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DEPARTMENT OF ECOLOGY
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July 29, 2015

Jenkins Dossen, Project Manager
Port of Anacortes
100 Commercial Avenue
Anacortes, WA 98221

Re: No Further Action at the following Site:

- **Site Name:** Wyman's Marina and Wholesale Supply Area-Parcel Numbers: In-water Parcel Area (P32868), Upland Parcel Area (P56526, P56511, P56510)
- **Site Address:** 202 U Avenue, Anacortes
- **Facility/Site No.:** 2821735

Dear Mr. Johnson:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Wyman's Marina and Wholesale Supply facility (Site). Your site consists of the Upland Parcel Area (Upland Area) and In-water Parcel Area (In-water Area). 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 above mentioned parcels at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Upland Area of the Site. Ecology has determined that there is enough information to characterize contamination for the In-water Parcel Area P32868 and no remedial action is necessary at this time.

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 above. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons into the soil.
- Metals including arsenic, cadmium, copper, lead and mercury into the soil.
- Pesticides (4,4 DDD) into the soil.

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

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

1. GeoEngineers, Independent Remedial Action Report; Wyman's Marina and Wholesale Supply; 202 U Avenue; Port of Anacortes, Anacortes, WA, October 8, 2014.

2. GeoEngineers, Inc. (2011). Supplemental Sediment Characterization Report; Pier 2 Log Haul Out Facility; Anacortes, Washington. Prepared for Port of Anacortes. February 25, 2011.

3. Landau Associates, Report, Multiple Site Investigation, Port of Anacortes, Anacortes, WA, December 16, 2004.

4. HartCrowser, Draft Preliminary Environmental Assessment; Wyman's Marina Property, 202 U Avenue; Port of Anacortes, Anacortes, WA, March 4, 2001.

5. Otten Engineering, Underground Storage Tank Closure Assessment, Port of Anacortes, Anacortes, WA, 1998.

6. Otten Engineering, Phase 2 Environmental Assessment, Wyman's Marina Site, Port of Anacortes, Anacortes, WA, October 1, 1997.

Those documents are kept in the Central Files of the Department of Ecology Headquarters Office (HQ) for review by appointment only. You can make an appointment by calling the HQ resource contact at (360) 407-7224.

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 Upland Area of the Site as defined in **Enclosure A.** That conclusion is based on the following analysis:

1. Characterization of the Site.

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

In 1997 Otten Engineering conducted a Phase 2 Environmental Assessment which included 15 shallow soil samples (i.e. less than 1-ft from surface) and six surficial sediment samples. Sample locations and chemical analyses were chosen based on business practice knowledge along with visual and olfactory assessment.

Soil sample analyses included petroleum hydrocarbons (n = 9), metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc; n = varies), polychlorinated biphenyls (PCBs; n = 2), and pesticides (n = 2). Eight soil samples exceeded MTCA Method A or Methed B cleanup levels for:

- Gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons
- Metals including arsenic, cadmium, copper, lead and mercury
- Pesticides (4,4 DDD)

Method B cleanup levels were used for contaminants without a Method A cleanup level. The remaining sample results were reported to be below the practical quantitation limit or below Method A or Method B standards.

Sediment sample analyses included total organic carbon (TOC; n = 6), metals as described above except for mercury (n = 6), polycyclic aromatic hydrocarbons (PAHs; n = 4), pentachlorophenol (n = 1), dimethyl phthalate (n = 4), and tributyltin (TBT; n = 3). All detections were below sediment management standards; however, practical quantitation limits for non-detects were not provided.

No groundwater sampling was conducted during the 1997 investigation.

In 1998, two gasoline underground storage tanks (USTs) and two diesel USTs were decommissioned and removed. Otten Engineering collected 13 soil samples and analyzed for petroleum hydrocarbon (n = 13), benzene, toluene, ethylbenzene, xylene (BTEX; n = 13), and lead (n = 7). Three samples exceeded MTCA Method A cleanup levels for gasoline range petroleum hydrocarbons and benzene. Groundwater was noted 4-5 feet from the surface but not sampled.

In 2001, Hart Crowser conducted a preliminary site assessment that included compliance history with Ecology's National Pollutant Discharge Elimination System (NPDES) Permit for boatyards. Soil staining was observed during a 1994 inspection. Hart Crowser also conducted a reconnaissance of the Site and noted surficial soil staining.

