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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office

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May 1, 2025

Nicholas Gerkin
Aerotech Environmental Consulting, Inc.
17837 1st Ave S, #556
Normandy Park, WA 98148
nick@dirtydirt.us

Re: Further Action/Technical Assistance for the following contaminated Site

- **Site Name:** Modutech Marine
- **Site Address:** 2218 Marine View Drive NE, Tacoma, WA 98422
- **Facility/Site ID:** 1631646
- **Cleanup Site ID:** 14602
- **VCP Project ID:** SW1859

Dear Nicholas Gerkin:

On March 25, 2025, the [Washington State Department of Ecology](#)¹ received your request for a written opinion regarding the sufficiency of your independent cleanup of the Modutech Marine (Modutech) facility (Site), under the [Voluntary Cleanup Program](#) (VCP).² This letter provides our opinion and analysis.

We provide this opinion under the authority of the [Model Toxics Control Act](#)³ (MTCA), chapter [70A.305](#)⁴ RCW. This further action and technical assistance opinion is provided under the requirements of WAC [173-340-515](#)⁵(5).

¹ <https://ecology.wa.gov/>

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-515>

Issue Presented and Opinion

Consistent with your request for opinion, Ecology is issuing this further action and technical assistance opinion letter.

This opinion is based on an analysis of whether the past and proposed remedial actions meet the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code (WAC) Chapter 173-340 (collectively “substantive requirements of MTCA”).

Site Description

This opinion applies only to the Site described below. The Site is currently defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH) as diesel-range (DRO) and oil-range (ORO) organics in soil.
- Benzene, toluene, ethylbenzene, and total xylenes (BTEX) in soil and groundwater.
- Carcinogenic polycyclic aromatic hydrocarbons (cPAH) in soil.
- Metals (arsenic, lead, chromium, and cadmium) in soil.
- Metals (arsenic) in groundwater.

Based on Ecology’s understanding of the typical contaminants resulting from fiberglass and steel boat manufacturing, it is recommended the aforementioned list be expanded to include assessment of volatile organic compounds (VOC) in soil and groundwater. Compounds of concern (COC) would include styrene, methylene chloride (MC), 1,1,1-trichloroethane (TCA), other chlorinated solvents such as tetrachloroethene (PCE) and trichloroethene (TCE), methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), and methyl methacrylate.

With respect to the adjacent Hylebos Waterway (Hylebos), Ecology understands that i) the subject Property is located within the National Priorities List (NPL) and the Environmental Protection Agency’s (EPA’s) Comprehensive Environmental Response, Compensation, and Liability Information System (“CERCLIS”) zone identified as the Commencement Bay Near Shore/Tideflats Site and ii) the properties along the Hylebos are located within the Tideflats portion of the site.

On September 18, 2003, the EPA entered into a formal consent decree agreement with Potentially Responsible Parties (PRPs) along the Hylebos. In 2009, Property owner Mr. Swindahl provided copies of three letters to consultant The Riley Group, Inc.⁶ documenting the Property owner's and Modutech Marine Inc's settlement of liability with the EPA. As a result, past potential releases from the Property to Hylebos sediment and surface water are not considered an applicable nor administrative part of this opinion.

The parcel(s) of real property associated with this Site are also located within the projected boundaries of the Tacoma Smelter Plume (TSP) facility (FSID #89267963). At this time, we have no information that those parcel(s) are actually affected. This opinion does not apply to any contamination associated with the TSP facility.

Basis for the Opinion

This opinion is based on the information contained in the documents included in **Enclosure A**.

You can request these documents by filing a [records request](#).⁷ For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on [Ecology's Cleanup Site Search web page](#).⁸

This opinion is void if any of the information contained in those documents is materially false or misleading.

The parcel(s) of real property associated with this Site are also located within the projected boundaries of the Tacoma Smelter Plume facility (FSID #89267963). At this time, we have no information that those parcel(s) are actually affected. This opinion does not apply to any contamination associated with the Tacoma Smelter Plume facility.

Analysis of the Cleanup

1. Characterization of the Site

Based on our telephone discussion on April 7, 2025, Ecology understands that the scope of work in the 2021 CAP is no longer valid. Prior to that, the 2019 Remedial Investigation (RI) and the April/July 2018 Site Characterizations involved the following:

⁶ Aerotech, Phase I Environmental Site Assessment, February 26, 2018; reference on page 37 in Commencement Bay Near Shore/Tideflats National Priorities Listing, last paragraph to *The Riley Group, Inc., Phase I Environmental Site Assessment, pages 8-9, September 11, 2009*.

⁷ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/site/14602>

- Drilling of 38 soil borings from 3-16 feet below ground surface (bgs) and soil sampling to assess waste sandblast grit and other COC including DRO/ORO, BTEX, cPAH, MTCA 5 metals, and VOC (one sample from boring SB08 at 4 feet bgs).
- Installation of the four on-Site monitoring wells MW-1 through MW-4 and sampling of groundwater for DRO/ORO (MW-4 only - two 2018 quarterly events), BTEX (MW-4 only – one 2018 quarterly event), cPAH (MW-1/3/4 – one to two 2018 quarterly events), and total/dissolved arsenic and lead for four consecutive quarters.

As mentioned above under Site Description, VOC should have also been assessed in groundwater to evaluate the potential presence of the other COC typically associated with fiberglass/steel boat manufacturing and waste oil storage and to further assess potential releases from impacted soil.

Ecology Comments:

As a result, Ecology has the following recommendations to further assess environmental conditions at the Site. All groundwater samples should be collected at high tide.

