STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 17, 2014

Mr. Miguel A. Ortega
EHS International, Inc.
13228 NE 20th Street, Suite #100
Bellevue, WA 98005

Re: No Further Action at the following Site:

- **Site Name:** Clarion Hotel
- **Site Address:** 900 Capitol Way South, Olympia
- **Facility/Site No.:** 9488181
- **Cleanup Site ID No.:** 348
- **VCP Project No.:** SW1266

Dear Mr. Ortega:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Clarion Hotel facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

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

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following confirmed and suspected releases:

- Petroleum hydrocarbons and related constituents into the Soil and Groundwater.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note the parcels of real property can be affected by multiple sites. Petroleum hydrocarbons and related constituents have been detected exceeding MTCA cleanup levels in soil and groundwater beneath the former Unocal Service Station #266, a property located within the same block and adjacent to the Site. Another contaminated site, Washington Grange Parking Lot (Former Chevron Service Station #20-6183) is located across 10th Ave. SE, to the south of the Site. Groundwater monitoring data indicated that free petroleum product existed in several wells during 2001 to at least 2011, and both gasoline-range total petroleum hydrocarbons (TPH-Gx) and diesel-range total petroleum hydrocarbons (TPH-Dx) exceeded the MTCA Method A cleanup levels in the latest monitoring in 2012. Local groundwater flow direction is generally to the north, therefore, contaminated groundwater from the Chevron Service Station site and the Unocal Service Station site could potentially impact the Clarion Hotel Site. Although various remedial actions have been conducted, the two adjacent sites have not been cleaned up to date. However, at this time, we have no information that these adjacent sites have affected the Clarion Hotel Site.

Basis for the Opinion

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

1. GO Spectrum NW, LLC, Hotel Concept Capitol Plaza Hotel Quarterly Groundwater Monitoring Report (January 2014). January 21, 2014.

2. GO Spectrum NW, LLC, Hotel Concept Capitol Plaza Hotel Quarterly Groundwater Monitoring Report (October 2013). November 5, 2013.

3. Spectrum Services Group, Inc., Groundwater Monitoring Report (July 2013). July 30, 2013.

4. O'Malley & Associates, LLC, Whidbey Island Bank Capital Plaza Hotel Groundwater Assessment Final Report. April 24, 2013.

5. Department of Ecology, Email from Hans Qiu to Miguel Ortega, of EHS-International, Inc., Response to Comments on Clarion Hotel Further Action Letter. March 26, 2013.

6. EHS-International, Inc., Comments to Ecology's February 27, 2013 Further Action Letter. March 07, 2013.

7. Thurston County Health Department – Clarion Hotel Site Hazard Assessment. December 9, 2009.

8. Department of Ecology, Early Notice Letter Regarding the Release of Hazardous Substances, located at 900 S Capitol Way S, Olympia, WA 98501. April 10, 2009.

9. Department of Ecology, Initial Investigation Field Report. January 21, 2009.

10. Envitech, LLC, Remedial Action Report, Clarion Hotel. November 4, 2008.

11. Department of Ecology, Environmental Report Tracking System (ERTS) Initial Report, # 609041. October 20, 2008.

12. Associated Environmental Group, LLC, Phase II ESA – Subsurface Investigation. February 20, 2008.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can make an appointment by calling the SWRO resource contact at (360) 407-6365.

This opinion is void if any of the information contained in those 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. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A.**

The Clarion Hotel is a five-story building located amid a commercial district in downtown Olympia, WA. The hotel occupies the majority of the 1.09-acre parcel, and is bounded by 9th Avenue SE to the north, Washington Street SE to the east, 10th Avenue SE to the south, and Capitol Way SE to the west.

Concern that the former Unocal Service Station #266 and former chevron Service Station #20-6183 sites nearby may have affected the Clarion Hotel Site prompted a Phase II Site Investigation upon a potential property transaction. The Site investigation was requested by Excel Bank and was conducted in February 2008.

During the Site investigation, five borings (B1 through B5) were advanced to a maximum of 20 feet below ground surface (bgs). The five borings were positioned along the northern boundaries of the former Unocal Service Station #266 site (B1 and B2) and Chevron Service Station site (B3 through B5). Two soil samples and one groundwater sample were collected from each boring. Soil concentrations exceeding MTCA cleanup levels for unrestricted land use were observed in one boring (B-3). Results for TPH-Dx were 6,200 milligrams per kilogram (mg/kg) at 7 feet below ground surface (bgs). Groundwater analytical results from all borings were non-detect for TPH-Dx, TPH-Gx, and benzene, toluene, ethylbenzene, and xylenes (BTEX).

