

State of Washington POLLUTION LIABILITY INSURANCE AGENCY PO Box 40930 • Olympia, Washington 98504-0930 (360) 407-0520 • (800) 822-3905 www.plia.wa.gov

October 14, 2024

Dwight Jones 2601 West Marina Place Seattle, WA 98199

#### Re: No Further Action at the Following Site:

- Facility/Site (owner) Name: Elliot Bay Marina
- Facility/Site Address: 2601 West Marina Place, Seattle, WA 98199
- **Facility Site ID:** 95698261
- Technical Assistance Program No.: PNW260

Dear Dwight Jones:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 2601 West Marina Place, Seattle, WA 98199 (Site). This letter provides our opinion 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 the remedial action meeting 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.

Dwight Jones October 14, 2024 **2** | P a g e

#### **Description of the Site**

This opinion applies only to the identified petroleum release at the Site located at 2601 West Marina Place, Seattle, WA 98199 and includes King County tax parcel: 2314000000. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

#### **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, groundwater, and air.
- Volatile organic compounds: benzene, toluene, ethylbenzene, and total xylenes (BTEX) into the soil, groundwater, and air.

#### Basis of the Opinion

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

1. Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report. By GeoEngineers. April 4, 2023.

These reports are also available for download at: <u>https://plia.box.com/s/gjk3w3qbtgyqpmverh9imtwou1j9tu7o</u>

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

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**

The cleanup levels (CULs) for the Site will be established in accordance with WAC 173-340-700(5) and WAC 173-340-700(6).

The points of compliance (POCs) for the Site will be established in accordance with WAC 173-340-720(8) for groundwater, WAC 173-340-740(6) for soil, and WAC 173-340-750(6) for air.

Dwight Jones October 14, 2024 **3** | P a g e

#### 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:

#### **Cleanup of the Site:**

Site data demonstrate that petroleum contamination from a release of a 30,000-gallon dual compartment underground storage tank (UST) containing marine diesel (15,000 gallons) and marine gasoline (15,000 gallons), located onshore with associated piping connecting the UST to two fuel dispensers located on the south end of the central pier, exceeded the levels allowable under MTCA. This opinion only addresses the contaminants of concern (COCs) as detailed in the *Description of the Site* section of this letter. The Site history is detailed in the document cited above.

PLIA has determined that the cleanup actions performed meet cleanup standards established for the Site. The following cleanup actions have been performed at the Site:

- i. Soil:
  - The 30,000-gallon UST and associated piping were repaired upon discovery of a gasoline leak in 2005.
  - Approximately 14 tons of associated contaminated soil were excavated and removed from the Site resulting in an excavation area of approximately 6' northeast to southwest, 8' northwest to southeast, and 11' below ground surface (bgs) vertically.
  - In situ treatment with a hydrogen peroxide solution was applied at the Site via an infiltration gallery in 2005.
  - Confirmation soil samples from 2005 demonstrate that petroleum contaminated soil (PCS), above the applicable CULs, remained at the Site.
  - Additional samples obtained in 2022 demonstrate the hydrogen peroxide solution treatment decreased remaining soil impacts to levels below MTCA Method A CUL.
  - Soil sampling results are listed in the following tables:
    - Table 1 of Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report.

**Result: The data indicate there is no longer an unacceptable risk presented by the soil direct contact exposure pathway at the Site.** The remedial action(s) removed the potential for PCS above CULs to come into contact with human or ecological receptors. Dwight Jones October 14, 2024 **4** | P a g e

#### ii. Groundwater:

- Tidally influenced groundwater at the Site was encountered ranging from 7.11' bgs to 12.83' bgs within the limits of residual PCS. Groundwater flow is tidally dependent but follows a southern flow towards Elliott Bay.
- Five quarters of groundwater monitoring were performed at the Site between 2019-2023. Site COCs were not detected at levels above MTCA Method A CULs for all five quarters.

**Result: The data indicate there is no longer an unacceptable risk presented by the groundwater exposure pathway at this Site.** The remedial action removed the potential for PCS above CULs to come into contact with, and leach into, groundwater at the Site.

#### iii. Air (Soil or Groundwater to Vapor):

- The lateral and vertical extent of PCS was successfully remediated to a level below the MTCA Method A CUL.
- PCS was excavated to the maximum extent practicable at the Site. Confirmation samples obtained in 2005 and 2022 indicated that PCS concentrations were below MTCA Method A CULs and no longer pose a risk to human or ecological receptors.
- Groundwater sampling results from 2019 to 2023 indicate that groundwater contamination is below MTCA Method A CULs at the Site.
- Two rounds of soil vapor sampling performed in July and December 2022 indicate Site COC vapor concentrations are below MTCA Method B CUL for commercial sites.

**Result: The data indicate there is no longer an unacceptable risk presented by the soil or groundwater to vapor exposure pathway(s) at this Site.** The remedial action removed the potential for vapors from PCS or PCGW to enter nearby commercial or residential structures.

#### iv. Surface Water:

- Elliott Bay is approximately 38' south of the Site. Tidal influence is confirmed at the Site.
- Groundwater sampling performed at the Site indicate that groundwater contamination has not reached levels above MTCA Method A CUL at the Site.

**Result: The surface water exposure pathway did not exist at this Site.** This means that, based on current data, petroleum contamination has not spread to surface water.

Dwight Jones October 14, 2024 5 | P a g e

#### 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**

This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. PNW260.

Dwight Jones October 14, 2024 **6** | P a g e

#### **Contact Information**

Thank you for choosing to clean up your Site under PLIA's 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,

-Signed by: Aleksander Srebro

Aleksander Srebro Site Manager

Enclosure A: Figure 1: Site Vicinity Map Figure 2: Soil Confirmation Locations Figure 3: Groundwater Well Locations Figure 4: Vapor Sampling Locations

cc: Carrie Pederson, PLIA Agency Planner (be email)

Dwight Jones October 14, 2024 7 | P a g e

# **Enclosure A:**

# TAP Project No. PNW260 2601 West Marina Place, Seattle, WA 98199

Dwight Jones October 14, 2024 **8** | P a g e



## Figure 1: Site Vicinity Map

**Source:** Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report. By GeoEngineers. April 4, 2023.

Dwight Jones October 14, 2024 **9** | P a g e



**Source:** Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report. By GeoEngineers. April 4, 2023.

Dwight Jones October 14, 2024 **10** | P a g e



### **Figure 3: Groundwater Well Locations**

**Source:** Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report. By GeoEngineers. April 4, 2023.

Dwight Jones October 14, 2024 **11** | P a g e



## **Figure 4: Vapor Sampling Locations**

**Source:** Addendum to Remedial Investigation/Feasibility Study and Cleanup Action Report. By GeoEngineers. April 4, 2023.