

October 7, 2024
File No. 04224030.21

MEMORANDUM

TO: Tina Kendall and Mike Davis, CCPH

FROM: Louis Caruso, Greg Helland, Barb Lary and Steph Pilar

SUBJECT: Environmental History of Polychlorinated Biphenyl (PCB) Occurrence on the former Fleischer Property

The City of Vancouver (COV) recently purchased the former Koski property (8713 NE 94th Avenue) located south of the closed Leichner Landfill to construct its new operations facility. As part of the COV's due diligence process, a Phase I and II Environmental Site Assessment was performed and recent soil sampling identified PCBs in shallow soils along the northern property line, adjacent to the former Fleischer Property (9019 and 9115 NE 94th Avenue). This memorandum, prepared by SCS Engineers (SCS), summarizes the environmental history of the PCBs occurrence on the former Fleischer property according to the available documents, including documents from the Washington Department of Ecology (Ecology). The area bordering the southern boundary of the former Fleischer Property is part of the property recently purchased by the City, will be referred to as the COV Property.

GeoDesign, 2010

On March 2010, GeoDesign Inc. (GeoDesign) completed a Phase I Environmental Site Assessment (ESA) and limited soil evaluation on the Fleischer Property located at NE 94th Avenue, Vancouver. Two samples of the clarifier solids and soil were analyzed for PCBs. PCBs were detected in the soil samples at concentrations above the Model Toxics Control Act (MTCA) Method A Cleanup Levels (CULs) for both Method A CUL of 1 milligram per kilogram (mg/kg) for unrestricted land use and the 10 mg/kg CUL for restricted land use (MFA, 2014).

GeoDesign conducted further sampling by dividing the lot up into 20 sections and collecting 19 composite samples from 19 of the 20 sections and analyzing them for PCBs. Results indicated all sections, except Section 12, had PCBs detected at concentrations greater than 1 mg/kg. Further, eight of the 20 sections had PCB concentrations greater than 10 mg/Kg (MFA, 2014). (Sections 1 through 10 along the north side of the property and Sections 11 through 20 along the southern half of the property.)

MFA, 2014

On behalf of Clark County, Washington, Maul Foster & Alongi, Inc. (MFA) conducted a focused site characterization for the Fleischer Property in 2014 based on the PCB detections documented by GeoDesign (MFA, 2014). MFA collected over 80 soil samples from 53 test pits across the site at



various depths to assess lateral and vertical extent. The deepest soil sample that exceeded the Method A CUL was 5.5 feet below ground surface (bgs). PCB contamination in soil appeared to extend off-Property to the south and possibly to the northwest. PCBs were found to be predominantly in shallow soils collected between 2 to 5 feet bgs. There were limited areas where no PCBs were detected.

PBS Work Plan, 2020

In 2018, Kirkland Development LLC (Kirkland) purchased the former Fleischer Property and hired PBS Engineering and Environmental, Inc. (PBS) to enroll the property in the Voluntary Cleanup Program (VCP) with Ecology. PBS prepared a Remedial Investigation and Interim Action Work Plan (RI Work Plan, January 30, 2020) based on the previous work conducted by both GeoDesign and MFA.

PBS proposed using MTCA Method A CUL of 10 mg/kg PCBs for industrial land use for the southern portion of the property based on current zoning and future land use plans. For the remaining property (northern half), they proposed using 1 mg/Kg for the CUL. Site investigation activities were to be completed in two phases. They also subdivided the property into the original 20 sections as specified by GeoDesign in their work. The first phase of investigation was designed to collect data to confirm previous high PCB results (> 10 mg/Kg) and determine the vertical and lateral extent in soil. The second phase of investigation proposed using incremental sampling methodology (ISM) to “guide the remedial approach across the Site.”

Ecology Response

On May 7, 2020, Ecology responded to the PBS RI Work Plan (Ecology, 2020) and agreed that the soil-direct contact and soil-inhalation pathways were addressed. However, the site needed to be fully delineated in terms of PCB detections, including off-property. Additionally, Ecology stated that the Site does not meet the definition of an industrial facility under MTCA. Zoning or other County level property designations were not sufficient to classify as “industrial”. The property is adjacent to a residential neighborhood located west of the former Fleischer Property and there is nothing that bans the future existence of schools or childcare facilities near the Site. Therefore, Ecology did not concur with the proposed industrial use screening levels detailed in the RI Work Plan.

Ecology also disagreed with other aspects of the RI Work Plan, including the fact that they failed to address off-property PCB detections. Ecology stated that cleanup would need to include the adjacent properties where PCBs are present to receive a no further action determination. PBS submitted a revised RI Work Plan on July 16, 2020 (PBS, 2020 a&b) but did not request a response from Ecology.

PBS Remedial Investigation Report, 2021

Using the revised RI Work Plan, PBS conducted the investigation between August 2020 and June 2021. It should be noted that PBS was still using the industrial land use CUL for Sections 13 through 20, located along the southern property boundary. Results of the RI Work are presented in a report dated October 2021 (PBS, 2021).

Phase 1 of the work involved discrete soil sampling to delineate the high PCB concentrations (> 10 mg/Kg) in the upper 0.5 feet of surface soils, previously documented by the MFA work. SCS has

determined that PBS was attempting to better define lateral and vertical extent of PCB concentrations. Two of these areas (TP-2 and TP42) were along the southern property boundary.