On March 14, 2008, before a soil excavation activity, an additional 10 soil borings (S1 through S10) were drilled and 15 soil samples were collected to evaluate the vertical and lateral extent of the soil contamination. The results of this investigation were presented in a Remedial Action Report by Envitech, LLC (2008). Based on Figure 5 of the report, three soil samples were analyzed for TPH-Gx, two samples, both from boring S4 at the depths of 7 and 13 feet, detected TPH-Gx above the MTCA Method A cleanup level, at a concentration of 130 mg/kg. Other soil samples were either non-detect for TPH-Dx, or detected TPH-Dx at lower than the MTCA Method A cleanup level. However, the vertical extent of contamination was not defined.

The March 14, 2008 sampling event also included one groundwater sample from a temporary boring that appeared to have detected TPH-Dx at the concentration of 4,900 gram per liter (ug/L), which is above the MTCA Method A cleanup level (see Ecology Further Action Letter issued on February 27, 2013 for details). However, groundwater samples from temporary borings do not always represent actual groundwater concentrations. Groundwater monitoring wells are preferred to use for collecting representative groundwater samples.

In October 2008, soil excavation was conducted at the Site. A previously unknown heating oil underground storage tank (UST) was discovered during the soil excavation. The single-walled steel UST was at a depth of approximately 4 feet bgs and was approximately 46 inches in diameter and 8 feet long. The UST was removed and soil was excavated. Confirmation soil samples were collected from four sidewalls and the final excavation floor at 16 feet bgs (see Section 4 of this letter). All confirmation soil samples were non-detect for petroleum related contaminants.

Even though the confirmation soil samples were non-detect for petroleum related contaminants, Ecology issued a Further Action letter on February 27, 2013 because deficiencies were found in documenting the previous Site investigations. In addition, the vertical extent of contamination appeared to be undefined before soil excavation was conducted, and the temporary boring groundwater sample appeared to indicate that groundwater has been impacted at the Site (See Ecology Further Action letter on February 27, 2013 for details) and the contamination was not sufficiently characterized.

Groundwater was further characterized with the installation of four groundwater monitoring wells (MW-1 through MW-4) on April 19, 2013. These wells were installed to an appropriate depth of approximately 20 feet around the former heating oil UST area. The Depth to the groundwater table was approximately 10.80 to 12.50 feet bgs. Groundwater was monitored for four consecutive quarters from April 2013 to January 2014. Groundwater samples were analyzed for TPH-Dx for all four quarters, and lube oil-range TPH for the latest three quarters. Results for all the samples were below the laboratory reporting limit and below applicable MTCA cleanup levels.

2. Establishment of cleanup standards.

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

MTCA Method A cleanup levels for soil and groundwater were used for the Site. Standard points of compliance were used for the Site. The point of compliance for protection of groundwater was established in the soils throughout the Site. For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance was established in the soils throughout the Site from the ground surface to 15 feet below ground surface (bgs). In addition, the point of compliance for the groundwater was established throughout the Site from the uppermost level of the saturated zone extending vertically to the lower most depth that could potentially be affected by the Site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Cleanup actions conducted to date included source removal (removal of a heating oil UST) and contaminated soil excavation. The disposal of the contaminated soil was off Site (see Section 4 of this letter for details).

4. Cleanup.

Ecology has determined the cleanup you performed has met MTCA cleanup standards at the Site.

Cleanup actions conducted to date have included UST removal and contaminated soil excavation and off-Site disposal:

- Excavation of the petroleum-impacted soil was initiated on October 16, 2008 at the Site. Olfactory and Photo-ionization Detector (PID) were used during excavation to identify contaminated soil for guidance of excavation and segregation of removed soil. The excavation stopped at 16 feet bgs when PID readings indicated that soil excavated was no longer impacted by petroleum constituents. The final excavation pit was approximately 16 feet by 16 feet, and 16 feet deep. A total of 70 tons of petroleum-impacted soil was transported to Olympic View Transfer Station in Port Orchard for disposal.
- A heating oil UST was discovered during the soil excavation. The slurry and heating oil remaining in the UST was removed with vacuum truck by Marine Vacuum Service, Inc., and the single-walled steel UST was removed and disposed of after triple rinses by Birk Enterprises, Inc. on October 18, 2008.

