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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Southwest Region Office
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October 2, 2024

Dalton Arndt
DevCo, LLC
10900 NE 8th Street
Bellevue, WA 98004
dalton.arndt@devcous.com

Re: No Further Action opinion for the following contaminated Site

Site name:	Kendrick Landing
Site address:	4610 114th St SW, Lakewood, WA 98499
Facility/Site ID:	100001668
Cleanup Site ID:	17053
VCP Project No.:	SW1838

Dear Dalton Arndt:

The Washington State Department of Ecology (Ecology) received your request on July 15, 2024, for an opinion regarding the sufficiency of your independent cleanup of the Kendrick Landing facility (Site) under the Voluntary Cleanup Program (VCP).[1] The complete opinion request, including acceptance of data into Ecology's Environmental Information Management (EIM) database, was completed on September 15, 2024. 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]

[1] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program
[2] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305

Opinion

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

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):

- Total petroleum hydrocarbons (TPH) as diesel (TPH-D) and heavy oil (TPH-O) into soil.
- Arsenic into soil.
- Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) into soil.

Enclosure A includes Site description, a brief Site history, and diagram. A detailed Site history is provided in TRC's Cleanup Action Report (the Report).[4]

The Site, comprised of four separate releases to soil, is contained within Pierce County parcel 0219122167.

The Property is also located within the projected boundaries of the Tacoma Smelter Plume (TSP) facility (facility Site identification number [FSID] #62855481). Arsenic and lead in soil associated with the Site cleanup cannot be certainly attributed to the TSP. Therefore, this opinion does not apply to any contamination associated with the TSP facility.

Basis for the Opinion

Ecology bases this opinion on information in the documents listed below.

1. TRC Environmental Corporation (TRC), Cleanup Action Report, June 27, 2024.

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

[4] TRC Environmental Corporation (TRC), Cleanup Action Report, June 27, 2024

2. TRC, Phase I Environmental Site Assessment (ESA), May 20, 2022.

You can request these documents by filing a records request.[5] 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 if the documents are available on the CSID 17053 cleanup site search page.[6]

This opinion is void if information in any of the listed 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. 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. **Enclosure A** describes the Site, provides a brief Site history, and provides a relevant Site figure. A detailed Site history is also provided in the Report.

Release Reporting

Three separate releases were identified based on the February 5, 2024, Phase II ESA at the Site. Laboratory analytical data were submitted to the VCP customer team showing a release was confirmed by analytical data on February 6, 2024. Ecology was not made aware of the independent cleanup action performed until July 15, 2024. As a reminder, WAC 173-340-300 requires release reporting for situations like these within 90 days of identification of said release.

Site Hazardous Substances

While multiple contaminants were detected in Site soil and only TPH-D in Site groundwater, only the following contaminant concentrations exceeded a MTCA cleanup level (CUL): TPH-D and TPH-O, arsenic, and cPAHs. These three contaminant concentrations were compared to MTCA Method A CULs for soil and only these contaminants in soil were required to be further evaluated at the Site for cleanup.

[5] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[6] https://apps.ecology.wa.gov/cleanupsearch/site/17053

Gasoline was not detected in Site soils and groundwater and was not continued as a Site hazardous substances. The area of the gasoline tank on Site was also evaluated for volatile organic compounds (VOCs) and none were detected.

Arsenic and lead identified in shallow soil was of limited extent. The limited extent suggests that the origin of arsenic and lead in soil was not related to area-wide contamination (e.g., TSP). Though an origin for the arsenic and lead in soil was not identified, the contamination was successfully remediated.

Ecology concurs with TRC's analysis that methylene chloride was sourced from laboratory cross-contamination.

Soil and Groundwater Evaluation

Grab groundwater results at three locations, SB-2, SB-3, and SB-6 were non-detect for TPH-O and TPH as gasoline. TPH-D in groundwater was detected at all three locations at approximately the laboratory reporting limit. As grab groundwater samples tend to be turbid, and the results were much less than the MTCA Method A CUL for groundwater, it is Ecology's opinion that no further action for groundwater evaluation is needed at the Site.[7]

Terrestrial Ecological Evaluation (TEE)

Ecology concurs that, based on the urban location of the Site, and less than 1.5 acres of undeveloped land within 500 feet of the Site, the Site is excluded from further TEE.

