



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

May 5, 2023

Aaron Hanks
625 Orchard Dr.
Hoquiam, WA 98550

Re: No Further Action (NFA) for the Following Property:

- **Facility/Site Name:** Hoquiam Shell
- **Facility/Property Address:** 2604 Simpson Avenue, Hoquiam, WA 98550
- **Facility Site ID:** 41472437
- **Cleanup Site ID:** 12373
- **Technical Assistance Program No.:** PSW035

Dear Mr. Hanks:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on your independent cleanup of the property located at 2604 Simpson Avenue, Hoquiam, WA 98550 (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

Property: **The Property** that is the subject of this determination is a part of the **Site** commonly known as Hoquiam Shell, Facility/Site ID No. 41472437, located at 2604 Simpson Avenue, Hoquiam, WA 98550.

PLIA has determined that no further remedial action is necessary at the Property (described herein) to clean up contamination associated with the Site. Environmental Covenant Number 2023-03300039 was recorded to manage residual contamination on the Property.

Site: Site impacts extend outside the above-referenced Property boundaries. Petroleum contaminated soil (PCS) above MTCA Method A cleanup levels (CULs) extends to the north of the Property into

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Simpson Avenue which is owned by the City of Hoquiam. The Simpson Avenue portion of the Site is managed under a separate environmental covenant number 2023-04190027.

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 **Property** within the **Site** located at 5604 Simpson Avenue, Hoquiam, WA 98550 (Figures 1, 2 and 3). This opinion includes the Grays Harbor County tax parcel described below. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

1. Description of the Property & 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/air.
- Volatile organic compounds: benzene, toluene, ethylbenzene and total xylenes (BTEX) into the soil/groundwater/air.

Enclosure A includes a detailed description and plan-view maps of the Property, as currently known to PLIA.

The Property is located at 5604 Simpson Avenue, Hoquiam, WA 98550 and includes the following tax parcel(s) in Grays Harbor County affected by the Site release that was addressed by your cleanup of the Property (Enclosure A, Figures 1 and 2):

- Tax Parcel No.: **055204501102**

The Location of the Property and its relation to the Site is illustrated in **Enclosure B**.

Description of the Site

The tax parcel (described above) makes up a portion of the Site. The Site includes portions of the Simpson Avenue public right of way (ROW), adjacent to the north Property boundary (sidewalk and portion of Simpson Avenue (Figure 3)) and is defined by the nature and extent of contamination associated with the following

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release:

- Total petroleum hydrocarbons as gasoline (TPH-g,) and associated benzene, toluene, ethylbenzene and xylenes (BTEX) and lead into the soil/groundwater/vapor

2. Identification of other Sites that may affect the Property.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that this Property is being affected by multiple sites.

Basis of the Opinion

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

1. *Cleanup Action Plan*. Prepared by A & M Engineering and Environmental Services, Inc. January 13, 2023.
2. *Feasibility Study and Disproportionate Cost Analysis*. Prepared by Environmental Technologies Group, Inc. June 11, 2021.

These reports are also available for download at:

<https://plia.box.com/s/mr0ttac2362vzu2i8pmffrdryofabv1>

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 do not 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.

i. Points of Compliance (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

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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*”. The definition of “hazardous substance plume” is site constituents of concern (COCs) above site CULs.

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 this Property. Our conclusion is based on the following analysis:

1. History and Characterization of the Property and Site

PLIA has determined your characterization of the Site **was** sufficient to select a cleanup action. The Property and Site are described in the documents (cited above) and shown in Figures 1, 2, and 3.

Conceptual Site Model (Exposure Pathways)

A conceptual site model (CSM) 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:

- PCS encountered on the Property is reportedly associated with a failed fuel line which was discovered following a fuel line tightness test in 2014. Property PCS from the line release reportedly comingled with Site PCS from orphan underground storage tanks (USTs) located in Simpson Avenue.
- PCS was detected within the boundaries of the Property **above** the MTCA Method A CULs within the depths (0' to 15' below ground surface [bgs]) that humans (utility workers and property developers) may come into contact.

