



## **First Periodic Review MJB South Hydro Fill**

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**T Ave 25<sup>th</sup> & 30<sup>th</sup> St. Anacortes, WA 98221, Skagit County  
Facility Site ID: 7681, Cleanup Site ID: 1434**

### **Toxics Cleanup Program**

Washington State Department of Ecology  
Lacey, Washington

January 2025, Publication 25-09-061

## Document Information

This document is available on the Department of Ecology's [MJB South Hydro Fill cleanup site page](#).<sup>1</sup>

### Related Information

- Facility Site ID: 7681
- Cleanup Site ID: 1434

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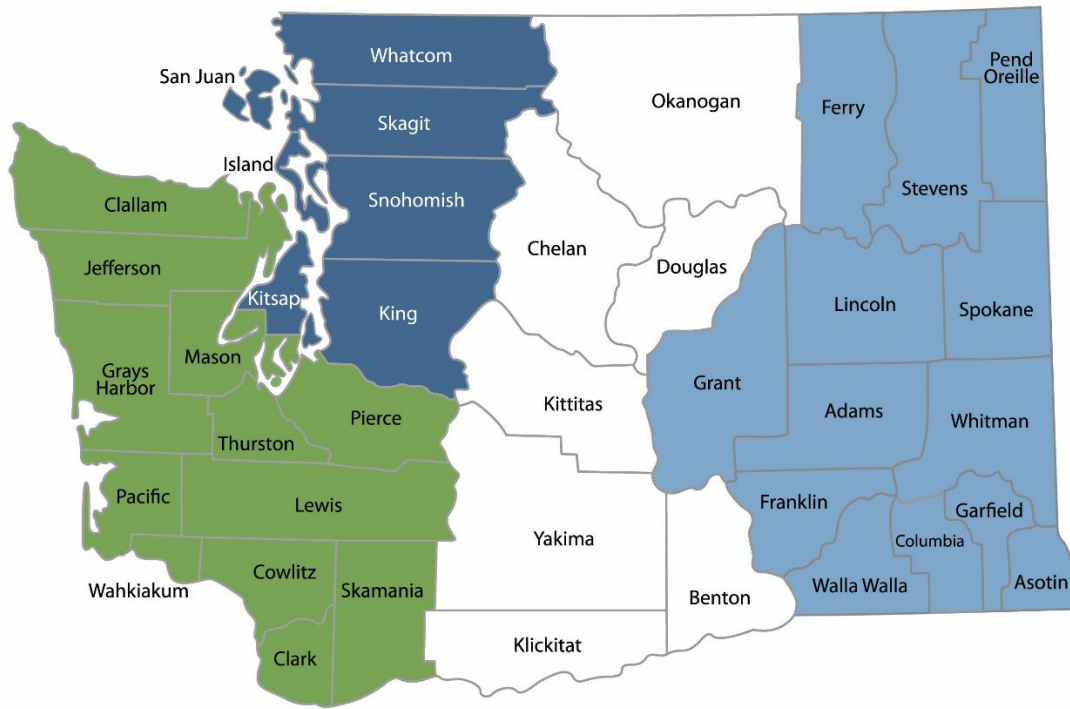
<sup>1</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/1434>

<sup>2</sup> <https://ecology.wa.gov/about-us/contact-us>

<sup>3</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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# Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health, and the environment are being protected at the MJB South Hydro Fill cleanup site (Site). Site cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed as an independent cleanup. Residual concentrations of arsenic and lead in groundwater that exceeded MTCA cleanup levels remain on the property. The MTCA cleanup levels for soil and groundwater are established under [WAC 173-340-740](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740)<sup>4</sup> and [WAC 173-340-720](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720),<sup>5</sup> respectively.

Ecology determined institutional controls in the form of an environmental covenant would be required as part of the cleanup action for the Site. [WAC 173-340-420\(2\)](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420(2))<sup>6</sup> requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because an institutional control is required as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (WAC 173-340-420(4)):

- a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- b) New scientific information for individual hazardous substances or mixtures present at the site;
- c) New applicable state and federal laws for hazardous substances present at the site;
- d) Current and projected site and resource uses;
- e) The availability and practicability of more permanent remedies; and
- f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology publishes a notice of all periodic reviews in the *Site Register* and provides an opportunity for public comment.

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<sup>4</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740>

<sup>5</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

<sup>6</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420>

# Summary of Site Conditions

## Site description and history

The Site (Property) is comprised of approximately 12 acres of land on portions of Skagit County Tax Parcels P32981, P32979, P32977, P32976, P32975, P32974, P32972, P78002, P131158, and P78006. A boat ramp was constructed in the central portion of the Property in 2010.

