



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 23, 2013

Mr. Bill Grady
Delta Tidelands, LLC
PO Box 158
Mukilteo, WA 98275

**Re: Opinion Pursuant to WAC 173-340-515(5) on Proposed Remedial Action for the
Following Hazardous Waste Site:**

- Name: Diversified Industries
- Address: 2915 36th Street South, Everett
- Facility/Site No.: 2055672
- CSID: 11595
- VCP No.: NW2409

Dear Mr. Grady:

Thank you for submitting documents regarding your proposed remedial action for the Diversified Industries (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Gasoline, diesel, and oil range total petroleum hydrocarbons (TPHg, TPHd, TPHo), and arsenic in groundwater.
- Polycyclic aromatic hydrocarbons (PAH), arsenic, cadmium, and lead in soils.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does



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not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. Draft Preliminary Site Investigation, Everett HOV Project, Proposed Water Quality Sites #1 and #2, Everett, WA. Publication date, October 6, 2004, prepared by Shannon and Wilson.
2. Cleanup Action Plan, Delta Tidelands LLC 36th Street Site, published September 16, 2011, prepared by Associated Earth Sciences Inc.
3. Site Characterization Work Plan, Diversified Industries, published March 23, 2012, prepared by Associate Earth Sciences Inc.
4. Supplemental Site Characterization, Diversified industries, published June 15, 2012, prepared by Associated Earth Sciences Inc.
5. Supplemental Site Characterization, Diversified Site, published November 1, 2012, prepared by Associated Earth Sciences Inc.
6. Quarterly Monitoring Results, Diversified Industries, published January 11, 2013, prepared by Associated Earth Sciences Inc.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7239.

The Site is defined by the extent of contamination caused by the following release(s):

- Gasoline, diesel, and oil range total petroleum hydrocarbons (TPHg, TPHd, TPHo), Polycyclic Hydrocarbons (PAH), and Arsenic in soil and groundwater.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site, Ecology has determined:**

- Arsenic concentration in groundwater is consistently higher than MTCA Method A cleanup levels of 5 ug/L. The concentrations reported are typically greater than three times higher than the state groundwater regulatory limit. In addition, a more stringent cleanup standard protective of surface water may be more appropriate for this Site.
- The proposed future land use for this area is as multifamily residential and commercial business.
- The Snohomish River is located approximately 500 feet to the east of the Diversified Site.
- Groundwater samples collected north of the Diversified Industries Site also contain arsenic levels greater than MTCA Method A cleanup levels. These samples were cited as evidence that arsenic is naturally elevated in this area. However, much of the surface cover throughout the west bank of the Snohomish River in this area consists of artificial fill material that includes construction debris composed of wood debris, glass, metal wire, concrete, etc.
- This fill material contains elevated arsenic and therefore, the arsenic contamination in groundwater could have anthropogenic origins. If this is the case, the groundwater cleanup standards for arsenic are not subject to variance from the established cleanup levels.
- Therefore, to establish natural background concentrations for arsenic in groundwater, samples are required that (1) are in close proximity to the Diversified Site, (2) are from the same natural substrata representative of the Site, (3) are in an undeveloped area and not subject to cross-contamination with other materials, (4) are of sufficient number and areal distribution to constitute a representative sample space.
- To this end, the Department of Ecology suggests drilling a series of groundwater wells on the east side of the Snohomish River, across from the Diversified Industries Site and extending north and south to the extent that samples at all Sites on the west side of the river show contamination. Sample medium should include both soil and groundwater.
- Aerial photographs of the east bank appear to show as undeveloped land.

This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

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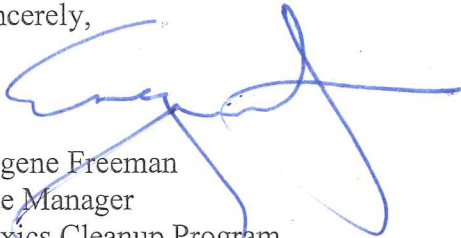
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7191 or by email at eugene.freeman@ecy.wa.gov.

