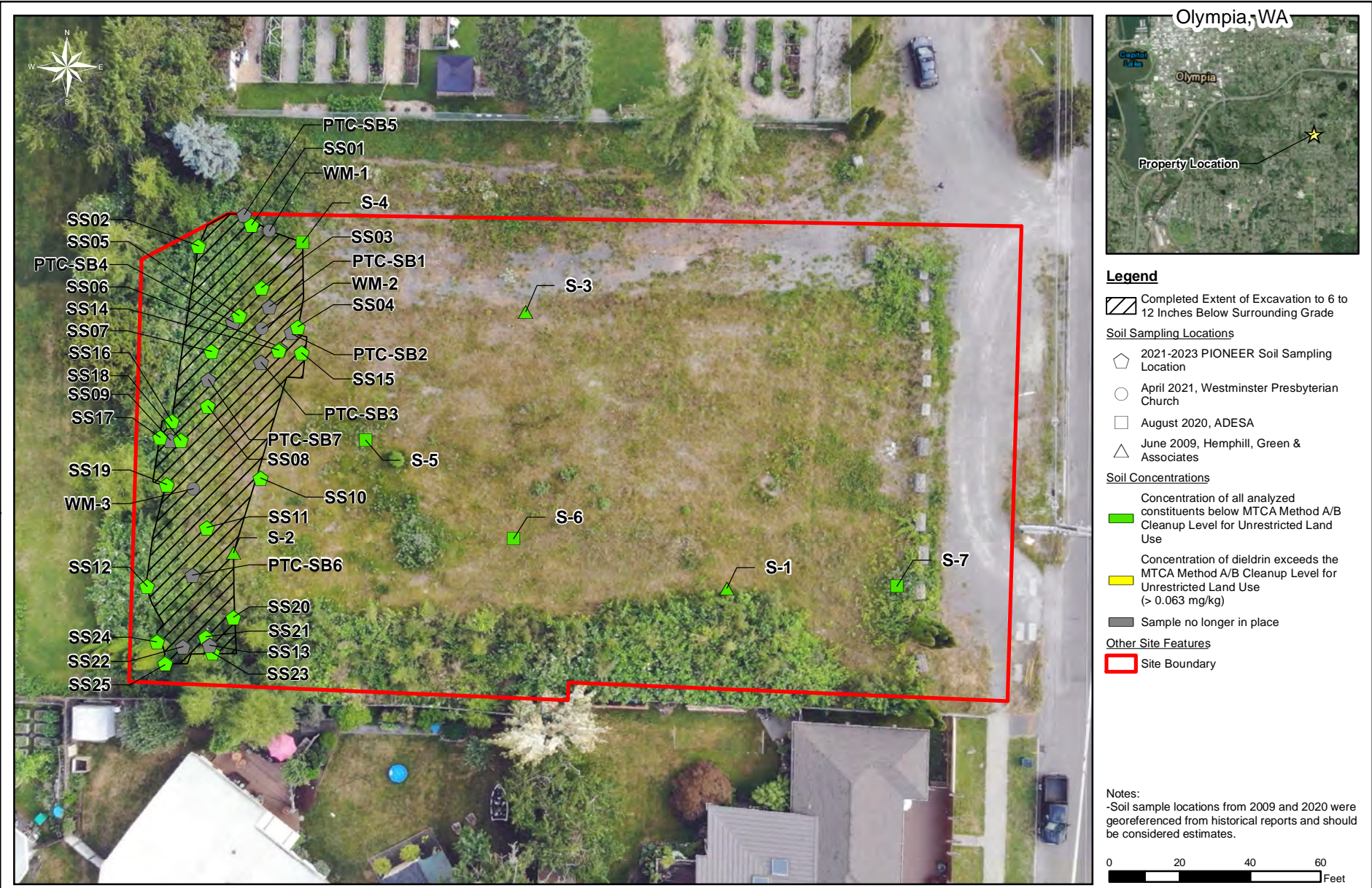
Site Diagram

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Site Diagram

Figure 3 (Pioneer)..... Sample Locations and Results Diagram

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Sample Locations and Results Diagram
 2021 Boulevard Road SE
 Olympia, Washington

Figure 3