Additionally, the Property is developed with a constructed building, mobile building, utilities, and travel lift.

The northern portion of the Property is referred to as the Former Pioneer Mill Area, which historically was operated as a shingle mill. The southern portion of the Property is referred to as the Hydraulic Fill Area, which reportedly was created in 1974 using sediments obtained during the dredging of the navigation channel in Fidalgo Bay. The boat ramp was constructed in 2010 within the central portion of the Property, between the Former Pioneer Mill Area and the Hydraulic Fill Area.

A vicinity map is in Appendix A, and a Site plan is in Appendix B.

## Site investigations

Multiple subsurface investigations were conducted at the Property between 1991 and 2011. A subsurface investigation was conducted in June 1991 by Hart Crowser, Inc., which included advancement and sampling of eight borings (B-1 through B-4 and B-7 through B-10) in the Hydraulic Fill Area. Benzene, tetrachloroethene (PCE), and/or lead were detected at concentrations exceeding the MTCA Method A cleanup levels in soil samples collected from borings B-4, B-9, and B-10. Analytical results for the soil samples collected from the remaining five borings were reported to be either non-detectable at the laboratory reporting limits or the analytes were present at concentrations less than the MTCA cleanup levels. No groundwater sampling was conducted during the 1991 investigation.

Based on the results from the 1991 investigation, Ecology identified the potential presence of constituents of potential concern (COPCs), including petroleum products, metals, semivolatile organic compounds, volatile organic compounds, polychlorinated biphenyls, and dioxins/furans on the South Hydro Fill Area related to the presence of fill material placed during historical dredging activities in Fidalgo Bay and/or historical operations on the Property.

A subsurface investigation was conducted in 2010 by AMEC to characterize the potential presence of COPCs in soil prior to construction of the boat ramp in the central portion of the South Hydro Fill Area. The 2010 investigation included advancement and sampling of seven test pits. COPCs were present at concentrations exceeding regulatory screening levels in shallow soil in a localized area of the boat ramp. During construction of the boat ramp in 2010, soil containing COPCs at concentrations exceeding the regulatory screening level was excavated and disposed of off the Property in accordance with the Ecology approved Investigation Work Plan (Farallon, 2009).

An additional subsurface investigation was conducted at the South Hydro Fill Area by Farallon Consulting (Farallon) in 2011, which included advancement and sampling of 14 borings (B-11 through B-24) and installation of three groundwater monitoring wells (MW-1 through MW-3). The additional investigation was requested by Ecology to address data gaps identified for the South Hydro Fill Area portion of the Property. Lead was detected at a concentration exceeding the MTCA Method A cleanup level for soil in a single soil sample collected from the fill horizon in boring B-24 on the southwestern portion of the Hydraulic Fill Area. Follow-up sampling was conducted at previous Hart Crowser Inc. boring locations where benzene, PCE, and/or lead had been detected at concentrations exceeding MTCA Method A cleanup levels. Benzene, PCE, and lead were reported as non-detect at the laboratory reporting limits for this follow-up sampling. COPCs were reported either non-detect at the laboratory reporting limits or less than the MTCA cleanup levels in the soil samples collected from the remaining borings.

Total petroleum hydrocarbons, volatile organic compounds, including benzene and PCE, and semivolatile organic compounds, were reported either non-detect or less than their respective MTCA cleanup levels in groundwater samples collected from monitoring wells MW-1 through MW-3. Arsenic was detected at a concentration exceeding the MTCA Method A cleanup level for groundwater in samples collected from monitoring wells MW-1 through MW-3. Lead was detected at a concentration exceeding the MTCA Method A cleanup level in a groundwater sample collected from monitoring well MW-3, installed proximate to the localized area of COPCs in shallow soil, with concentrations of lead exceeding the MTCA Method A cleanup level in borings B-11 and B-24. Arsenic was reported non-detect at the laboratory reporting limit in each of the soil samples tested on the South Hydro Fill Area during the 2011 investigation, except for one sample collected from a boring on the northern portion of the South Hydro Fill Area.

Based on the results from the subsurface investigations, the soil constituents of concern (COCs) identified for the Property included benzene, PCE, and/or lead within the shallow fill horizon at boring locations B-4, B-9, B-10, and B-24 within the Hydraulic Fill Area.