1. Manufacturing Warehouse.

- a. Soil. Collect similar depth-interval soil boring samples from 3 locations behind the Warehouse along the Boat Staging and Repair corridor.
- b. Groundwater. Collect 3 direct-push groundwater samples from behind the Warehouse along the Boat Staging and Repair corridor. In addition, collect two direct-push groundwater samples adjacent to front of the Warehouse and between wells MW-2 and MW-3 and between MW-3 and MW-4.
- c. Analyze the soil and groundwater samples for VOC by EPA Method 8260D.

2. Equipment Storage Area.

- a. Soil/Groundwater. Collect direct-push soil/groundwater samples i) adjacent to the northern property boundary and ii) northwest of well MW-4 at former boring location SB-25.
- b. Analyze the soil and groundwater samples for DRO/ORO, cPAH (based on DRO/ORO detections), and VOC by EPA Method 8260D.

3. Hazardous Chemical Storage/Waste Oil Storage Areas.

- a. Soil/Groundwater. Collect direct-push soil/groundwater samples adjacent to the Hazardous Chemical and Waste Oil Storage areas.
- b. Analyze the soil and groundwater samples for DRO/ORO, cPAH (based on DRO/ORO detections), VOC by EPA Method 8260D, and PCBs.

4. Monitoring Wells MW-1 through MW-4.

- a. Resample wells and analyze groundwater samples for VOC by EPA Method 8260D.

5. COC-impacted soil areas defined by borings SB03/SB25/SB31 and SB07/SB08/SB20/SB27 and SB-11.

- a. Complete interim remedial actions via excavation of soil above the MTCA A Industrial cleanup levels (CULs) to the maximum extent practicable and delineated via soil confirmation samples.
- b. Please complete a Contaminated Media Management Plan (CMMP) which describes fieldwork and analytical procedures that will be used during both known interim actions and discovery of impacted soil during future activities at the site.

6. Conceptual Site Model (CSM).

- a. Sources. Please specify other potential sources consistent with fiberglass/steel boat manufacturing, repair, and maintenance. These sources would include solvents, paints, varnish, resins/hardeners, and antifouling coatings.
- b. Exposure Routes. Please add direct contact for soil.
- c. Receptors. Please add trespasser and customer (public).

7. Terrestrial Ecological Evaluation (TEE).

- a. Please re-evaluate the TEE based on collection of the recommended data.

8. Stormwater System Updates.

- a. Coordinate any stormwater system updates with Ecology's Southwest Regional Water Quality Program.

9. EIM Data.

- a. Please verify that all soil, groundwater, indoor/outdoor air data that have been collected to date are uploaded to Ecology's EIM.

2. Establishment of Cleanup Standards.

Based on the additional delineation of soil and groundwater as recommended, revised and additional CULs/ARAR's and points of compliance may need to be established for the Site to meet the substantive requirements of MTCA. The points of compliance⁹ should be reevaluated once the actual site boundaries based on contaminant nature and extent and future site use are determined through the proposed additional sampling efforts.

It is anticipated that the interim soil remedial actions would be conducted according to the MTCA A Industrial CULs. Further, given the proximity of the Site to the Hylebos Waterway,

⁹ WAC 173-340-200 "Point of Compliance."

groundwater should be assessed relative to the human health CULs for marine surface water¹⁰ and MTCA A or B groundwater CUL's, whichever is more stringent.

Of note, Ecology's recommendation for additional groundwater sampling from the on-Site wells and the DP borings are currently based on one sampling event at high tide. This assumes that site COC are either not detected or detected below the CULs. Detections of Site COC above the CULs would result in additional and/or quarterly events.

Limitations of the Opinion

1. 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).

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 a party performs is substantially equivalent. Courts make that determination. *See* RCW 70A.305.080 and WAC 173-340-545.

3. 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).

¹⁰ WAC 173-201A.

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our [Voluntary Cleanup Program web site](#).¹¹ If you have any questions about this opinion, please contact me at 360-489-5347 or joe.hunt@ecy.wa.gov.

Sincerely,



Joseph B. Hunt, LHG
Toxics Cleanup Program
Southwest Region Office

JH:kw

Enclosure A: Site Documents

cc by email: Darrin Swindahl, Swindahl Properties, LLC, darrin@modutechmarine.com
Michael Pearson, Pearson Metal Salvage, mikepearson12@yahoo.com
Adonia McKinzi, Ecology, adonia.mckinzi@ecy.wa.gov
Tim Mullin, LHG, Ecology, tim.mullin@ecy.wa.gov
Marian Abbett, PE, Ecology, marian.abbett@ecy.wa.gov
Ecology Site File

¹¹<https://www.ecy.wa.gov/vcp>

Enclosure A

Site Documents

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1. Aerotech, Environmental Consulting Inc. (Aerotech), Cleanup Action Plan Performed at: Swindahl Properties LLC aka Modutech Marine, Inc. (Modutech), 2218 Marine View Drive, Tacoma, WA, June 30, 2021.
2. Aerotech, Remedial Investigation Report – Modutech, September 27, 2019.
3. Aerotech, Groundwater Monitoring Report -Fourth Quarter – Modutech, January 10, 2019.
4. Aerotech, Groundwater Monitoring Report -Third Quarter – Modutech, October 9, 2018.
5. Aerotech, Additional Site Characterization Report – Modutech, July 20, 2018.
6. Aerotech, Groundwater Monitoring Report -Second Quarter – Modutech, July 13, 2018.
7. Aerotech, Site Characterization Report – Modutech, April 19, 2018.
8. Aerotech, Phase I Environmental Site Assessment – Modutech, February 26, 2018.