In 2004, Landau conducted a multiple sites investigation which included five borings. Locations were chosen from historical business practice knowledge. A groundwater sample was collected from one boring. All five samples were analyzed for gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons, two were analyzed for BTEX, and four were analyzed for lead. All reported results for soil were below MTCA Method A, Method B cleanup levels, or the practical quantitation limit. For the groundwater sample, chemical analyses included gasoline-, diesel-, and heavy oil-range petroleum hydrocarbons, BTEX, and metals. Groundwater results exceeded the MTCA Method A cleanup level for lead.

A composite of three sediment samples was also collected for analysis. Chemical analyses included PAHs, metals, PCBs, semi-volatile organic compounds (SVOCs), TBT, TOC, and TS. The composite results reported were below sediment management standards; however, mercury results showed one or more individual samples had the potential to exceed the sediment management standard.

In 2010, GeoEngineers collected a sediment sample adjacent to Wyman's Marina as a benthic community reference sample (LHO-REF) for the Anacortes Port Log Yard Site sediment characterization study. The sample site is located along the east side of Pier 2 which is within 100 feet of the 2004 composite sample location. Based on SCUM II Section 3.6 guidance, the 2010 sample results are representative of the sediment conditions adjacent to the upland source area and of the sediment area where the former composite sediment samples were taken. Chemical analyses included the same constituents as Landau in 2004. All results including mercury were below sediment management standards.

In 2012, GeoEngineers collected 21 shallow soil samples (less than 1.0 ft bgs) and 12 soil samples ranging in depth from 1.5 – 10 ft bgs. Chemical analyses were chosen based on previous investigational exceedances of MTCA Method A or Method B. These include petroleum hydrocarbons, BTEX, metals, and organochlorine pesticides. Dioxin and furans were also analyzed for in one soil sample. Results reported did not exceed MTCA Method A or Method B cleanup standards for soil with the following exception. A composite of four discrete samples was collected to determine disposal options. The composite exceeded the MTCA Method A cleanup standards for arsenic. The discrete samples were not analyzed for arsenic separately.

Groundwater was not encountered during the excavation activities that followed the 2012 characterization study.

One composite soil sample consisting of two discrete samples was collected at the planned final excavation depth. Chemical analyses included metals, PAHs, chlorinated hydrocarbons, phthalates, SVOCs, and PCB. Results were compared to sediment management standards or the practical quantitation limit. Results reported did not exceed the sediment management standards

or were below the practical quantitation limit.

2. Establishment of cleanup standards.

a. Substance-specific standards.

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

Cleanup Levels:

The land use is designated for unrestricted land use and the selected Method A and Method B standards used at this site for soil, groundwater, and sediment are protective of human health and the environment.

Soil

Gasoline range organics – 100 mg/Kg (30 mg/Kg when benzene was detected in the same sample)
Diesel range organics – 2000 mg/Kg
Heavy oil organics – 2000 mg/Kg
Benzene – 0.03 mg/Kg
Toluene – 7 mg/Kg
Ethylbenzene – 6 mg/Kg
Xylene – 9 mg/Kg
Lead – 250 mg/Kg
Arsenic – 20 mg/Kg
Cadmium – 2 mg/Kg
Copper – 3200 mg/Kg
Mercury – 2 mg/Kg
Pesticides (4,4' DDD) – 2.9 mg/Kg

Groundwater

Gasoline range organics – 800 µg/L
Diesel range organics – 500 µg/L
Heavy oil organics – 500 µg/L
Benzene – 5 µg/L
Toluene – 1000 µg/L
Ethylbenzene – 700 µg/L
Xylene – 1000 µg/L
Lead – 15 µg/L
Arsenic – 5 µg/L
Cadmium – 5 µg/L
Copper – 32 µg/L
Mercury – 2 µg/L

Sediment

Lead – 450 mg/Kg dw
Arsenic – 57 mg/Kg dw
Cadmium – 5.1 mg/Kg dw
Copper – 390 mg/Kg dw
Mercury – 0.41 mg/Kg dw

b. Points of compliance:

The points of compliance are standard for soil and groundwater as all contaminated soils were removed from the Upland Area along with additional soils to the mean lower low water (MLLW) due to redevelopment. Groundwater was not observed during the excavation beyond the point of groundwater contact at 4-5 foot depth from past site characterizations and cleanup activities.

b. Action and location-specific requirements.