Sincerely,



Eugene Freeman
Site Manager
Toxics Cleanup Program

cc: C.J. Ebert, Harbor Mountain Development
Jon Sondergaard, Associated Earth Sciences

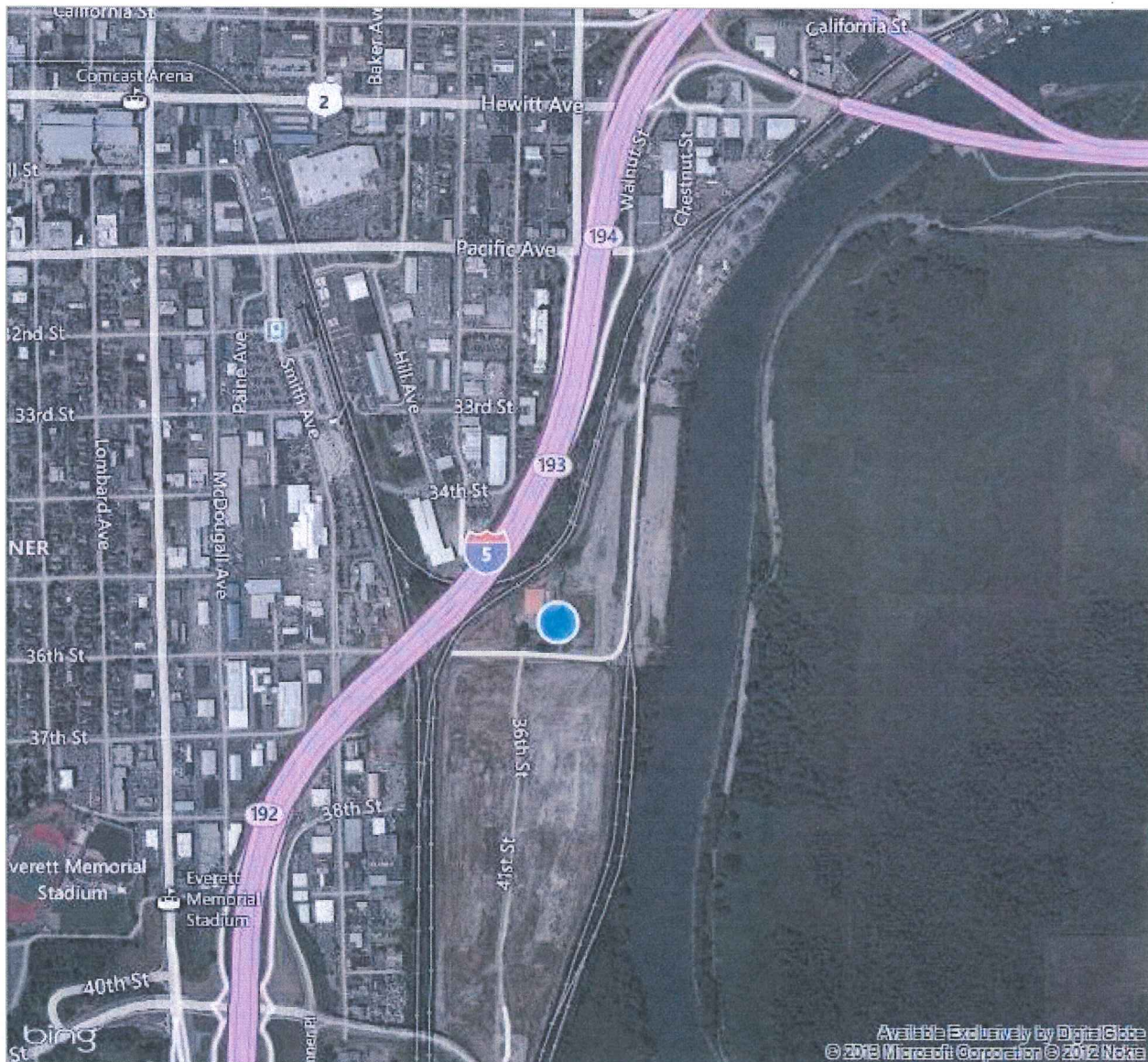
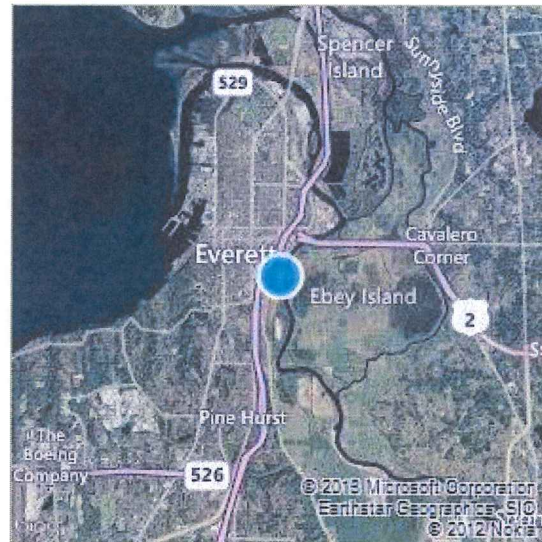
bing Maps

2915 36th St, Everett, WA 98201

Diversified Industries Site
NW2409



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Bird's eye view maps can't be printed, so another map view has been substituted.