Result: The direct contact exposure pathway existed on the Property and on the Site. This means that PCS was in a place

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underground where it was likely that a human may encounter it when working (e.g., digging for a buried utility line).

ii. Groundwater:

- Depth to groundwater on the Property ranges from approximately 0.5' to 5' bgs. TPH-g and benzene were historically detected above MTCA Method CULs in monitoring wells on the Property (Figure 3).

Result: The groundwater exposure pathway existed on the Property and on the Site. This means that PCS was in a place where it was likely to encounter, and leach into, groundwater on the Site

iii. Air (Soil or Groundwater to Vapor):

- Building footprints on the Property within the lateral inclusion zone of 30' laterally or within a 15' vertical separation distance from the edge of a contaminant source that is above the MTCA Method A unrestricted land use (soil or groundwater) may require vapor assessment or mitigation. The lateral inclusion zones and vertical separations are the areas surrounding a contaminant source through which vapor phase contamination might travel and intrude into buildings.
- Total hydrocarbons and benzene were detected **above** their respective Method B screening levels in soil gas.
- A convenience store on the Property is within the lateral inclusion zone and vertical separation distance of residual PCS on at the Property. Sub-slab sampling results from directly below the convenience store floor/slab were below their respective MTCA Method B screening levels for all COCs.

Result: The vapor intrusion exposure pathway existed on the Property and on the Site. This means that PCS or petroleum contaminated groundwater (PCGW) may give off harmful vapors that could enter nearby commercial or residential structures.

iv. Surface Water:

- The confluence of the Chehalis and Hoquiam Rivers with North Bay is located approximately one-half mile from the Site.

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

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Selection of Cleanup Action:

The CSM (Section 1: i-iv above) details which exposure pathways existed prior to conducting cleanup activities on the Property. Cleanup actions performed at the Property 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 Property and Site:

PLIA has determined that the cleanup action(s) you performed on the Site meet(s) cleanup standards established for the Site. **This opinion is dependent on the continued performance and effectiveness of the post-cleanup controls in the environmental covenant and confirmation monitoring of the Property specified below under "Post-Cleanup Controls and Monitoring."**

i. Soil:

- A remedial excavation of PCS was performed on the Property in September 2018. The excavation event included dewatering of approximately 3,500 gallons of contaminated water which was disposed of off-Site. 119.65 tons of PCS were reportedly transported off-Site for disposal.
- In-situ bioremediation was performed by addition of microbial consortium, oxygen, and nutrients designed to enhance microbial growth. The bioremediation was performed by injection into a total of six injection wells and two shallow-screened injection trenches.
- Institutional control and engineering controls will serve to limit future contact with residual PCS at the Site. A concrete/ asphalt cap on the Property and the Site is in place over the remaining PCS that is above MTCA CULs.
- Environmental Covenant: Filed an Environmental Covenant No. 2023-03300039 of 03/30/2023 with Grays Harbor County for tax parcel 055204501102 to implement institutional controls to address inaccessible residual PCS on the Property and the Site (Enclosure B).
- Inspection: Developed PLIA Approved Engineering Inspection Checklist to support the Institutional Controls at the Property (Enclosure D) pending the 5 yr. Review per WAC 173-340-440 (1) (c).

Result: The data demonstrate there is no longer an unacceptable risk of exposure from the soil direct contact exposure pathway at the Property.

The remedial action(s) and engineering controls in the EC removed the potential for soil on the Site with concentrations of petroleum above CULs to come into contact with humans or ecological receptors.