Please note that other requirements apply to the cleanup action based on the type of the action or location of the Site. Those requirements are specified in the Army Corps of Engineers (Corps) permit no. 200501451 [GeoEngineers 2014, appendix E]. The Upland Area was redeveloped to meet the Corps' mitigation to provide for lost aquatic habitat at Dakota Creek Industries. This included establishment of approximately 0.41 acres of intertidal habitat and approximately 0.2 acres of riparian/salt marsh habitat.

3. Selection of cleanup action.

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

The method selected – Excavation of all soil from the Upland Area including contaminated soil with transportation off-site meets the minimum requirements for cleanup actions by providing a permanent solution and immediate restoration time frame in the affected areas.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Upland Area of the Site.

In 1998, during the decommission and removal of four USTs, contractors excavated approximately 300 cubic yards of soil from the Upland Area parcels and transported off-site for thermal treatment and landfill disposal. Final cleanup activities included removal of 417 tons of contaminated soil off-site for permitted landfill disposal from the Upland Area. An additional 27,670 tons of soil was removed to between +10 feet and approximately +16 feet MLLW as part of the CORPS habitat requirement.

In order to meet the criteria for a replacement of aquatic habitat affected by the Port of Anacortes' Pier 1 Redevelopment Project, full removal of contaminated soil was completed in 2014 and transported off-site to a permitted landfill (Permit No. 200501451). Sampling of soil was conducted at the final excavation levels and met the sediment management standards. Because the CORPS required final habitat for the site to meet intertidal and salt marsh/riparian habitat, sediment management standards were considered appropriate.

Groundwater was not observed during the final excavation. Full removal of all soils from the site to MLLW eliminates the potential presence of groundwater at the site.

The Upland Area was developed into an in-water area and is hydrologically connected to the In-water Area. Contractors removed approximately 268 creosote-treated pilings, a gangway ramp, three floating docks, and miscellaneous fueling equipment/pump from the In-water Area to a construction solid waste landfill. Redevelopment did not include excavating sediments located in the In-water Area.

The number and location of sediment samples collected was sufficient to characterize the In-water Area parcel. Sediment results did not surpass the three sample exceedance per contaminant threshold to require the In-water Area to be listed on the Hazardous Sites List.

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.
- Leaking Underground Storage Tank 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.

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 360-407-7209 or e-mail at afer461@ecy.wa.gov.

Sincerely,

Arianne Fernandez
Natural Resource Scientist - HQ Cleanup Section
Toxics Cleanup Program

Enclosures: A – Description and Diagrams of the Site

cc: Sandra Caldwell, Ecology
Barry Rogowski, Ecology

Certified mail: 7008 2810 0001 3940 5930

Enclosure A

Description and Diagrams of the Site

Site Photos

Figure 1. Site vicinity map.

