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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
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November 29, 2023

David J. Guild
David J. Guild Investment Properties
21400 SE Tillstrom Rd.
Damascus, OR 97089
6dguild@comcast.com

Re: No Further Action opinion for the following contaminated Site:

Site Name: Commercial Radiator Service
Site Address: 11408 NE Rosewood Ave, Vancouver, Clark County, WA 98662
Facility/Site ID: 98665473
Cleanup Site ID: 3622
VCP Project No.: SW1749

Dear David J. Guild:

The Washington State Department of Ecology (Ecology) received your request on August 28, 2023, for an opinion regarding the sufficiency of your independent cleanup of the Commercial Radiator Service facility (Site) under the Voluntary Cleanup Program.¹ This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), chapter [70A.305](#) RCW.²

Opinion

Based on submittal of the most recent August 24, 2023, Surface Soil Compliance Sampling report submitted by your consultant 3 Kings Environmental, Inc., 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>

As the Commercial Radiator Service Site is ranked a 4 (Low-Moderate Risk), a minimum 30-day public notice and comment period is required for this no further action opinion letter. Pending the outcome of the comment period, we may rescind this opinion.

Ecology bases this opinion on an analysis of whether the remedial actions conducted to date in surface and subsurface soil 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:

- Total Petroleum Hydrocarbons and Metals into the soil and groundwater.

Basis for the Opinion

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

1. 3 Kings Environmental, Inc., Surface Soil Compliance Sampling Report for the Industrial Property located at 11406-11408 NE Rosewood Avenue in Vancouver, Clark County, Washington, August 24, 2023.
2. 3 Kings Environmental, Inc., Subsurface Investigation and Closure Report at the Industrial Property located at 11406-11408 NE Rosewood Avenue in Vancouver, Clark County, Washington, April 14, 2023.
3. Ecology, Further Action at the Following Site: Commercial Radiator Service, August 11, 2022.
4. 3 Kings Environmental, Inc., Surface Soil Cleanup Report at the Industrial Property located at 11406-11408 NE Rosewood Avenue in Vancouver, Clark County, Washington, March 2, 2022.
5. Ecology, Further Action at the Following Site: Commercial Radiator Service, October 6, 2021.
6. Silva Environmental Consulting & Assessment, Inc. (SECA), [Completed] Voluntary Cleanup Program (VCP) application, May 13, 2021.

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

7. K & S Environmental, Inc. (K &S), Soil Sampling Report, letter, addressed to SECA, December 10, 2020.
8. SECA, [Untitled and Incomplete Phase I Environmental Site Assessment], (undated).
9. Ecology, Site Hazard Assessment, July 1998.
10. Ecology, Initial Investigation Field Report, September 29, 1997.

You can request these documents by filing a [records request](#).⁴ For help making a request, contact the Public Records Officer at recordsofficer@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 listed documents is materially false or misleading.

Analysis of the Cleanup

Ecology bases its conclusion of no further action 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.

Former Septic Tank Area (STA). The ground-penetrating radar (GPR)/magnetometer survey conducted on September 12, 2022, identified an area of disturbed soil that likely corresponded to an excavated area associated with the former STA. Further, soil boring within the identified disturbed soil area and the sample analytical results for total petroleum hydrocarbons (TPH) as gasoline (G), diesel (D), heavy oil (O), and volatile organic compounds (VOC) indicated said analytes as occurring below the laboratory method reporting limits (MRL). Based on these combined results, Ecology concurs that removal of the septic tank likely occurred at some time in the past and that no residual soil contamination is evident at the selected soil boring locations.

11408 Rosewood Suite L Soil Area. Thank you for investigating the suspected flow path of fluids from the former release point at Building L to the former southeasterly soil area as requested in Ecology's October 6, 2021, opinion letter.⁶ Ecology concurs with the boring alignment and the

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

⁵ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=15053>

⁶ Ecology, Further Action at the Following Site: Commercial Radiator Service, October 6, 2021.

most recent soil boring sample analytical results for polycyclic aromatic hydrocarbons that did not exhibit detections at or above the laboratory method reporting limits (MRL). As requested by Ecology, the soil borings were co-located with prior soil boring locations that exhibited TPH as well as soil samples from depths of 5 feet below ground surface (bgs) at the former K&S soil boring locations B-5 and B-6 which exhibited TPH at concentrations of 453 milligram per kilogram mg/Kg) and 475 mg/Kg, respectively.

In addition, Ecology also considers the extensive and multiple phases of remedial excavation work that has been completed in the parking lot area as sufficient to have remediated former contaminant suites to below MTCA Method A CULs. Said contaminant suites include the initial 1996 surface soil sample metals data (copper, lead, and zinc) collected by Ecology that indicated lead as slightly above the MTCA Method A CUL.

Groundwater. Of the analytes including TPH-G/D/O, VOC, and RCRA 8 metals, only total arsenic exceeded the MTCA Method A Cleanup Level and regionally accepted background. However, the total arsenic in groundwater results from DP-1-W (Unit L) and DP-4-W (former Septic Area) were very consistent in concentrations (15.9 and 18.6 micrograms per liter) across the site, especially so given no arsenic sources are/were known to be associated with the former STA. Beyond the fact that the site is located within a wellhead protection zone with a 1-year wellhead travel time and despite the fact that dissolved concentrations are not available as is normally required to evaluate compliance with Site CULs, Ecology considers arsenic at the site is most likely due to sample turbidity and that deeper soil data suggest that a release did not extend to groundwater.