Environmental Justice, Climate Change, and Cultural Resources

Evaluations for both environmental justice and climate change were provided in the Report. Ecology concurs with the analysis performed. Though the Site lies within a census tract that rates a 10 on the WA Department of Health Environmental Health Disparities (EHD) scale, the contaminated soil was removed to less than the MTCA Method A CULs. These CULs are protective of human health and the environment. As such, environmental justice has been delivered at the Site, vulnerable populations are protected by the permanent removal interim action, and Healthy Environment for All (HEAL) Act goals appear to have been met. The future land use will be as an affordable housing (apartment) complex.

No cultural resources were identified during the cleanup work. There are no tribal lands within at least one mile of the Site and it is located in an urban area. It does not appear that a cultural

[7] Professional judgement under WAC 173-340-360(2)

resources consultation was required under WAC 173-340-815, as public funds were not used to complete the cleanup or develop the housing project.[8,9]

Air/Vapor Pathway

As the remaining contamination in soil is less than the MTCA Method A CULs, the vapor/air pathway is likely incomplete. Metals in soil are non-volatile and do not pose a vapor intrusion risk.

Environmental Information Management (EIM) Database

Site data were entered into Ecology's Environmental Information Management (EIM) system and were accepted on August 29, 2024. The VCP site manager reviewed the submitted data and approved those data entered on September 4, 2024.

Setting cleanup standards

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

Points of compliance applicable to the Site:

[8] https://www.wshfc.org/mhcf/4percent/2023IntentsToApply.pdf

[9] Any notes or bonds issued for projects by the Washington State Housing Finance Commission are not debt of Washington State or considered public moneys, per RCW 43.180.030.

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. WAC 173-340-740 (6)(d) Met, based on successful remediation of contaminated soils and confirmatory soil sampling results.
Soil- Protection of Groundwater	Based on the protection of groundwater, the standard point of compliance is throughout the Site. WAC 173-340-747 Met, based on successful remediation of contaminated soils and confirmatory soil sampling results.
Soil – Protection of Ecological Receptors	Based on the protection of ecological receptors, the standard point of compliance is to 15 feet below ground surface. WAC 173-340-7490. Incomplete – Site is excluded from further TEE.
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. WAC 173-340-720(8)(b) Met based on grab groundwater results.
Air Quality	Based on the protection of air quality, the point of compliance is indoor and ambient air throughout the Site. WAC 173-340-750(6) Incomplete – based on residual contaminant concentrations in soil and groundwater at less than cleanup levels.

There is no surface water or sediment at the Site. There are no wetlands at the Site.

Cleanup levels applicable to the Site:

Hazardous Substance	Soil Cleanup Level[10] (mg/kg)[11]
TPH-D and TPH-O	2,000
Arsenic	20
cPAH as benzo[a]pyrene (as TEF)[12]	0.1

TPH-D and TPH-O concentrations in soil were not differentiated to determine if separate CULs are appropriate. Ecology combined the TPH-D and TPH-O results for the excavation extent confirmatory soil samples. All combined results in soil sampled are less than the MTCA Method A CULs, and are therefore in compliance.

Though this opinion does not specific address TSP contamination, arsenic concentrations in soil samples were less than the MTCA Method A CULs. Therefore, potential TSP contamination does not appear to be present at the Site.

Ecology considered applicable state and federal applicable laws as part of the cleanup and did not require adjusting the points of compliance and cleanup levels above.

Selecting the 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 with off-Site disposal (at a permitted facility). Ecology concurs that the most permanent cleanup remedy was selected. Ecology determined that the Site does not qualify for a model remedy, based on arsenic contamination.

Implementing the cleanup action

Ecology has determined your cleanup meets the standards set for the Site.

