



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 19, 2016

Ms. Michelle Connor
Forterra
901 Fifth Avenue, Suite 2200
Seattle, WA 98164

Re: No Further Action at the following Site:

- **Site Name:** Riverbend Investment Co
- **Site Address:** 4304 State Route 530 NE, Arlington WA
- **Facility/Site No.:** 4864
- **Cleanup Site No:** 11772
- **VCP Project No.:** NW2999

Dear Ms. Connor:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Riverbend Investment Co facility (Site). 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

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

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:

- Gasoline range petroleum hydrocarbons (tph-g) and diesel range petroleum hydrocarbons (tph-d) into the Soil.



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 following documents:

1. Phase I Environmental Site Assessment, dated March 29th, 2004, prepared by Environmental Associates, Inc.
2. Tank Closure Assessment & Remedial Actions, dated June 9th, 2004, prepared by Environmental Associates, Inc.
3. Union Bank Log No. 10-1137 Phase I Environmental Site Assessment, dated November 9th, 2010, prepared by Krazan & Associates, Inc.
4. Limited Site Investigation, dated June 28th, 2011, prepared by Terracon.
5. Sampling Analysis Plan, dated February 19th, 2015, prepared by Terracon.
6. Remedial Action Report, dated January 19th, 2016, prepared by Terracon.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at 425.649.7235 or via email NWRO_Public_Request@ecy.wa.gov.

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

Analysis of the Cleanup

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

Remedial Investigation (RI) activities have been ongoing and documented at the Site since 2004 which included a Phase I Environmental Site Assessment (ESA) in March 2004 and Tank Closure Assessment and Remedial Action Report in June 2004. Another Phase I ESA Report was completed in November 2010 and a Limited Site Investigation Report was produced in June 2015. The RI was finalized with an entire Property/Site sampling event performed in October 2015 as documented in the Remedial Action Report, dated January 2016.

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.

The Site is a 150-acre, mostly undeveloped, parcel of land surrounded by in excess of 200 acres of agricultural land. Additionally, the Site is approximately 100 feet south of the Stillaguamish River, which is located north of the Property across State Route 530.

A Terrestrial Ecological Evaluation (TEE) has been performed for the Site. This Site qualifies for a TEE exclusion since concentrations of hazardous substances in soil no longer exceed natural background levels as described in WAC 173-340-200 and 173-340-709 (WAC 173-340-7491(1)(d)).

MTCA Method A cleanup levels for unrestricted land use for tph-g and tph-d have been determined to be appropriate for the Site.

Points of compliance have been established for soil and ground water as throughout the Site.

3. Selection of cleanup action.

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

The selected cleanup action was excavation of contaminated soil and stockpiling these soils. These stockpiled soils were not disposed of off-Site, rather they were allowed to naturally attenuate on the Site.

4. Cleanup.

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

There were several known releases at the Site as described below.

In July 1992, an accident involving a truck towing a tractor occurred on Highway 530 near the Site. The tractor turned onto its side near the driveway to the residence on Lot 1 of the Property and approximately 100 gallons of diesel fuel were released to Site soil. Approximately 20 cubic yards of impacted soil were excavated and stockpiled on the Site.

In March 2004, during the removal of two underground storage tanks (USTs) approximately 40 tons of contaminated soil were removed from the UST cavity and stockpiled on-Site. Ground water was not encountered during excavation activities. Confirmation sampling alongside walls and at the base of the excavation showed all contamination had been removed.

In December 2015, a remedial excavation of stained soils identified in the metal storage building was completed. Subsequent confirmation soil sampling from the excavation sidewalls and bottom confirmed successful removal of PCS from this area.

Stock-piled soil which was impacted with tph-g and benzene at concentrations above MTCA Method A cleanup levels was reportedly left on-Site from both of these remedial actions. No further documentation pertaining to the off-Site disposition of the petroleum-impacted soil stockpiles is available, therefore a Property/Site-wide sampling and analysis (SAP) work plan was submitted to Ecology for review.

