



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

August 20, 2024

Aaron Wigod  
30050 SW Town Center Loop, No. 200  
Wilsonville, OR 97070

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

- **Facility/Site Name:** Aeon II
- **Facility/Site Address:** 313 East 12<sup>th</sup> Street, Vancouver, WA 98660
- **Facility Site ID:** 100000699
- **Technical Assistance Program No.:** P-SW2650

Dear Aaron Wigod:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 313 East 12<sup>th</sup> Street, Vancouver, WA 98660 (Site). This letter provides PLIA's 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**

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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.

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## **Description of the Site**

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This opinion applies only to the identified petroleum release at the Site located at 313 East 12<sup>th</sup> Street, Vancouver, WA 98660 and includes Clark County tax parcel 39220001. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH) as gasoline-range organics (GRO), diesel-range organics (DRO), and/or oil-range organics (ORO) into the soil, groundwater, and air.

## **Basis of the Opinion**

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

1. *Remedial Investigation and Cleanup Update Report*. Prepared by Hahn and Associates, Inc. June 30, 2024.
2. *Letter regarding Results of Subsurface Investigation, Aeon II Property*. Prepared by Hahn and Associates, Inc. August 16, 2023.

These reports are available for download at: [Aeon II Public Files](#).

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](mailto: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**

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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.

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## **Analysis of the Cleanup**

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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 petroleum underground storage tank (UST) system release 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 documents cited above.

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

#### **i. Soil:**

- Approximately 477 tons of petroleum contaminated soil (PCS) were excavated and transported off-Site for disposal at a permitted facility. The excavation extended approximately 40' north-south and 60' east-west.
- The results of confirmation samples demonstrate that PCS with concentrations of COCs exceeding the applicable CULs was remediated to 15' below ground surface (bgs).
- Soil sample results are listed in the following tables:
  - Tables 3, 4, 5, and 6, *Remedial Investigation and Cleanup Update Report*.

**Result: The data indicate the soil direct contact and soil leaching to groundwater exposure pathways are incomplete at the Site.** The remedial action(s) removed the potential for PCS with concentrations of COCs exceeding CULs to come into contact with human or ecological receptors or leach into groundwater.

#### **ii. Groundwater:**

- Groundwater was not encountered at depths of 80' or less bgs. A review of well logs indicates groundwater is discontinuous in the Site area and typically encountered below the explored depth of 80' bgs. PCS remains at depths of 15' to 35' bgs.

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**Result: The data indicate the groundwater exposure pathway is incomplete at this Site.** The remedial action(s) removed the potential for groundwater with concentrations of COCs exceeding CULs to come into contact with humans or ecological receptors.

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

- PCS within the lateral inclusion zone and/or vertical separation distance of Site buildings was successfully remediated to concentrations of COCs less than the MTCA Method A CUL.

**Result: The data indicate the vapor intrusion pathway is incomplete at this Site.** The remedial action(s) removed the potential for vapors from PCS to enter nearby commercial or residential structures.

**iv. Surface Water:**

- Not applicable for the Site. The nearest surface water, the Columbia River, is approximately 3,500' to the south-southeast of the Site.

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

## **Limitations of the Opinion**

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**1. Opinion does not settle liability with the state.**

Under 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).

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**2. 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 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**

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This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. P-SW2650.

**Contact Information**

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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](mailto:pliamail@plia.wa.gov).

Sincerely,

DocuSigned by:  
  