[10] More stringent of protection of groundwater or direct contact

[11] mg/kg = milligrams per kilogram

[12] Ecology, cPAH TEF Implementation Memo #10 – Polycyclic Aromatic Hydrocarbons and Benzo[a]pyrene: Changes to MTCA Default cleanup Levels for 2017 (January 2020)

In February 2024, a total of 404.95 tons of contaminated soil was removed by excavation and disposed of at Pierce County's LRI Regional Landfill in Puyallup, Washington. All contaminated soil designated as non-hazardous.

The property is being re-developed into an affordable housing apartment complex. Site surfaces are anticipated to be covered with concrete foundations, asphalt parking lots, and landscaping. Concentrations of contaminants in soil are in compliance with Site cleanup standards.

The cleanup performed at the Site meets the threshold requirements under WAC 173-340-360(2), and:

- Is protective of human health and the environment.
- Is in compliance with cleanup standards.
- Is in compliance with applicable state and federal laws.
- Used permanent solutions to the maximum extent practicable.
- Provides for a reasonable restoration timeframe.
- Sufficiently considers public concerns.
- Does not require institutional controls or compliance monitoring.

There are no monitoring wells at the Site to decommission. If not already complete, please dispose of any remaining investigation derived waste (IDW).

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from the Contaminated Sites List. The Site will be added to the No Further Action sites list.

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).[13]

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 if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080[14] and WAC 173-340-545.[15]

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).[16]

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. VCP SW1838.

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
Southwest Region Office, Toxics Cleanup Program

TCM: kw

[13] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040
[14] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080
[15] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545
[16] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170

Enclosure: A – Site Description, History, and Diagram

cc:

Eric Caddey, TRC; ECaddey@trccompanies.com
Wesley Weisberg, TRC; WWeisberg@trccompanies.com
Weston Ott, City Engineer, City of Lakewood; wott@cityoflakewood.us
Washington State Housing Finance Commission; AskUS@wshfc.org
Marian Abbett, PE, Ecology; marian.abbett@ecy.wa.gov
Fiscal, VCP Fiscal Analyst (w/o encl)
TCP, Operating Budget Analyst (w/o encl)

Enclosure A

Site Description, History, and Diagram

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Site Description

Property History and Current Use: The main facility Site is comprised of parcel 0219122167, in Lakewood, Washington (Property). The Property was historically used as a masonry supply company. The property is now zoned as multi-family residential, in preparation for construction of a new 245-unit affordable housing apartment complex, tentatively scheduled for completion by the end of 2026. The new address of the apartment complex will be 4610 113th St SW, Lakewood.

Property Vicinity: The Site is located in an urban area, surrounded by mostly commercial development. A hospital borders the Property on the west. Light rail and railroad tracks run to the southeast of the Property.

Soils and Geology: The Site is located within Lakewood, on the west side of I-5 in western Pierce County Local topography is flat. The Site is located at approximately 279 feet above mean sea level. Generally, subsurface soils consist of poorly-graded gravel with varying amounts of sands and silts. Local lithology could be interpreted as fill overlying till and consolidated glacial outwash deposits. The maximum depth explored at the Site is 20 feet below ground surface (bgs).

Groundwater: Based on grab groundwater sampling data from SB-2, SB-3, and SB-6, depth to groundwater is approximately 15 feet below top-of-casing. Grab groundwater samples were collected from temporary monitoring wells installed by hollow-stem auger. No permanent monitoring wells have been installed at the Site.

Surface Water/Sediment/Storm Water/Septic Systems: The Site has been and will be serviced by city water and sewer. Utilities are currently disconnected while construction of the new apartment complex begins. Stormwater systems are to be installed for the apartment complex as well.