After receiving an opinion letter with Ecology's concurrence with the SAP work plan, the Property/Site-wide investigation was implemented. The investigation included advancing eight soil borings (B-1 through B-8) in the vicinity of the former USTs, the reported UST excavation soil stockpile location, the historical diesel spill location near State Route 530, and the area of stained stockpiled.

A total of 26 shallow soil samples were collected from depths between approximately ½ and one foot below ground surface. Chemicals of concern were not detected at concentrations above laboratory reporting limits in the soil samples.

Soil samples collected from borings advanced in the areas of the former USTs, UST excavation soil stockpile location, and the July 1992 traffic accident spill along State Route 530 did not identify petroleum hydrocarbons above laboratory reporting limits.

Two ground water samples collected from temporary monitoring wells installed in the vicinity of the former USTs identified low levels of tph-d below MTCA Method A; however, the laboratory chromatograms were not representative of a diesel petroleum product, and may be associated with non-petroleum organics in the samples.

It is Ecology's opinion that no further remedial investigations or activities are necessary at the Site.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

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 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.

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).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (# NW2999).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 425.649.4446 or e-mail at dale.myers@ecy.wa.gov.

Sincerely,



Dale R. Myers
Site Manager
NWRO Toxics Cleanup Program

dm:mc

Enclosure (1): A – Description and Diagrams of the Site

cc: Mr. Lucas Swart, Terracon Consultants, Inc.
Sonia Fernandez, VCP Coordinator, Ecology
Matt Alexander, VCP Financial Manager, Ecology

Enclosure A

Description and Diagrams of the Site

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinions expressed in the body of the letter.

Site: The Site is defined by the release of petroleum hydrocarbons to soil as described below.

In July 1992, an accident involving a truck towing a tractor occurred on Highway 530 near the Site. The tractor turned onto its side near the driveway to the residence on Lot 1 of the Property and approximately 100 gallons of diesel fuel were released to Site soil. Approximately 20 cubic yards of impacted soil were excavated and stockpiled on the Site.

A leaking underground storage tank (LUST) was discovered in 2004 following removal of two USTs located on the Site. Approximately 40 tons of petroleum-impacted soil were reportedly removed from the gasoline UST cavity and stockpiled on-Site for future off-site disposal. Subsequent investigations and remedial actions have been conducted to evaluate for the potential presence of PCS associated with the former UST excavation.

Area and Property Description: The Site is located at 4304 State Route 530 in Arlington, Snohomish County, Washington (Property). The Property consists of Snohomish County Tax parcels 0105290000-0100, -0200, -0300, and 0500 to 1500. The Property consists of approximately 140 acres, improved with a residential structure and outbuildings including a six-bay carport and an equestrian barn, and agricultural fields.

The Site is bounded to the north by SR 530, beyond which lie residential structures and the Stillaguamish River. The Site is bounded to the east, south and west by agricultural land and residential structures.

Property History and Current Use:

- **Current Property Use and Facilities**

The Site has been used for agricultural purposes since at least 1941. The two USTs (one diesel and one gasoline UST) were removed in 2004.

- **Proposed or Potential Future Property Uses**

The planned future use for the Property is continued operation for agricultural use.

- **Zoning**

According to the Snohomish County Assessor, the Property and surrounding areas are zoned Agricultural-10 (A-10).

Contaminant Source and History: Two USTs were identified at the Site as part of due diligence for a property transaction. The USTs included one 500-gallon gasoline underground storage tank and one 1,200-gallon diesel. Both USTs were reportedly installed in 1975, and the remaining product in the USTs was removed in 2003. The two USTs were removed from the

Site in April 2004. The tank closure report and Ecology records indicate that the diesel UST was a 1,500-gallon tank. Both USTs were single-walled steel tanks. Significant corrosion was reportedly observed on the exterior surfaces of the tanks; however, only the gasoline UST was observed to contain visible holes. Upon removal, impacted soil was reportedly identified in the gasoline UST cavity. Approximately 40 tons of impacted soil were reportedly removed from the gasoline UST cavity and stockpiled on-Site for future off-Site disposal. Soil impacts reportedly extended to approximately 9 feet below the ground surface (bgs).