052C3242ED4E4BF...  
Nicholas Murray  
Hydrogeologist

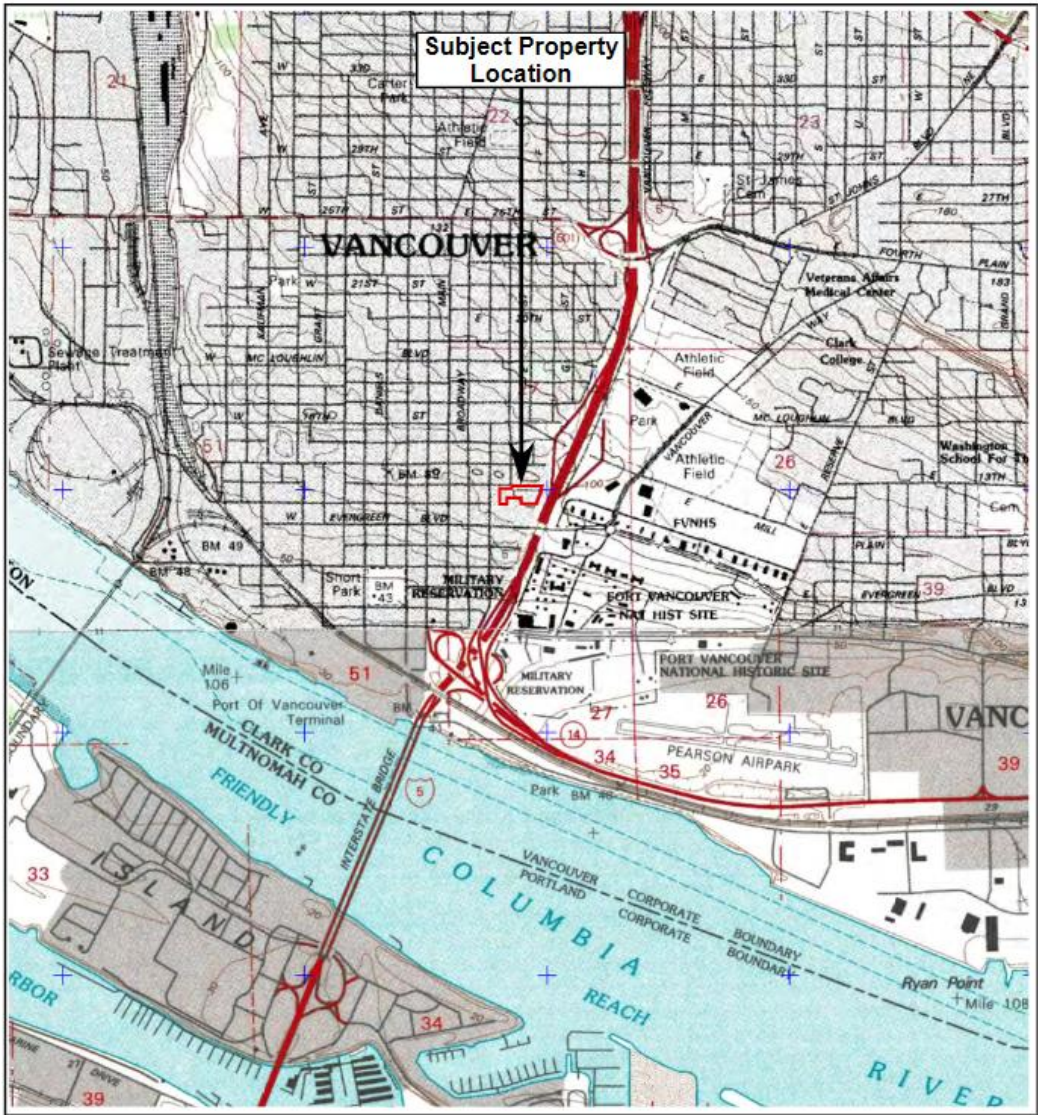
Enclosure A:      Figure 1: Site Vicinity Map  
                         Figure 2: Site Plan Map

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**Enclosure A:**  
**TAP Project No. P-SW2650**  
**313 East 12<sup>th</sup> Street, Vancouver, WA**  
**98660**

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Figure 1: Site Vicinity Map



Note:  
Base Map from the Vancouver, Washington (1995)  
USGS 7.5-Minute Quadrangle  
Contour Intervals: 40 Feet



0 1000 2000 4000  
1"=2000' Scale in Feet

**FIGURE 1**  
**Location Map**

Remedial Investigation  
Aeon II Property  
313 E 12th Street  
Vancouver, Washington