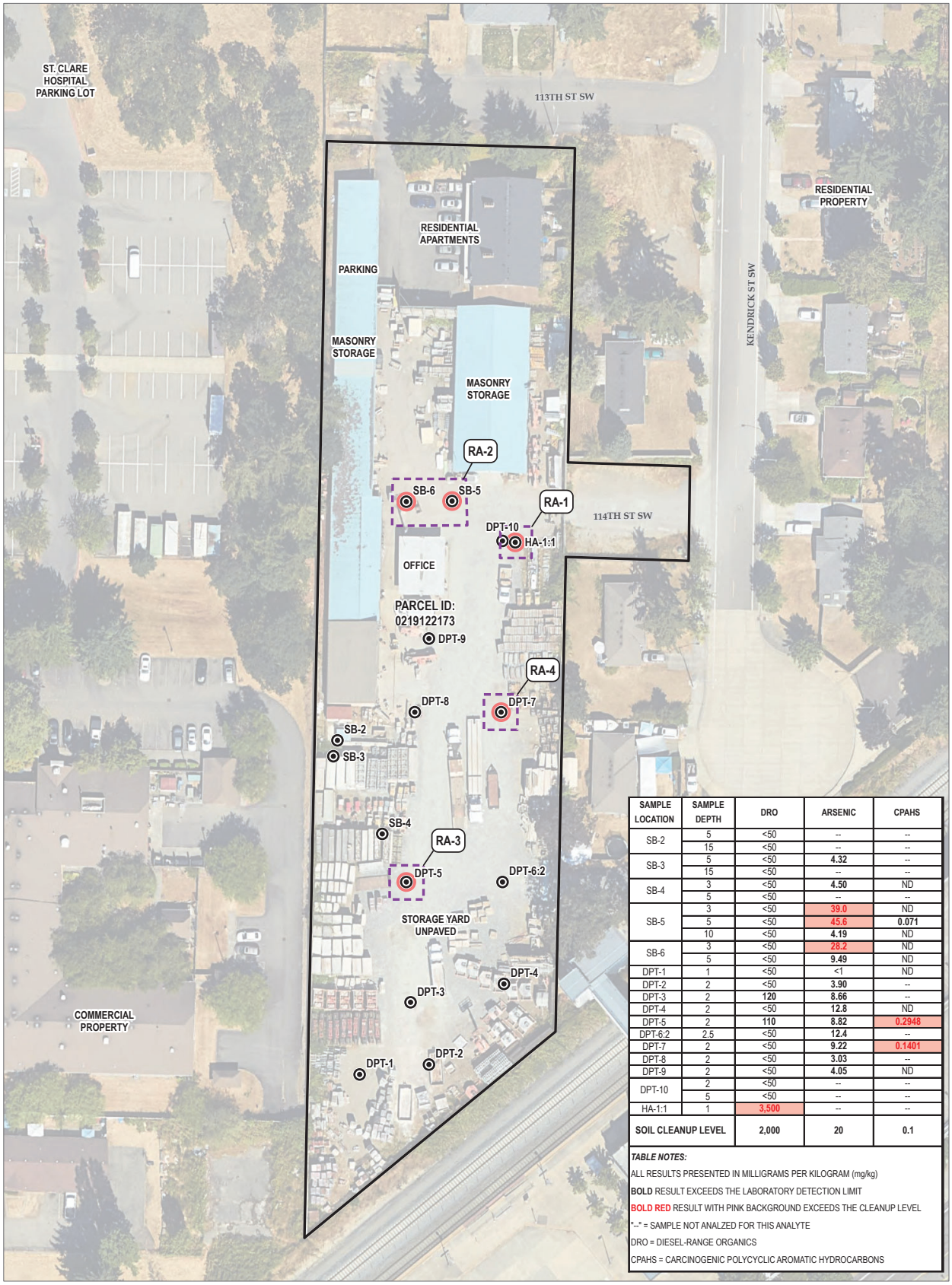
There is no naturally-occurring surface water at the Site. The nearest natural surface water is Hidden Lake, located approximately 0.36 miles northwest of the Site. There is no sediment or wetlands at the Site.