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ii. Groundwater:

- A remedial excavation of PCS was performed on the Property in September 2018. The excavation event included dewatering of approximately 3,500 gallons of contaminated water which was disposed of off-Site. 119.65 tons of PCS were reportedly transported off-Site for disposal.
- In-situ bioremediation was performed by addition of microbial consortium, oxygen, and nutrients designed to enhance microbial growth. The bioremediation was performed by injection into a total of six injection wells and two shallow-screened injection trenches.
- The remedial action(s) were successful in reducing groundwater COC concentrations to below MTCA Method A CULs.
- The remedial action(s) and proposed engineering controls (restrictions) in the EC mitigated the potential for groundwater on the Property with concentrations of petroleum above CULs to come into contact with humans or ecological receptors.
- Environmental Covenant: Filed an Environmental Covenant No. 2023-03300039 of 03/30/2023 with Grays Harbor County for tax parcel 055204501102 to implement institutional controls to address any residual contaminated groundwater (Enclosure B).
- Inspection: Developed PLIA Approved Engineering Inspection Checklist to support the Institutional Controls at the Property (Enclosure D) pending the 5 yr. Review per WAC 173-340-440 (1) (c).

Result: The data demonstrate there is no longer an unacceptable risk of exposure from the groundwater exposure pathway at this Property. The remedial action removed the potential for PCS above the CUL to come into contact with, and leach into, groundwater at the Property.

iii. Air (Soil or Groundwater to Vapor):

- Sub-slab sampling results at the convenience store were **below their respective MTCA Method B screening levels** for all COCs.
- Institutional Control: If any buildings are constructed on the Property within the area identified as having potential for elevated soil gas, additional assessment and or mitigation measures will be necessary.
- Confirmation Monitoring: Post cleanup confirmation vapor monitoring is necessary. It ensures the long-term effectiveness of the remedial action to protect human health and the environment pending the 5-year Review per WAC 173-340-410(1)(c). A Confirmation Monitoring Contingency Plan approved by PLIA as part of the Institutional Control for the Property is enclosed with this NFA determination as **Enclosure D**.

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- Construction of occupied buildings in close proximity to impacted soil and groundwater (within 30 feet laterally) is restricted without notification to PLIA. Any buildings constructed in the restricted area must have an evaluation for appropriate vapor controls (if warranted), as described in the EC (Enclosure B).
- **Environmental Covenant**: Filed an Environmental Covenant No. 2023-03300039 of 03/30/2023 with Grays Harbor County for tax parcel 055204501102 to implement institutional controls to address inaccessible residual PCS (**Enclosure C**).

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

3. Cleanup of the Site

PLIA has concluded that **no further remedial action** under MTCA is necessary elsewhere at the Site. The Property and the remainder of the Site will be managed under the environmental covenant with the City of Hoquiam.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are protective actions performed after remediation to maintain compliance with cleanup standards and assure the effectiveness of the Site remedial action.

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control(s) is necessary at the Property:

- No excavation, trenching or drilling in the restricted area without technical discussions and prior approval from PLIA.
- The "Cap" surfaces that provide contamination containment shall be inspected for cracks and any needed repairs using the PLIA-approved Inspection Checklist (Enclosure D).
- To address Site conditions in soil and groundwater, Site-specific engineering controls will be required in the EC. The existent impermeable surfaces will serve as an engineering control on the Property. This includes the cement floor foundations of the service station building, the concrete surface above

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the USTs, and the asphalt cap of the Site. It is intended to prevent contact with contaminated environmental media.

- Restriction of construction of occupied buildings near impacted soil and groundwater (within 30 feet laterally) without notification to PLIA. Future building construction considerations may be required (i.e. installation of a vapor barrier) and/or an evaluation of the vapor pathway for future buildings.
- Any buildings constructed in or within 30 lateral feet of the restricted area must have an evaluation for appropriate vapor controls as described in the Environmental Covenant (Enclosure B).
- Restrictions of groundwater use: Groundwater will not be removed for any potable use, including irrigation or livestock watering. It is acceptable for fire suppression in the case of an emergency.
- Conduct monitoring as outlined in the Confirmation Monitoring and Contingency Plan (Enclosure C).

To implement the control(s), an Environmental Covenant has been recorded on the following parcels of real property that is associated with the Site:

- Grays Harbor County Tax Parcel **055204501102**

PLIA approved **Environmental Covenant** No. 2023-03300039, dated March 30, 2023 and recorded with the Grays Harbor County Auditor's Office, enclosed as **Enclosure B**.