HAHN AND ASSOCIATES, INC.  
Project No. 9931

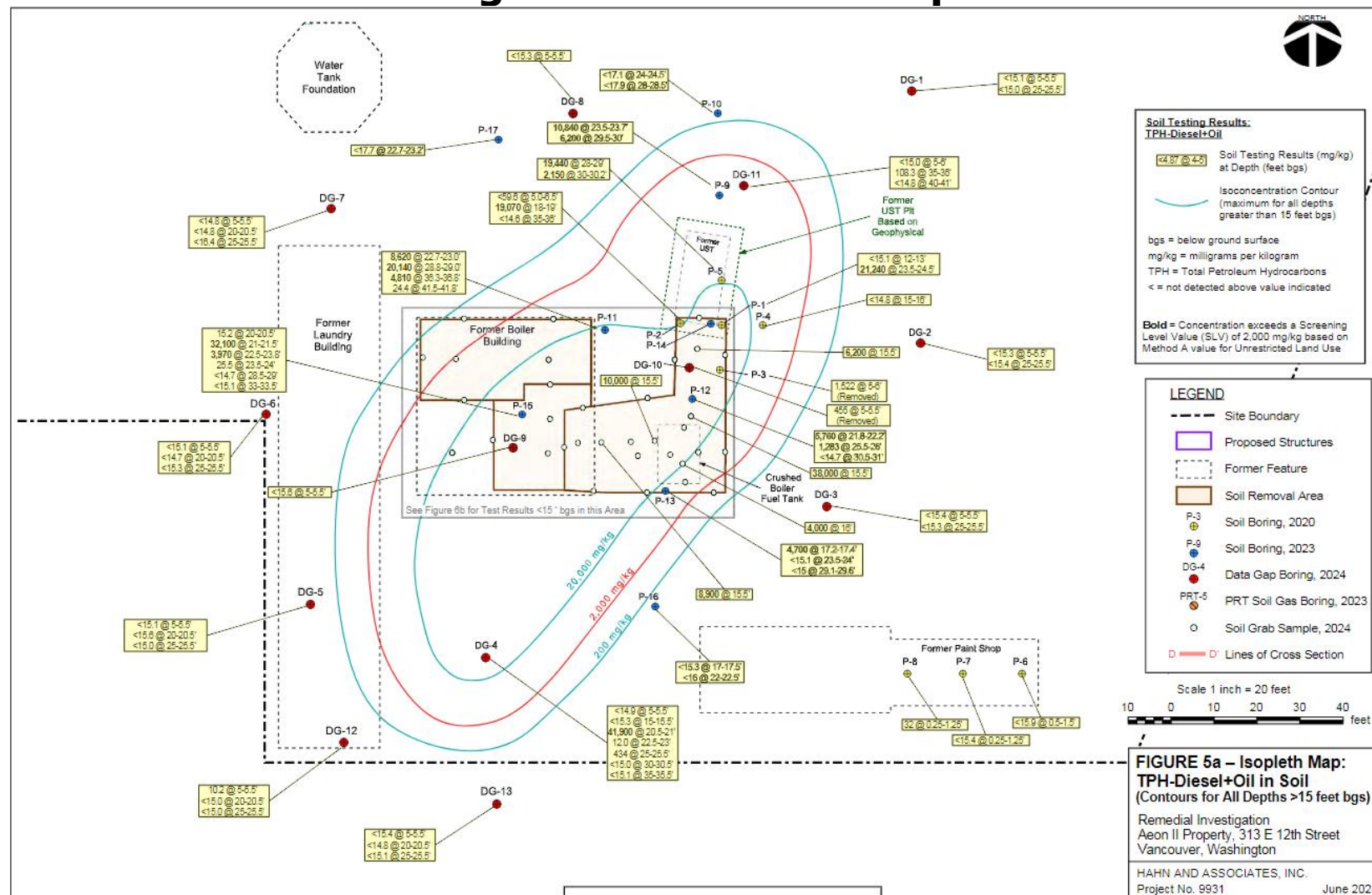
June 2024

**Source:** Remedial Investigation and Cleanup Update Report, Hahn and Associates, Inc., June 30, 2024.



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**Figure 2: Site Plan Map**



**Source:** Remedial Investigation and Cleanup Update Report, Hahn and Associates, Inc., June 30, 2024.