## Cleanup actions

In April 2013, a cleanup action was completed at the Site and included targeted excavation and off-Property disposal of soil with concentrations of COCs exceeding MTCA Method A cleanup levels. The analytical results of the soil sampling conducted during the subsurface investigations were used to define the expected distribution of the soil that required disposal off the Property. Excavation activities and confirmation soil sampling were completed at prior boring locations B-4, B-9, B-10, and B-24. Approximately 26 tons of contaminated soil was excavated and transported off the Property to Republic Services Subtitle D Landfill in Roosevelt, Washington. Soil was excavated to the target depths and a confirmation floor sample was collected in each excavation. Confirmation samples indicated COCs were below MTCA Method A cleanup levels (Farallon, 2013).

Confirmation sampling of groundwater following soil excavation was not conducted and an environmental covenant was required in the No Further Action letter issued by Ecology in 2014, discussed below (Ecology, 2014).

## Groundwater monitoring

While groundwater contamination exists based on the results of the 2011 monitoring event, no groundwater monitoring is currently being required. Groundwater migration to surface to a waterbody was the subject of the No Further Action letter and no groundwater extraction or interaction has occurred.

## Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site.

[WAC 173-340-704](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704)<sup>7</sup> states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

The point of compliance is the area where the cleanup levels must be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site (standard point of compliance).

## Environmental Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On 10/23/2024, institutional controls in the form of an [environmental covenant](#)<sup>8</sup> (Covenant) were recorded for the Site.

The Covenant recorded for the Site imposes the following limitations:

1. Groundwater use. The groundwater beneath the Property remains contaminated and shall not be extracted for any purpose other than temporary construction dewatering, investigation, monitoring, or remediation. Drilling of a well for any water supply purpose is strictly prohibited. Groundwater extracted from the Property for any purpose shall be

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<sup>7</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

<sup>8</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/147708>



considered potentially contaminated and any discharge of this water shall be done in accordance with state and federal law.

## Periodic Review

### Effectiveness of completed cleanup actions

Ecology conducted a site visit on December 17, 2024, and the Site is currently operating as a boat storage yard in the South Hydro Fill area, a concrete boat ramp in the Boat Ramp Area, and boat storage with a marine travelift and marine vessel retrofit area including a couple buildings on the northern Former Pioneer Mill Area.

On February 24, 2022, a diesel fuel spill occurred on the site and was voluntarily cleaned up. Twenty confirmation soil samples were collected and approximately 156 tons of soil was excavated and hauled to the licensed Cadman thermal desorption facility in Everett, WA. The spill was recorded under cleanup site ID (CSID) 16662 and facility site ID (FSID) 99997707.

No indication of any other ground disturbing activities was noted. A photo log is in Appendix C.

### Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were eliminated by soil excavation and off-site disposal.

### Groundwater

Groundwater cleanup levels for the site are based on MTCA Method A cleanup levels. Groundwater was sampled before the final soil removal action; however, groundwater has not been sampled since. An environmental covenant restricting groundwater use is in place and an associated Soil Management Plan (Farallon, 2024) detailing soil disturbance notification procedures is being followed.

### Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2024. The Covenant remains active and discoverable through the Skagit County Auditor. Ecology found no evidence that a new instrument has been recorded that limits the effectiveness or applicability of the Covenant. This Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup action and prohibits any use of the property that is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant ensures the long-term integrity of the cleanup action will be protected.

## **New scientific information for individual hazardous substances or mixtures present at the Site**

There is no new relevant scientific information for the hazardous substances remaining at the Site. However, additional groundwater monitoring at the site may provide new data to determine if an environmental covenant may be rescinded.

## **New applicable state and federal laws for hazardous substances present at the Site**

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site. In January 2024 the MTCA was updated; however, the updates do not modify cleanup levels or institutional controls related to the site.

## **Current and projected Site and resource uses**

The Site is used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the cleanup action.

## **Availability and practicability of more permanent remedies**

The remedy implemented included containing hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies may be available, they are still not practicable at this Site.

## **Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the cleanup action were capable of detection below the selected MTCA cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## Conclusions

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Groundwater compliance monitoring has not occurred at the site since prior to the cleanup action. No extraction or interaction of groundwater has occurred.
- The Covenant for the property is in place and is effective in protecting human health and the environment from exposure to hazardous substances and the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the Covenant are being followed. No additional cleanup actions are required by the property owner at this time.

## Next review

Ecology will schedule the next review for the Site five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years after those activities are completed.

## References

Ecology. *Environmental Covenant*. October 23, 2024.

Ecology. "No Further Action Determination." September 8, 2014.

Ecology. Site visit. December 17, 2024.

Farallon Consulting. *Closure Report MJB South Hydro Fill Area*. October 17, 2013.