2. **Operation and Maintenance (O&M) of Engineered Controls, Wells & Catch Basins.**

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. This includes the cement/concrete floor foundations of the service station building, the concrete surface above the USTs, the sidewalk along Simpson Street, the asphalt paving over Simpson Street and the cement driveways and asphalt parking areas of the Site (Enclosure A – Figure 3). The impermeable surface will serve as an engineering control on the Site (which includes the impermeable surfaces of the Property).

The following engineered control(s) is necessary at the Property:

- You must conduct periodic inspections to ensure the integrity of the cap contains the residual PCS, PCGW and vapors at this Site and on the Property as part of the cleanup action.

PLIA approved the Engineered Control Inspection Checklist enclosed to this NFA determination as **Enclosure D**.

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3. Conducting Confirmation Monitoring & Contingency.

Confirmation monitoring is necessary at the Property to confirm the long-term effectiveness of the cleanup action. **The scheduled plan for confirmation monitoring is described in Table 3-2 of Enclosure C.** PLIA will use the monitoring data for periodic reviews of post-cleanup conditions. The proposed plan is subject to changes pending additional data.

Reporting and Record Keeping

Outcomes of all records associated with vapor monitoring, inspections, and repairs, etc. associated with this Operation and Maintenance (O&M) Program under these institutional controls must be sent to PLIA within 30 days of finalizing the records.

Periodic Review of Post-Cleanup Conditions

PLIA may conduct periodic reviews of post-cleanup conditions at the Property to ensure that they remain protective of human health and the environment. If we conduct a periodic review and determine further remedial action is necessary at the Property, then we will withdraw any NFA determination made at this Property. Based on the result of the Periodic Review, PLIA may change the compliance monitoring requirements.

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 (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

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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 Property under PLIA's Technical Assistance Program (TAP). This opinion terminates the TAP Agreement governing TAP Project Number PSW035.

Contact Information

If you have any questions about this opinion, please contact us by phone at 1-800-822-3905, or by email at pliamail@plia.wa.gov.

Sincerely,

DocuSigned by:
Justin Woerth
37703CDC1AC84D4...



Justin Woerth

Justin Woerth, L.HG.
Site Manager

Enclosure A: Figure 1: Site Vicinity Map
Figure 2: Site Location Map
Figure 3: Site Extent and Restricted Area Map

Enclosure B: Environmental Covenant No. 2023-03300039 of 03/30/2023

Enclosure C: Confirmation Monitoring and Contingency Plan

Enclosure D: Site Inspection Checklist

cc: Daniel Landry, A&M Engineering and Environmental Services, Inc. (by email)

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Enclosure A:

Hoquiam Shell

TAP Project No. PSW035

Legal Description:

Lots 10, 11, 12 and 13, Block 45, Ontario Addition, an Addition to the City of Hoquiam, as per plat recorded in Volume 3 of Plats, page 42, records of Grays Harbor County;

Also all that portion of the vacated alley in said Block 45, described as follows:

Beginning at the Northeast corner of Lot 10, in said Block 45;

Thence South along the East line of Lots 10, 11, 12 and 13 of said Block to the Southeast corner of said Lot 13;

Thence East along the South line of said Lot 13, extended Easterly, to the West line of Lot 9 in said Block 45;

Thence North along the West line of said Lot 9 to the Northwest corner thereof;

Thence West to the point of beginning;

EXCEPT the following described tract:

Beginning at the Northwest corner of said Lot 10;

Thence East along the North line thereof a distance of 42 feet;