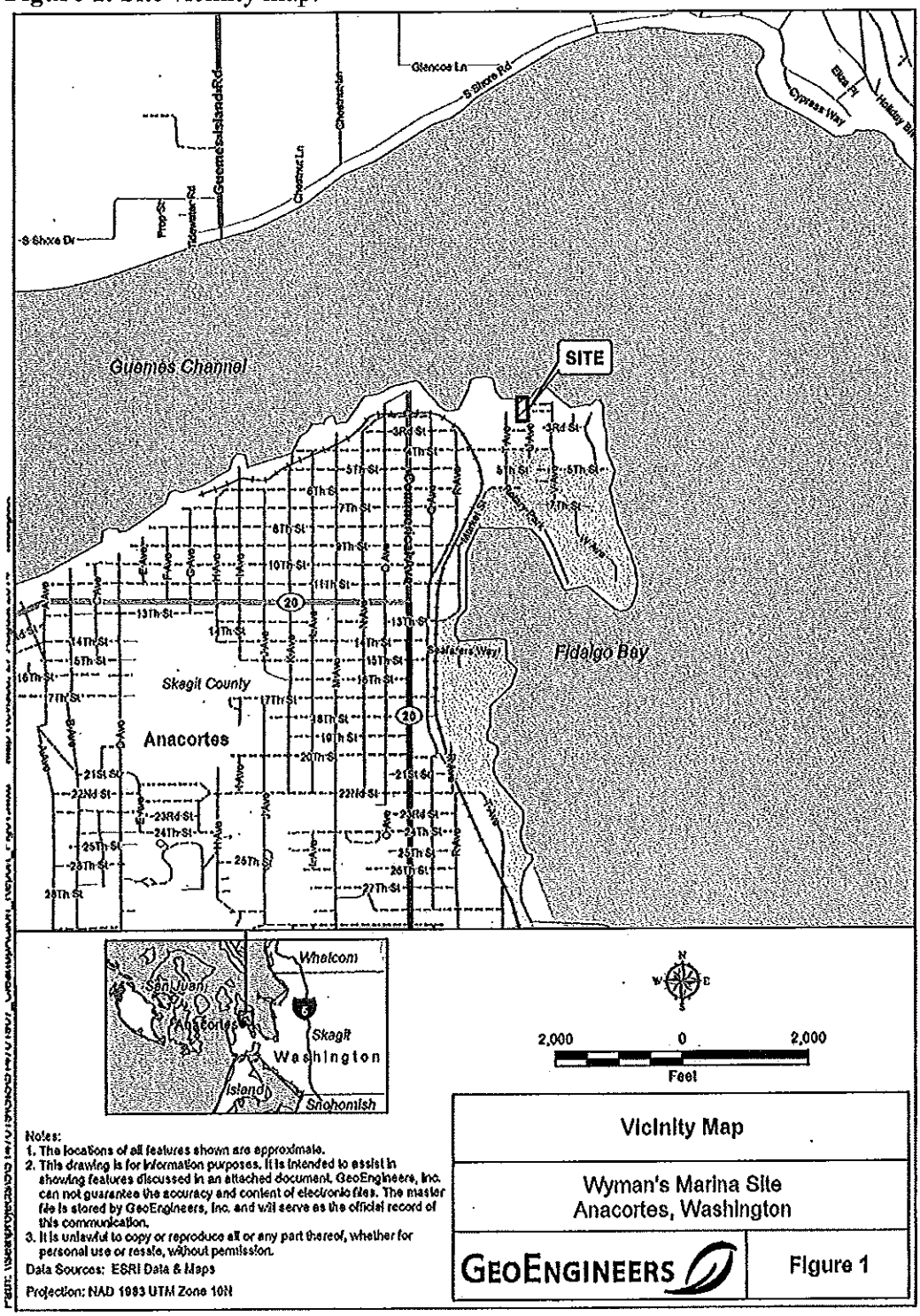

Figure 2. Site prior to excavation activities.

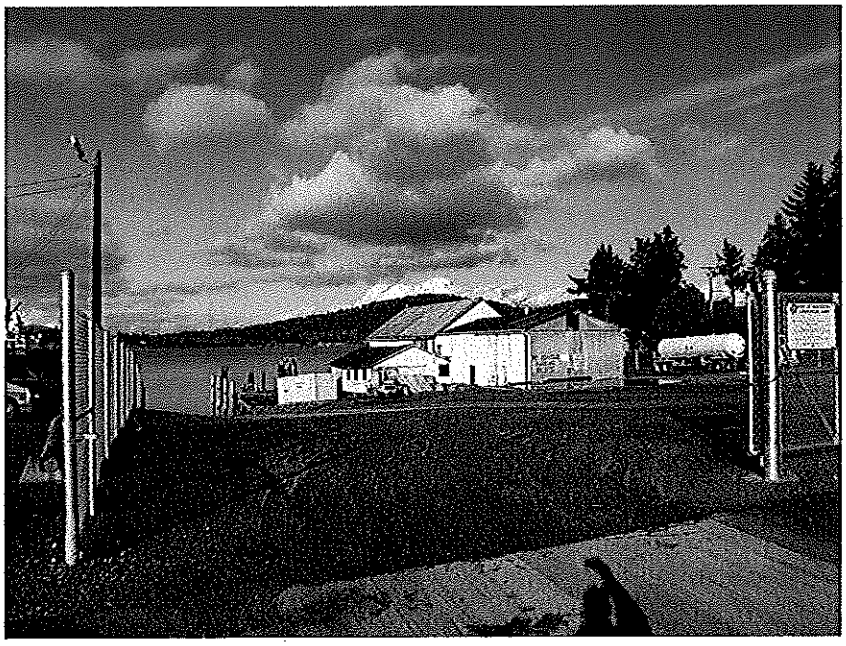

Figure 3. 2012 contaminated soils excavation areas.