Terrestrial Ecological Evaluation. Ecology generally concurs with the conclusions of the TEE for this Site.

Environmental Information Management (EIM) database. All Site data from November 2020 to present were uploaded and accepted into Ecology's EIM database. The VCP site manager reviewed and approved these data.

Setting Cleanup Standards.

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

Cleanup Standards: Under MTCA, cleanup standards consist of three primary components; points of compliance, cleanup levels, and applicable state and federal laws.

- **Cleanup Levels.** Site soil and groundwater data meet the MTCA Method A cleanup levels, summarized in the table below.

Hazardous Substance	CAS #	Method A Soil CUL (mg/Kg)	Method A Groundwater CUL (µg/L)
TPH Diesel/Oil	N/A	2000	4,800
TPH-Gas	N/A	100	12
Arsenic	7440-38-2	20	5
Poylcyclic Aromatic Hydrocarbons	50-32-8	0.1	0.1

TPH - Total Petroleum Hydrocarbons.

CAS – Chemical Abstract Service.

mg/Kg - milligrams per kilogram, or approximately parts per million.

CUL – MTCA cleanup level.

- **Points of Compliance.** The following points of compliance are proposed for the Site, for which Ecology concurs:

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. <i>WAC 173-340-740 (6)(d)</i>
Soil-Protection of Groundwater	Based on the protection of groundwater, the standard point of compliance is throughout the Site. <i>WAC 173-340-747</i>
Soil-Protection of Plants, Animals, and Soil Biota	Based on ecological protection, the standard point of compliance is throughout the Site from ground surface to fifteen feet below the ground surface. <i>WAC 173-340-7490(4)(b)</i>
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. <i>WAC 173-340-720(8)(b)</i>

Ecology determined that no additional state and federal laws applied to the Site requiring adjustment to the Site cleanup levels or points of compliance.

Selecting/Implementing the Cleanup Action.

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

The cleanup action for the Site included excavation and off-Site disposal of the petroleum-impacted soil. In addition, the cleanup action met the requirements of WAC 173-340-360 given it:

- Constituted a permanent remedy within a reasonable time frame and to the maximum extent that was practicable.
- Achieved and will maintain the applicable cleanup standards.
- Protected human and environmental health.
- Prevented future contaminant release and migration.
- Did not rely on institutional controls and/or monitoring.
- There are no groundwater monitoring wells to decommission at the Site.

As the Commercial Radiator Service Site is ranked a 4 (Low-Moderate Risk), a minimum 30-day public notice and comment period is required for this no further action opinion letter. Pending the outcome of the comment period, we may rescind this opinion.

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 a consent decree with Ecology under RCW [70A.305.040\(4\)](#).⁷

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](#)⁸ and WAC [173-340-545](#).⁹

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\(6\)](#)¹⁰.

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. SW1749.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me at 360-489-5347 or joe.hunt@ecy.wa.gov.

Sincerely,



Joseph B. Hunt, LHG
Cleanup Project Manager/Hydrogeologist
Toxics Cleanup Program
Southwest Region Office

Enclosures: A – Site Description

cc by email: Brett MacDonald, 3 Kings Environmental, Inc., bmacdonald@3kingsinc.com
Rebecca S. Lawson, P.E., LHG, Ecology, rebecca.lawson@ecy.wa.gov
Jerome Lambiotte, Ecology, jerome.lambiotte@ecy.wa.gov
Ecology Site File

Enclosure A

Site Description

At the time of work activities, the subject site was developed as a multi-tenant commercial and light industrial facility, located in an area of predominately commercial land use identified three miles northeast of Downtown Vancouver. The subject site was identified on the north side of NE Rosewood Avenue and located approximately 100 feet west of the intersection with NE 116th Avenue. The subject site was identified as Property Identification Number 157502000 by the Clark County Assessor's Office. The subject site was identified as Lot 5 within the Nerton Est Subdivision, and further identified within the Southwestern Quarter of Section 10, within Township 2 North and Range 2 East of the Willamette Baseline and Meridian. At the time of the work activities, the subject site was owned by Honey, LLC. See Figure 1, "Site Vicinity Map", for a map illustrating the location of the subject site.

The subject site consisted of an irregular-shaped parcel measuring approximately 3.61-acres. Two approximate 19,200-square foot structures (i.e., approximately 80-foot from east to west by 240-foot from north to south) were identified in the approximate center of the property, with the building at 11406 located to the west and building 11408 located to the east. Each of the two buildings were established as multi-tenant commercial or light industrial facilities, with between six and 12 tenants in each of the two structures.

The remainder of the subject site was utilized for tenant space access (i.e., parking areas, loading docks and entrances), which were generally covered with asphalt. The northern portion of the subject site was utilized as a gravel-covered storage lot used for equipment and material storage and vehicle parking. Apart from gravel-covered areas along the edges of the parcel, the entire subject site was covered with impermeable surfaces in the form of buildings, asphalt parking areas and access roads and sidewalks. Fenced storage areas were observed in various areas, including the southern and northern edges of the parcel. The subject site was accessible from two entrances at the southern edge of the parcel off NE Rosewood Avenue. At the time of work activities, nearly all tenant spaces were actively occupied and used for business purposes.