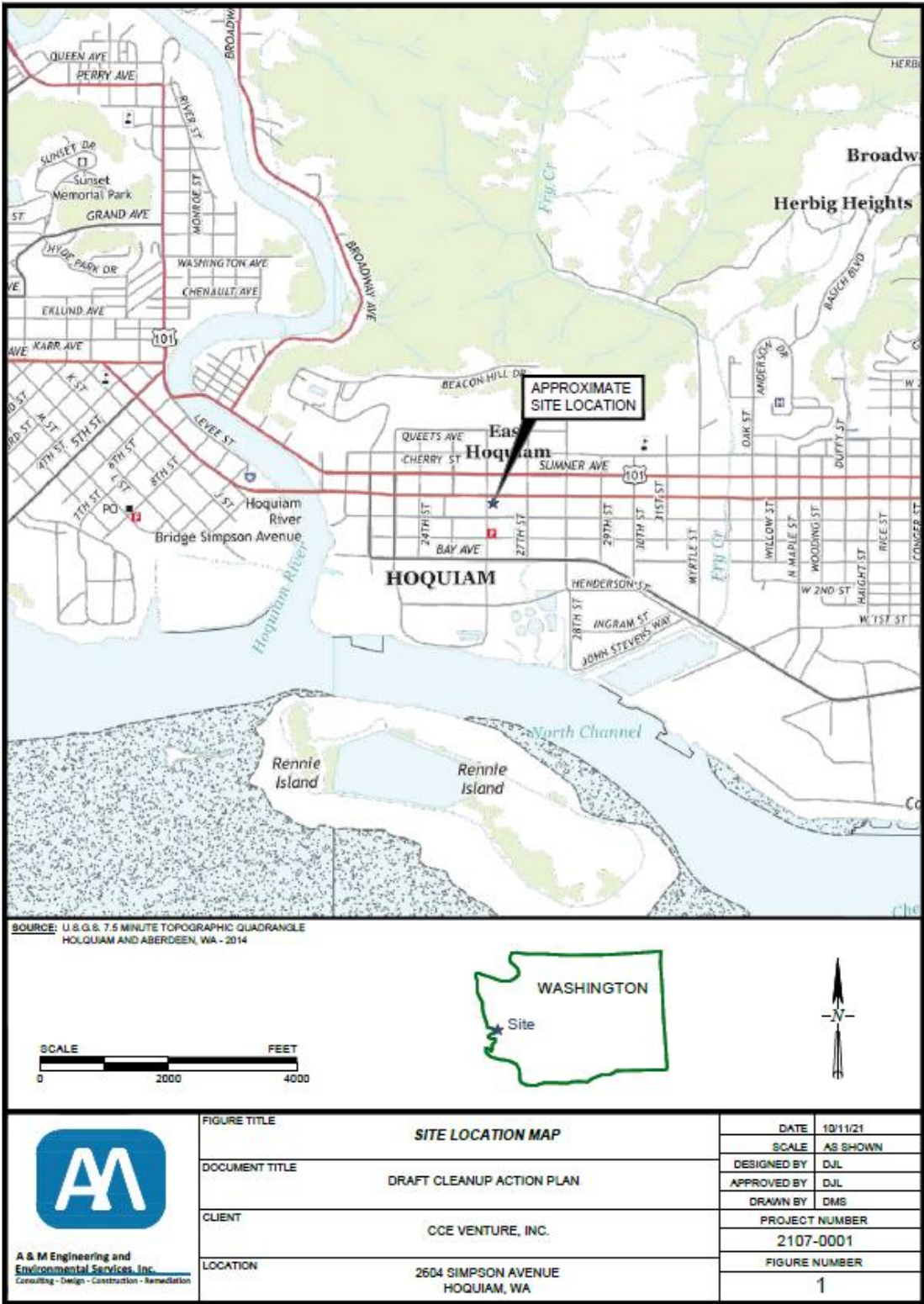
Thence Southwesterly in a straight line to a point on the West line of said Lot 10 which is 30 feet South of the point of beginning;

Thence North along the West line of said Lot 10, 30 feet to the point of beginning;

Situate in the County of Grays Harbor, State of Washington.