SCS has reviewed the data and it appears that PCB contamination along the southern property boundary was delineated down to 2 feet bgs for the CUL of 10 mg/Kg but was not delineated for the CUL of 1 mg/Kg. The lateral extent appears to extend south to the gravel access road, approximately 15 feet to the south of and along almost the entire southern Fleischer Property boundary down to at least 0.5 feet bgs.

Phase 2 of the RI involved ISM sampling within 21 sections created across the site. These included the original 20 that were designated by GeoDesign, with Section 21 created along the eastern property boundary where a soil berm had been created. A portion of Sections 10 and 20 was separated off and became Section 21. The top of the soil berm was approximately 2 to 3 feet higher than the rest of the property and occupies the entire length of the eastern property boundary. A test pit in this berm revealed a mixture of soil, clarifier solids and some garbage.

Decision Units (DUs) for the ISM were not clearly defined. However, SCS assumes they were the 21 individual sections. PBS further divided the Sections into 1-foot increments of soil under each Section. ISM samples were collected in 1-foot increments from surface down to approximately 2 to 5 feet bgs in each section. Results indicated that impacted soils were predominantly within the top 3 feet of soil. Impacted soil along the berm (Section 21) extended a bit deeper, as much as 6 feet or more.

PBS concluded that the RI activities completed at the former Fleischer Property had sufficiently defined the nature and extent of PCB concentrations in soil to proposed CULs. PBS stated that (1) the site boundary defines the extent of contamination and (2) although MFA identified low levels of PCBs in soil (less than 1 mg/kg) along the south-adjacent property within 10 to 20 feet of the property boundary, those samples showed limited PCB detections that likely resulted from airborne movement of surface soils onto that adjoining property.

The report included a map showing soil removal depths for each of the Sections based on the ISM data. PBS also stated that additional ISM confirmation sampling to demonstrate completion of remedial excavation was not proposed as the deepest ISM samples already represent the condition of the soils proposed to be left in place.

Ecology Response, 2022

The Ecology response to the above work was presented in a letter dated May 24, 2022, and concluded that further delineation of PCB-impacted soils was necessary. Ecology points out that the extent of PCB contamination does not stop at the property boundary and that PBS is required to continue delineation efforts beyond the property boundary where contamination was found to be present. Ecology also requested a better discussion of the ISM results, beyond the table of data and figure presented in PBS's RI Report. Ecology stated that it wasn't clear in the report if the ISM sampling complied with the RI Work Plan or met the requirements of the May 2020 Ecology letter. It was also unclear what the relationship was between the ISM sampling and the vertical extent of the PCB contamination.

Ecology also stated that all excavated areas, including ISM DUs and discrete sample areas, should have post-excavation confirmation samples collected and analyzed for PCBs to demonstrate that the cleanup performed was sufficient.

NV5, 2023

On October 31, 2023, NV5 completed a limited subsurface investigation on behalf of COV on its property located adjacent to south of the Fleischer Property. NV5 collected 46 discrete soil samples from the upper two feet of fill material and analyzed the samples for PCBs. Based on the MFA soil samples and the additional soil sampling conducted by NV5, the extent and magnitude of the PCB-contaminated soil on the COV Property exceeding 1 mg/Kg has generally been delineated. Much of the PCB-contaminated soil is present from the surface to 0.5-foot bgs. Two areas were identified where impacted soils extend to a depth of 1-foot bgs. NV5 estimated that approximately 200 cubic yards of PCB-contaminated soil exceeding the 1 mg/Kg MTCA Method A cleanup level are present along the north COV Property boundary, adjacent to the Fleischer property.

References

Maul Foster and Alongi (MFA), 2014. Focused Site Characterization, Fleischer Properties, for Clark County, Washington, December 22, 2014.

PBS Engineering and Environmental, Inc. (PBS), 2020. Remedial Investigation and Interim Action Work Plan, Former Fleischer Property, 9019 and 9115 NE 94th Avenue, Vancouver, Washington, Ecology FSID 20708, Ecology CSID 2827, Ecology VCP ID SW1657, for Kirkland Development LLC. January 30.

PBS, 2020a. Letter to Aaren Fiedler, Ecology Re: Revised Remedial Investigation and Interim Action Work Plan, Former Fleischer Property, NE 94th Avenue, Vancouver, Washington, from Dennis Terzian, PBS. July 16.

PBS, 2020b. Revised Remedial Investigation and Interim Action Work Plan, Former Fleischer Property, 9019 and 9115 NE 94th Avenue, Vancouver, Washington, Ecology FSID 20708, Ecology CSID 2827, Ecology VCP ID SW1657, for Kirkland Development LLC. July 16.

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Washington Department of Ecology (Ecology), 2020. Letter to Dean Kirkland, Kirkland Central Holdings LLC Re: Further Action at Fleischer Property, 9109 NE 94th Ave., Vancouver, Clark County, WA 98662, from Aaren Fiedler, Ecology. May 7.

Ecology, 2022. Letter to Dean Kirkland, Kirkland Central Holdings LLC Re: Further Action at Fleischer Property, 9109 NE 94th Ave., Vancouver, Clark County, WA 98662, from Aaren Fiedler, Ecology. May 24.