Additional stock-piled soil which was impacted with tph-g and benzene at concentrations above the 2004 MTCA Method A cleanup levels was reportedly left on-site. The petroleum-impacted soil was staged on-Site for planned future transport to an off-Site landfill or thermal desorption treatment facility. No further documentation pertaining to the off-Site disposition of the petroleum-impacted soil stockpile was provided.

An April 2011 LSI which included advancing eight soil borings (B-1 through B-8) in the vicinity of the former USTs, the reported UST excavation soil stockpile location, the historical diesel spill location near State Route 530, and the area of the stained soils inside of the metal storage building. The results of the sampling indicated the presence of petroleum hydrocarbons in shallow soil at concentrations exceeding the MTCA Method A cleanup levels in the vicinity of the stained soil area inside the metal storage building.

Soil samples collected from borings advanced in the areas of the former USTs, UST excavation soil stockpile location, and the July 1992 traffic accident spill along State Route 530 did not identify petroleum hydrocarbons above laboratory reporting limits. Two groundwater samples collected from temporary monitoring wells installed in the vicinity of the former USTs identified low levels of tph-d however, the chromatograms were not representative of a diesel petroleum product, and may be associated with non-petroleum organics in the samples.

An evaluation for the potential presence of PCS which may have been stockpiled or left on the Site focused on sampling two areas including 1) the approximate location of the PCS stockpile in the vicinity of the former USTs and 2) a large stockpile of soil on the western boundary of the site which reportedly originated from dredging the former manure lagoon in 2004. A total of 26 soil samples were collected from shallow soils between approximately ½ and one foot bgs. COCs were not detected at concentrations above laboratory reporting limits in the soil samples.

In addition, remedial excavation of stained soils identified in the metal storage building was completed in December 2015. Subsequent soil sampling from the excavation confirmed successful removal of PCS from this area.

Physiographic Setting: The Property is situated approximately 30 feet above mean sea level in the central Puget Lowland. The Stillaguamish River is the nearest surface water body, located approximately 125 feet to the north. The Property is generally covered with grass, wheat and barley.

Surface/Storm Water System: Surface water runoff from the Property infiltrates into grass and agricultural fields on the site. The structures on the Site are tied to the municipal storm water system.

Ecological Setting: Land use in the vicinity of the Property is characterized largely by agricultural use with some residential development. Neighboring developed properties and tracts of land include State Route 530, residential structures, and agricultural fields.

Geology: The Property is located in an area characterized by Quaternary Alluvium (Qa). These alluvial deposits are typically undifferentiated sand, gravel, silt, and clay. Materials encountered during drilling activities varied slightly between borings and generally consisted of silt to silty fine sand to the maximum depths explored (five feet) in borings B-1, B-2, and B-5 to B-8. In borings B-3 and B-4, soil samples consisted of silt to silty fine sand to approximately 15 feet bgs with sand to coarse sand to the maximum depths explored (20 feet bgs).

Ground Water: Ground water was observed at approximately 15 feet bgs in monitoring wells advanced at the Site.

The Ecology well log database lists two domestic water supply wells within a half-mile down gradient of the Property. A drinking water well (APS-889) on the Property in the vicinity of the former USTs was completed in 2007. The well was sampled during investigation activities and, with the exception of low levels of nitrates which were detected at concentrations below MCLs established by the Snohomish Health District, analytes tested were not identified above minimum laboratory reporting limits.