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Figure 1: Site Vicinity Map

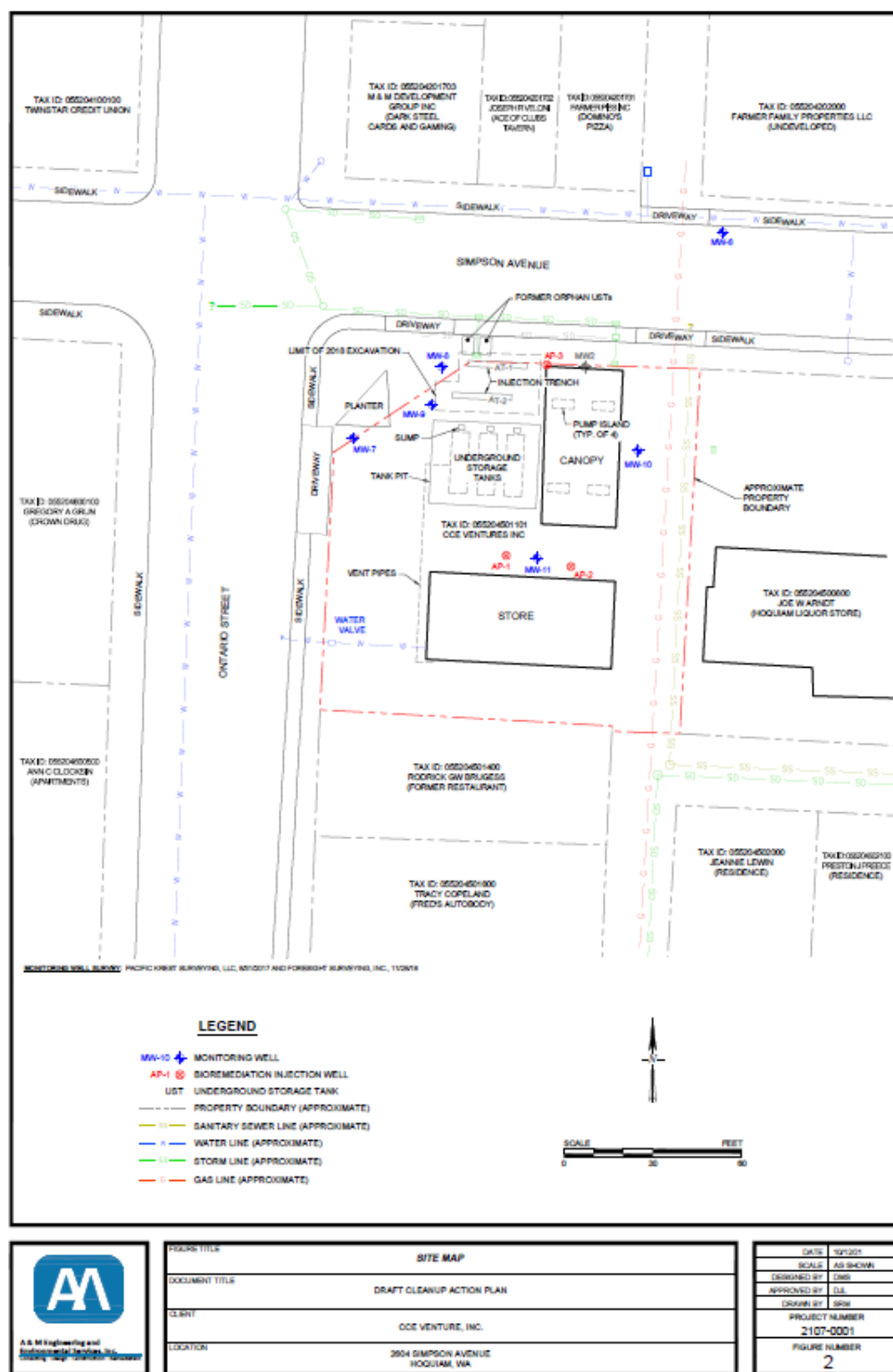


Source: Cleanup Action Plan, A&M Engineering, January 13, 2023.