Ecology has concluded that a No Further Action (NFA) determination is appropriate for the Site for the following reasons:

1. Excavation of the petroleum-impacted soil was initiated on October 16, 2008 at the Site. The excavation stopped at 16 feet bgs and the final excavation pit was approximately 16 feet by 16 feet in dimension. A total of 70 tons of petroleum-impacted soil was transported to Olympic View Transfer Station in Port Orchard for disposal. Confirmation soil samples were collected from the four walls of the excavation pit and bottom, and did not detect any petroleum-related contaminants above MTCA cleanup levels.
2. The only groundwater exceedance was a sample collected from a temporary boring on March 14, 2008 which detected TPH-Dx at the concentration of 4,900 ug/L. This sample was collected before the October 2008 soil excavation and UST removal. Additional groundwater monitoring was conducted at the Site from April 2013 to January 2014. All four goundwater monitoring wells MW-1 through MW-4 were non-detect for TPH-Dx and lube oil range petroleum hydrocarbons.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

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 70.105D.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 you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.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 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#SW1237).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (360) 407-6265 or via email at hqiu461@ecy.wa.gov.

Sincerely,

Hans Qiu, L.HG.
Site Manager
SWRO Toxics Cleanup Program

HQ/ksc:SW1266 Clarion Hotel Sit NFA 06172014

Enclosures: A – Description and Diagrams of the Site

By certified mail: (7012 2210 0002 6581 1949)

cc: Ms. Cynthia Butterfield, Vice President, Whidbey Island Bank
Gerald Tousley, Thurston County Health Department
Dolores Mitchell – Ecology
Scott Rose – Ecology

Enclosure A

Description and Diagrams of the Site

Site Description

The Clarion Hotel is located amid a commercial district in downtown Olympia, WA. The hotel occupies the majority of the 1.09-acre parcel, and is bounded by 9th Avenue SE to the north, Washington Street SE to the east, 10th Avenue SE to the south, and Capitol Way SE to the west.

Located within the same block and adjacent to the Site is a property occupied by the Washington Grange Building, a confirmed contaminated site previously entered into Ecology's Voluntary Cleanup Program (VCP) (SW0960, facility No. 1439). This site was a former Unocal Service Station # 266 that operated at the location until the 1980s. Petroleum-related products were detected in soil and groundwater in 1986 and subsequent cleanup activities were conducted at the site, including underground storage tanks (USTs) removal, soil excavation, and soil vapor extraction (SVE). Groundwater monitoring was conducted at the site between 1991 and 1994 during the SVE operation. The wells were monitored again from December 2007 to September 2008 for four consecutive quarters. These four quarters of monitoring did not detect any contaminants of concern above the MTCA Method A cleanup levels except that the laboratory used a reporting limit higher than the MTCA Method A cleanup level for 1,2-dibromoethene. On July 18, 2008, Ecology issued a Further Action (FA) letter to this site because of inadequate site investigation and undefined soil and groundwater contamination boundaries. No further investigation has been conducted for the former Unocal Service Station #266 after 2008.

Another contaminated site, Washington Grange Parking Lot (Former Chevron Service Station #20-6183) is located across 10th Ave. SE, to the south of the Site. Groundwater monitoring wells indicated that free product existed in several wells during 2001 to at least 2011. The latest available monitoring data in March 2012 detected gasoline-range total petroleum hydrocarbons (TPH-Gx) in the range of 300 to 9,200 microgram per liter (ug/L), and diesel-range total petroleum hydrocarbons (TPH-Dx) in the range of 11,000 to 12,000 ug/L, both exceeded their respective MTCA Method A cleanup levels.

The Clarion Hotel Site and vicinity area is underlain by glacial Quaternary age undifferentiated outwash deposits and Vashon Till deposits. Investigation indicated that the subsurface generally consist of a fill layer overlaying the outwash deposits. The fill, ranging up to 12 feet thick in areas explored, consisted of brown, medium stiff, sandy silty clay to clay with pockets of well sorted sand and localized pieces of bricks. The outwash deposits consisted of medium stiff to stiff, sandy clay, silty clay, clay to sandy silt, to the maximum depth explored, at 20 feet bgs. The water-bearing zone appeared to be medium stiff clay with gravel to silty clay. Groundwater was encountered at about 10 feet to 15 feet during exploration in February 2008, yet was not encountered during soil excavation in October 2008 to 16 feet bgs.