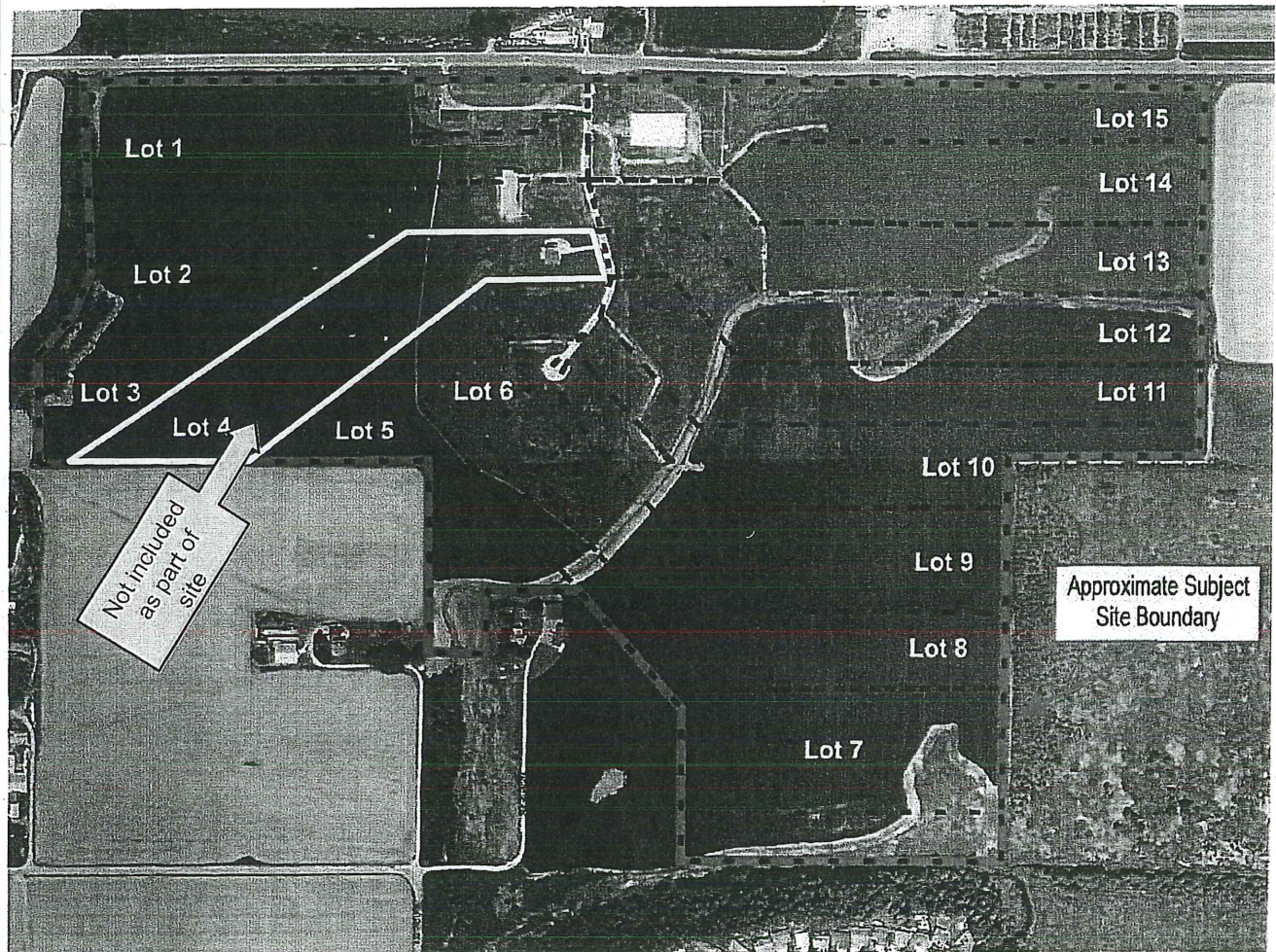
Water Supply: Water and sanitary sewer service are supplied on the Property by drinking water and irrigation wells installed at the Property in 2007.

Release and Extent of Soil and Ground Water Contamination:

Site characterization and remedial activities have been ongoing at the Property since the initial discovery in 2004 during UST removal. Source material removal and natural degradation has mitigated petroleum hydrocarbon concentrations in soil to below MTCA Method A cleanup levels on the Site.

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Site Diagrams



Source: Krazan Phase I ESA, dated 11/9/10

Not to Scale

Terracon



TERRACON PROJECT NO.: 81117022

SITE PLAN

Riverbend
4504 SR 530
Arlington, Snohomish County, Washington

May 2011

Figure 2