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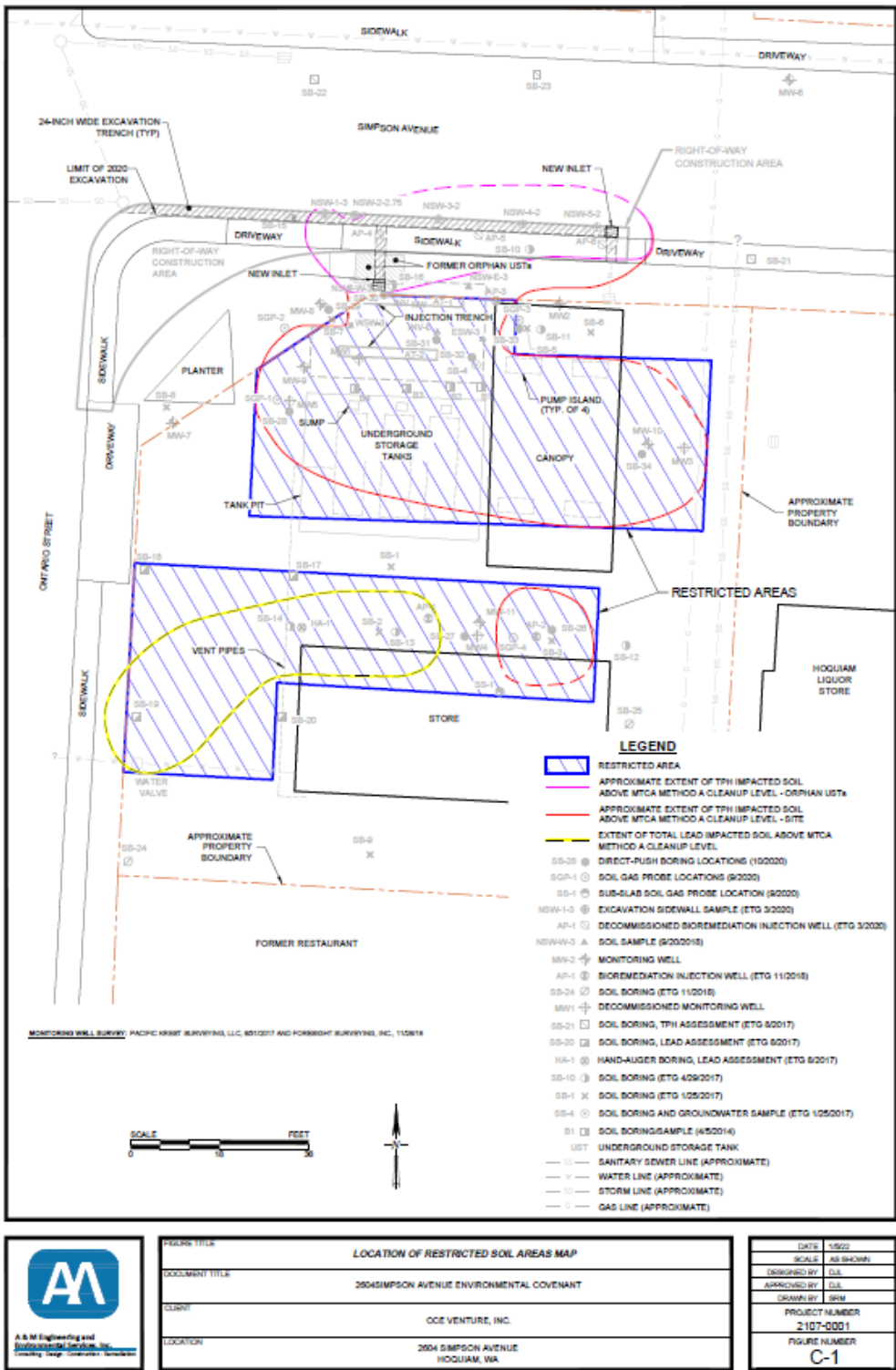
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Figure 2: Site Plan MapSource: *Cleanup Action Plan*, A&M Engineering, January 13, 2023.

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Figure 3: Site Extent and Restricted Area Map



Source: Environmental Covenant Figure by A&M Engineering.

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Enclosure B:

Environmental Covenant No. 2023-03300039
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Enclosure C:
**Confirmation Monitoring and Contingency
Plan**

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Enclosure D:

Engineered Control Inspection Checklist