Site History

A detailed Site history is provided in the Report. A Phase I ESA was completed in May 2022, identifying a few recognized environmental conditions, such as maintenance and fabrication shop, diesel above ground storage tank, above ground hydraulic hoist, and stormwater sump. The former facility at the Property was a masonry supply company. Phase II ESA soil and groundwater sampling was completed to evaluate the potential for releases at the Site. In three separate locations, one or more of petroleum (TPH-D and TPH-O), arsenic, and cPAHs in soil were identified. Three grab groundwater samples at SB-2, SB-3, SB-6 showed no exceedances of cleanup levels for Site hazardous substances. Contaminated soil was removed by excavation, disposed of at LRI Landfill in Graham, Washington. Concentrations of Site hazardous substances in excavation extent samples were less than the MTCA cleanup levels.

Site Diagram

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE WASHINGTON SOUTH FIPS 4602 FT US; MAP ROTATION: 0
-- SAVED BY: RCOLLINS ON 6/13/2024, 15:46:07 PM; FILE PATH: T:\1-PROJECTS\DEVCO\DEVCO_LAKEWOOD\2-APRX\DEVCO_LAKEWOOD_CAR.APRX; LAYOUT NAME: FIGURE 3 REMEDIAL AREAS



SAMPLE LOCATION	SAMPLE DEPTH	DRO	ARSENIC	CPAHS
SB-2	5	<50	--	--
	15	<50	--	--
SB-3	5	<50	4.32	--
	15	<50	--	--
SB-4	3	<50	4.50	ND
	5	<50	--	--
SB-5	3	<50	39.0	ND
	5	<50	45.6	0.071
	10	<50	4.19	ND
SB-6	3	<50	28.2	ND
	5	<50	9.49	ND
DPT-1	1	<50	<1	ND
DPT-2	2	<50	3.90	--
DPT-3	2	120	8.66	--
DPT-4	2	<50	12.8	ND
DPT-5	2	110	8.82	0.2948
DPT-6:2	2.5	<50	12.4	--
DPT-7	2	<50	9.22	0.1401
DPT-8	2	<50	3.03	--
DPT-9	2	<50	4.05	ND
DPT-10	2	<50	--	--
	5	<50	--	--
HA-1:1	1	3,500	--	--
SOIL CLEANUP LEVEL		2,000	20	0.1

TABLE NOTES:

ALL RESULTS PRESENTED IN MILLIGRAMS PER KILOGRAM (mg/kg)

BOLD RESULT EXCEEDS THE LABORATORY DETECTION LIMIT

BOLD RED RESULT WITH PINK BACKGROUND EXCEEDS THE CLEANUP LEVEL

"--" = SAMPLE NOT ANALZED FOR THIS ANALYTE

DRO = DIESEL-RANGE ORGANICS

CPAHS = CARCINOGENIC POLYCYCLIC AROMATIC HYDROCARBONS

LEGEND

- SOIL BORING LOCATION
- ONE OR MORE COMPOUND CONCENTRATION EXCEEDS CLEANUP LEVEL
- ESTIMATED REMEDIAL EXCAVATION AREA
- APPROXIMATE SUBJECT PROPERTY BOUNDARY

BASE MAP: GOOGLE EARTH AND THEIR DATA PARTNERS (8/14/2020)
DATA SOURCES: TRC, DIGITALMAP, PIERCE COUNTY

0 30 60 FEET
1:720 1" = 60'

PROJECT: KENDRICK LANDING PROJECT
4610 113TH STREET SOUTHWEST
LAKEWOOD, WASHINGTON 98499

TITLE: SITE REPRESENTATION SHOWING
ASSESSMENT BORINGS & REMEDIAL AREAS
CLEANUP ACTION REPORT

DRAWN BY:	R. COLLINS	PROJ. NO.:	582652.0000.0000
CHECKED BY:	W. WEISBERG		
APPROVED BY:	E. CADDEY		
DATE:	JUNE 2024		

FIGURE 3

TRC
13810 SE EASTGATE WAY, SUITE 440
BELLEVUE, WA 98005
PHONE: 425.395.0010

FILE: DEVCO_LAKEWOOD_CAR