Site investigation at adjacent sites indicated that multiple groundwater levels exist at the Site, and groundwater flow is to the north in general (northeast, north, and northwest). Because the Site is located downgradient of two other sites where petroleum and associated hydrocarbons have been confirmed to exist in soil and groundwater, there is a potential that the contaminated groundwater may have migrated to the Clarion Hotel Site; however, there is no information at this time to confirm this has happened.

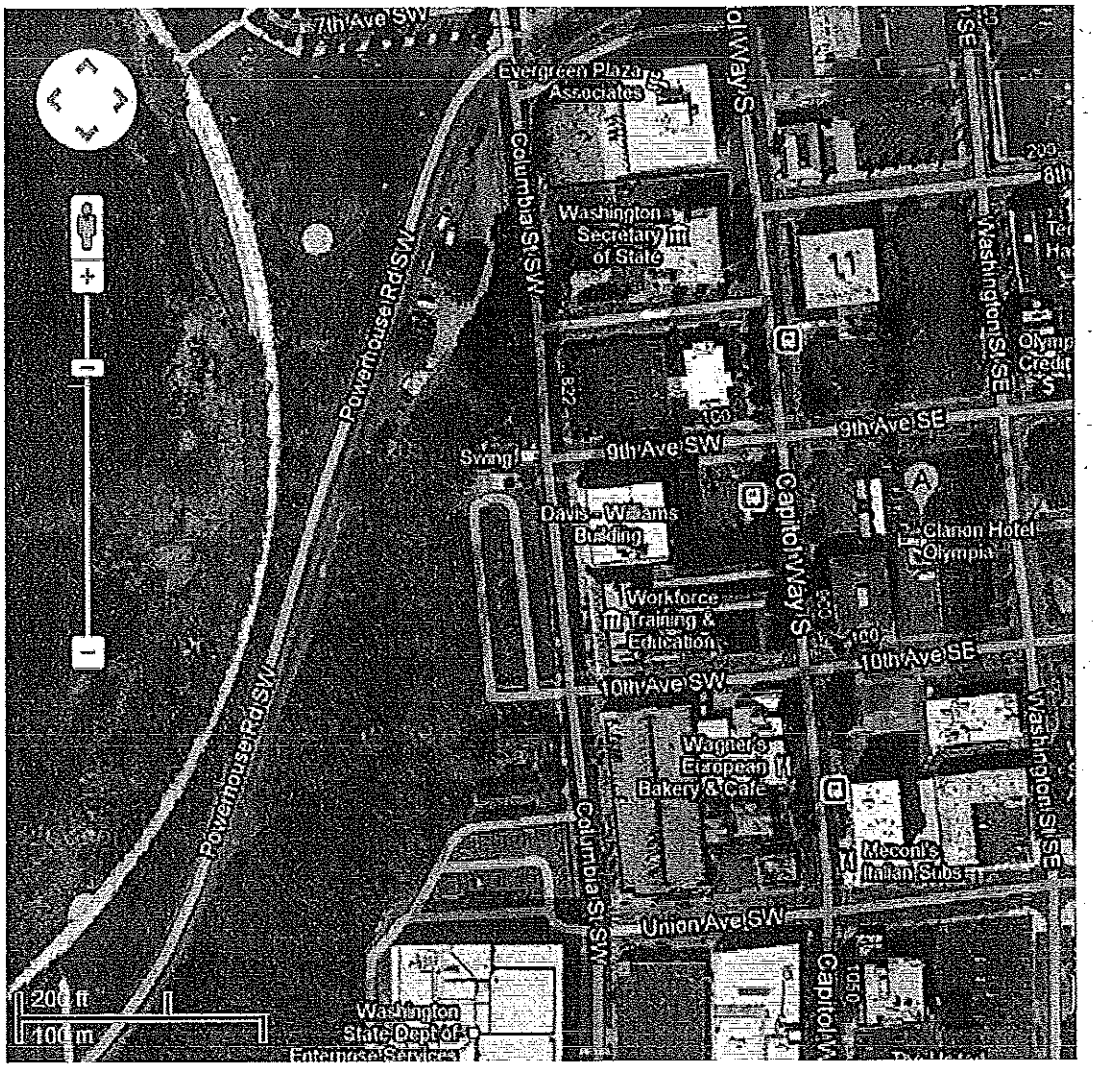
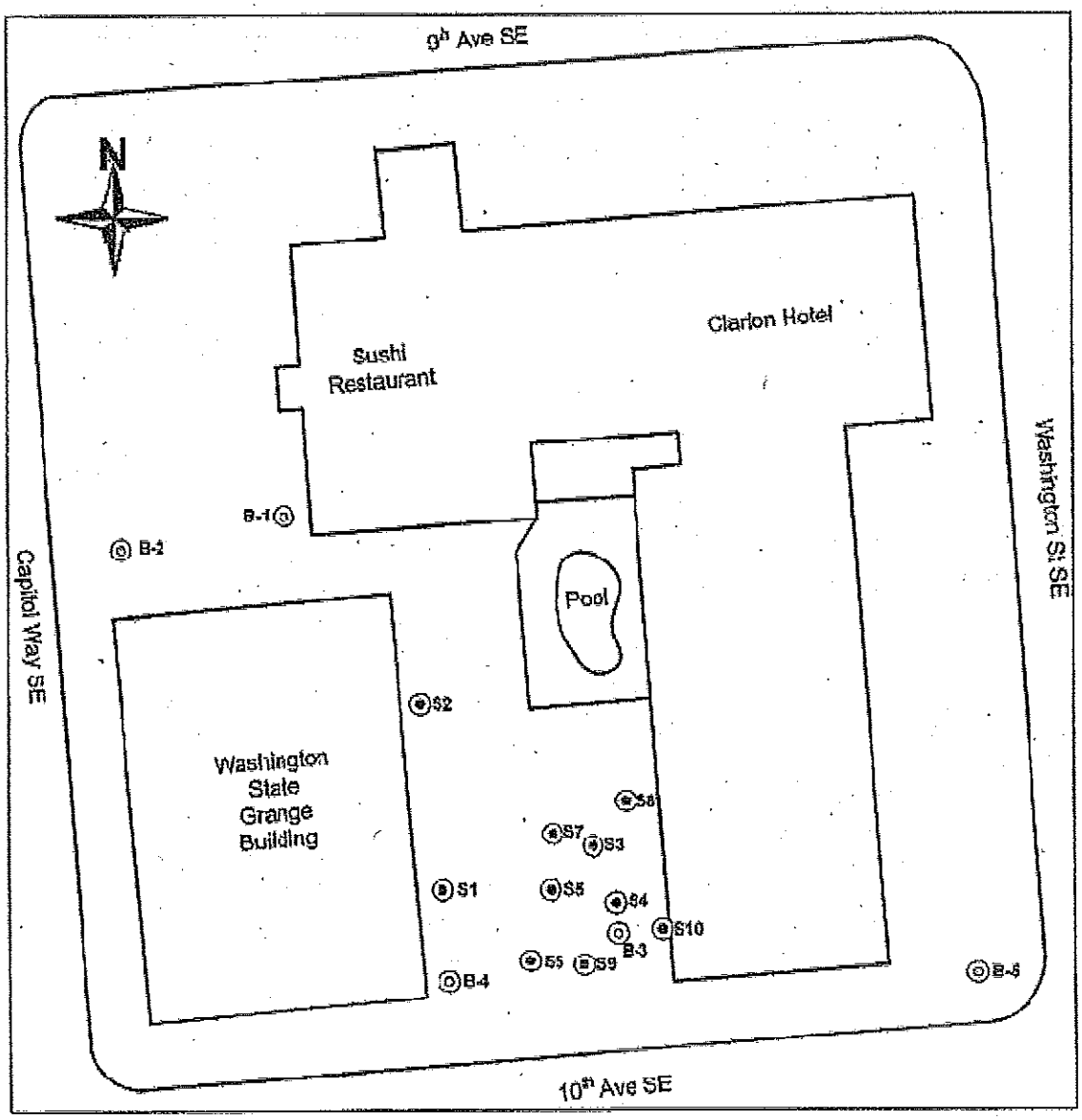


Fig 1. Location of Clarion Hotel Site, in Olympia, WA (Snapped from Google Map)



- The adjacent Washington State Grange Building is also a confirmed petroleum contaminated site, which has not been cleaned up, its facility number is 1439).
- B1 through B5 were advanced by Associated Environmental Group (AEG) on Feb. 12. 2008.
- S1 through S10 were advanced by Envitech, LLC on March 14, 2008 before soil excavation.