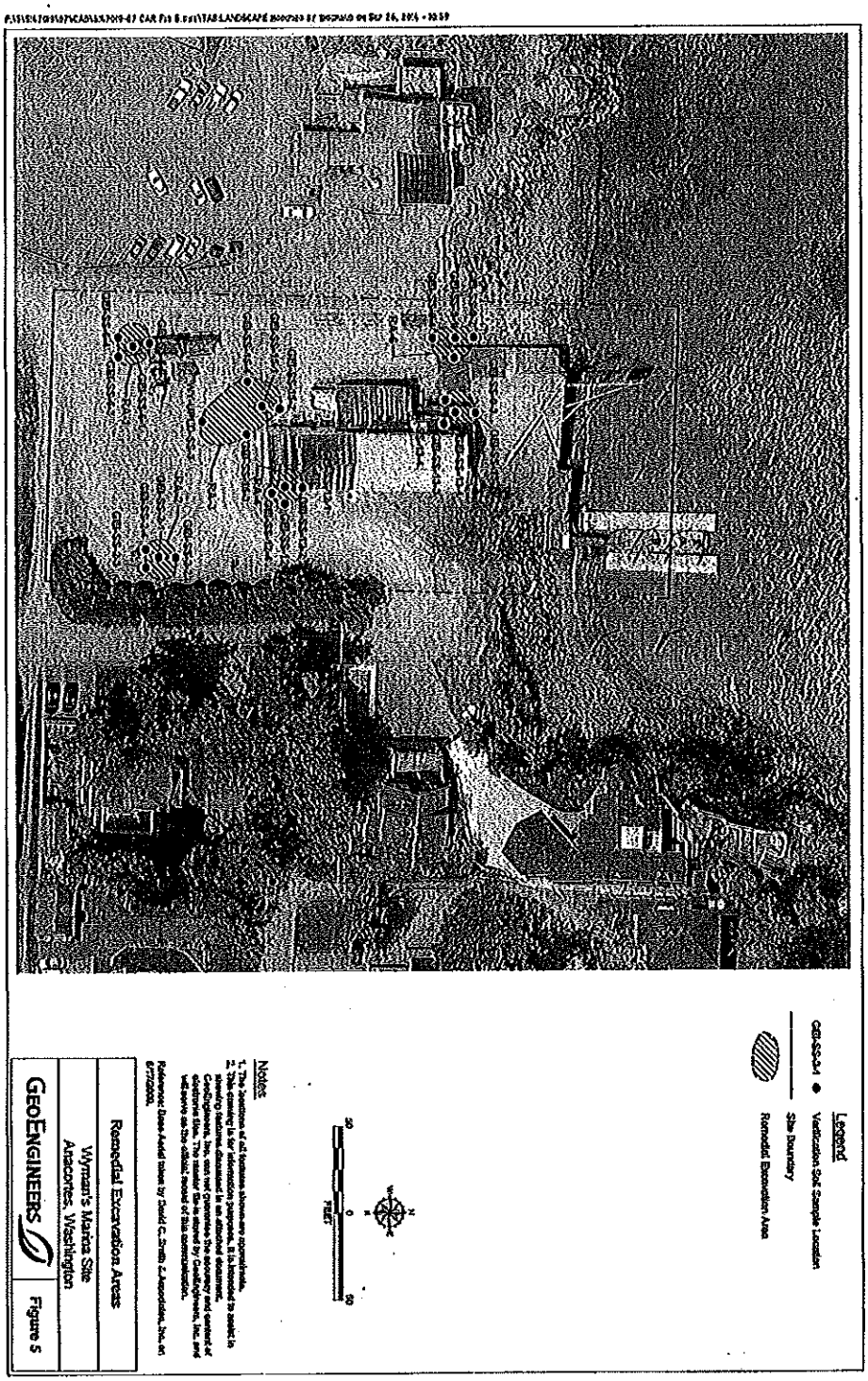

Figure 4. Army CORPS Project summary.

Figure 5. Additional excavation activities after contaminated soil removal.

Figure 6. Site photo of habitat redevelopment construction.