Farallon Consulting. *Investigation Work Plan – MJB South Dock (Ramp Area Only)*. December 17, 2009.

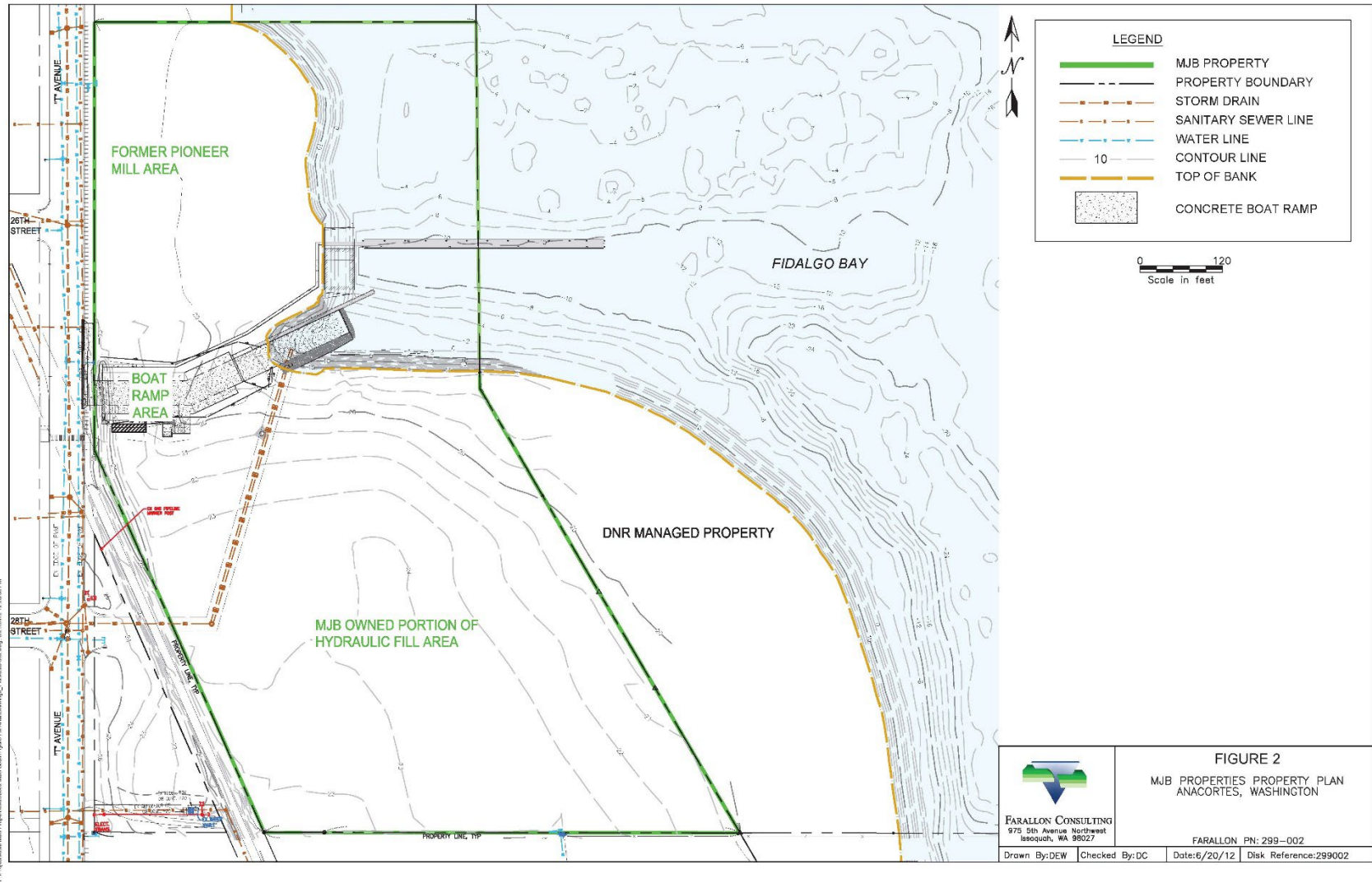
Farallon Consulting. *Soil Management Plan MJB South Hydro Fill Area*. April 18, 2024.

# Appendix A. Vicinity Map



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# Appendix B. Site Plan





## Appendix C. Photo Log

**Photo 1: Taken on the boat ramp at the western edge of the property. Facing north.**



**Photo 2: Taken on the boat ramp at the western edge of the property. Facing south.**



**Photo 3: Taken at the southwest corner of the property. Facing northeast.**



**Photo 4: Taken at the northeast corner of the property. Facing southwest.**