Fig. 2 Soil (and groundwater) sampling locations at Clarion Hotel Site (Courtesy of Envitech, LLC)

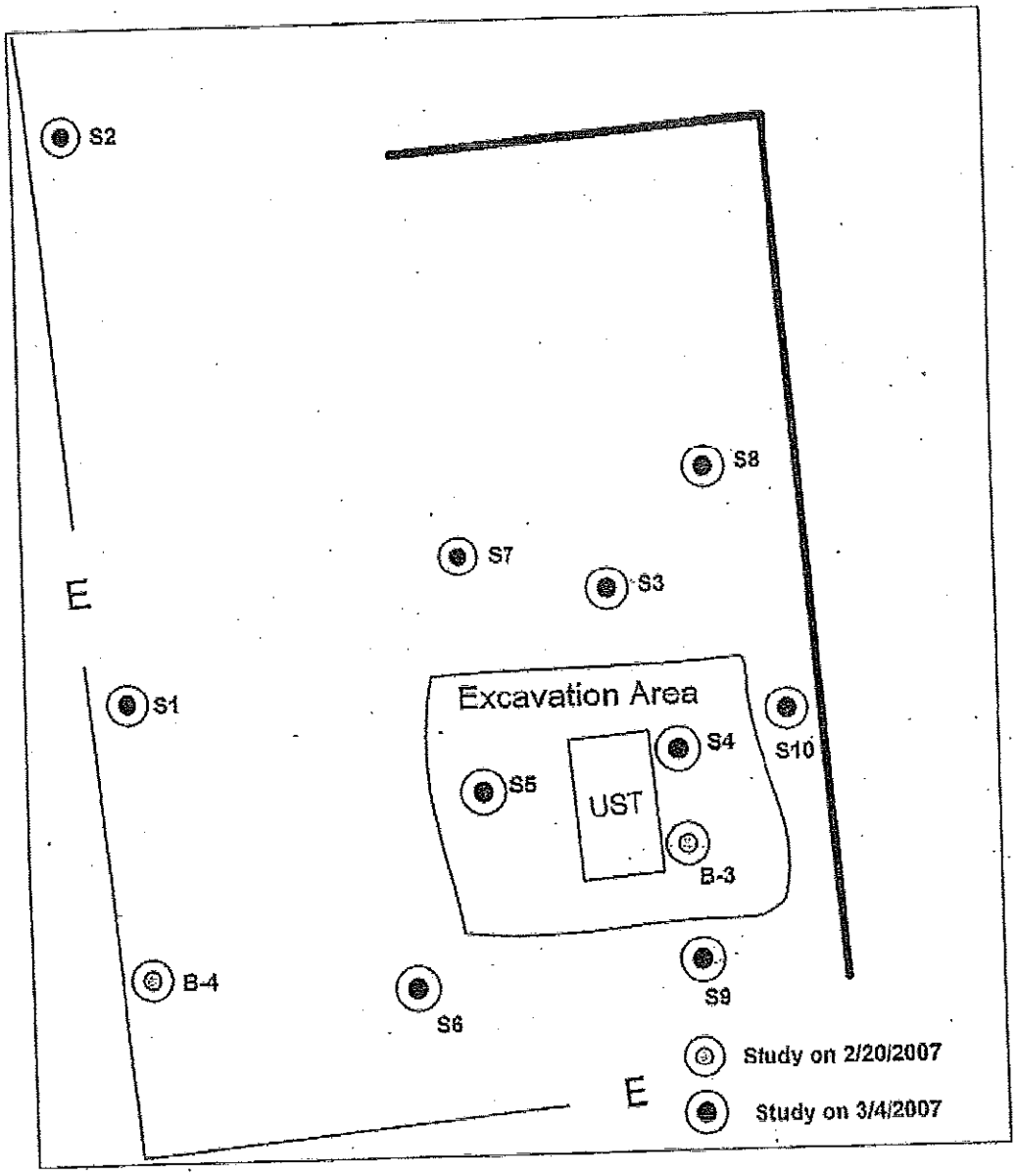


Fig 3. Location map of the heating oil underground storage tank (UST) and the extent of soil excavation. The Excavation started on October 16, 2008, and completed on October 21, 2008

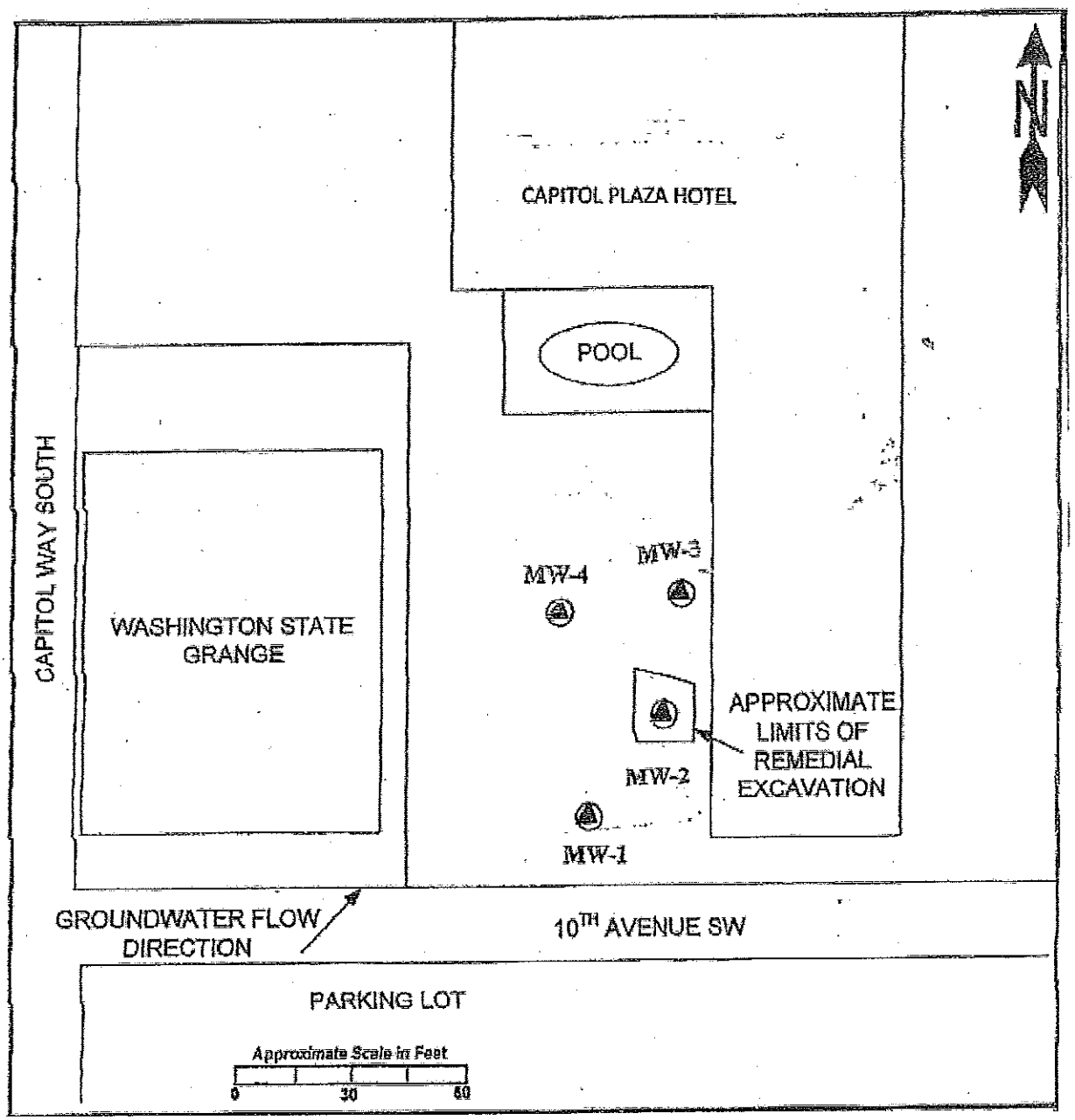


Figure 4 Groundwater Monitoring Wells locations at the Clarion Hotel Site