



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 24, 2016

Mr. Bill Johnston
Johnston-Peach LLC
401 Central Avenue
Bellingham, WA 98225

COPY

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:

- **Name:** Johnston & Peach Property
- **Address:** 401 Central Avenue, Bellingham, WA
- **Facility/Site No.:** 10851
- **VCP No.:** NW2987
- **Cleanup Site ID No.:** 12378

Dear Mr. Johnston:

Thank you for submitting documents regarding your remedial action for the Johnston & Peach Property facility (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 the following known release at the Site:

- Gasoline-range petroleum hydrocarbons (TPH-G), and benzene, toluene ethylbenzene, and xylenes (BTEX) in the Soil.

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 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 and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your remedial actions:

1. Whatcom Environmental Services, Underground Storage Tank Site Assessment and Petroleum Contaminated Soil Removal Action, September 30, 2013.

The report 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) 649-7235 or by e-mail to nwro_public_request@ccy.wa.gov.

The Site as currently known is more particularly described in Enclosure A to this letter, which includes diagrams. The description is based solely on the information contained in the document 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 release (described above) at the Site, Ecology has determined:**

- (1) You requested a written opinion regarding remedial actions accomplished at the Site following the removal of three underground storage tanks (USTs). The USTs were removed during August 2013 and included a 1,500-gallon Bunker C heating oil UST, a 1,000-gallon gasoline UST, and a 300-gallon gasoline UST. All three USTs were located directly west of the building on the Property. The 300-gallon UST was found to be in poor condition and heavily corroded with holes relative to the other USTs.

As required by the UST Regulations, a Site Assessment was completed following removal of the USTs to test for contamination. Along with field screening, six soil samples were acquired and analyzed for gasoline, diesel, and oil range hydrocarbons (TPH-G, TPH-D, and TPH-O); and benzene, toluene, ethylbenzene, and xylenes (BTEX). Two samples included analyses for metals (MTCA 5 metals in one and lead only in the other). The Site Assessment demonstrated, that there was a release of gasoline (particularly in the area of the 300-gallon UST), but that no heating oil had been released. There were detections of metals below Method A cleanup levels.

- (2) A remedial excavation was subsequently undertaken to characterize and remove the gasoline-contaminated soil encountered during UST removal. The excavation encompassed the three former USTs. The excavation was expanded until: (1) field screening observations (PID headspace analyses and sheen tests) indicated that the limits of the contaminated soil had been reached, (2) the excavation reached the Property boundary, (3) the foundation of an adjacent building on the Property was encountered, and (4) a depth of 15 feet below ground surface (bgs) was reached.

Approximately 280 tons of contaminated soil were removed from the Property and transported to the CEMEX facility in Everett for treatment and disposal. Ground water was not encountered in the excavation.

Eight confirmation soil samples were acquired at the horizontal limits and bottom of the excavation and analyzed for TPH-G and BTEX. The sample results indicated that levels of contamination in soil that are not protective of ground water remain in an area proximate to the location of the former 300-gallon gasoline UST. The Method A cleanup level for benzene (0.03 ppm) was exceeded, as well as a calculated Site-specific Method B cleanup level for TPH (6 ppm) that is protective of ground water. There were no exceedances of Method A cleanup levels for any other constituents.

- (3) Gasoline contaminated soil from the 300-gallon gasoline UST apparently extends beneath the adjacent building on the Property. Furthermore, fuel lines from the 1,000 gallon UST appear to have extended beneath the building, and were ostensibly connected to fuel dispensers. Older fuel lines and dispensers commonly leaked and may be sources of additional gasoline contaminated soil beneath the building.

Given the possibility of significant soil contamination beneath the building, an evaluation of vapor intrusion (VI) into the building is needed. Samples of both sub-slab vapor and indoor air focused on benzene should be acquired. Further testing, monitoring, or possible mitigation measures if needed would evolve from the initial testing results. Please refer to Ecology's Draft Vapor Intrusion Guidance (Publication No. 09-09-047) as revised in February 2016 for direction.

- (4) Contaminant levels in the soil throughout the Site protective of the leaching pathway to ground water are likely an appropriate cleanup standard for soil at the Site. Otherwise, an empirical demonstration would have to be made that the current levels of contamination in the soil (which are protective of direct contact) would have no potential to impact ground water. The demonstration would require a minimum of one boring and the likely installation of a monitoring well to determine the depth and extent of soil contamination; and to determine the geology, nature and quality of ground water occurrence at depth. If Site ground water is found to be impacted, additional wells would be needed to determine flow direction and extent of contamination.

A terrestrial ecological evaluation (TEF) does not influence soil cleanup levels given the lack of significant habitat for wildlife in the vicinity of the Site, and also given the nature and concentrations of the contamination in the soil at the Site (TPH-G and BTEX).

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- (5) The remedial investigation of the Site is not complete. The horizontal and vertical extents of the soil contamination have not been defined including beneath the building. A detailed characterization of soil is obviously difficult at this Site, but at least approximate limits to the soil contamination are needed in order to evaluate possible cleanup alternatives through a feasibility study. There should be a determination as to whether or not ground water is impacted.
- (6) According to the VCP application, the previous owner operated a business known as "City Sanitary Services/Sanitary Service Company" on the Property. No information about that business operation was provided nor was any other historical or due diligence information provided about prior utilization of the Property. This information is needed to determine why the UST systems were present, other former uses of the Property, and if other chemical compounds could have been released on the Property.

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.**

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) 649-7251, or by e-mail at roger.nyc@ccy.wa.gov.

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Sincerely,

A handwritten signature in cursive script that reads "Roger K. Nye". The signature is written in black ink and is positioned below the word "Sincerely,".

Roger K. Nye
NWRO Toxics Cleanup Program

Enclosure: (1) A- Site Description and Diagrams

cc: Harold Cashman, Whatcom Environmental Services, Inc.
Sonia Fernandez, VCP Coordinator, NWRO Ecology

Enclosure A
Site / Property Description and Diagrams

This section provides Ecology's understanding and interpretation of Property conditions and is the basis for the opinion expressed in the body of the letter.

Site: There is not sufficient information at this time to define the Site. Gasoline contaminated soil was identified on the western edge of the Property during the removal of three formerly used USTs during August 2013.

Property and Area Description: The Property is located at 401 Central Avenue in the Central Business District of Bellingham, Washington. The Property is Whatcom County Tax Parcel# 380330114260 and is zoned Commercial. Commercial development surrounds the Property to the north, east, and south and the land is covered by buildings and pavement in these areas. The east boundary of Bellingham Maritime Heritage Park (the former Holly Street Landfill) is located 200 feet to the west of the Property. The Property is 0.13 acre in size.

Property History and Current Use: Detailed information about the history of the Property was not provided. Currently a building covers the Property, which is used for business offices. The age of the Property building is not available on the Whatcom County tax assessor's webpage.

Sources of Contamination: The known soil contamination was caused by the release of gasoline from one or two USTs formerly utilized at the Property. It is unknown if there are other sources of contamination on the Property.

Physiographic Setting: Land in the immediate area of the Site is generally flat. The Site is situated at an elevation of 65 feet above mean sea level, approximately 1,200 feet east of the mouth of Whatcom Creek and Bellingham Bay.

Ecological Setting: The Maritime Heritage Park west of the Site is primarily a large grassy area covering the former Holly Street landfill with some native vegetation. The park is heavily frequented by people and likely does not provide significant habitat to wildlife receptors. All other land areas surrounding the Site are covered by buildings and pavement.

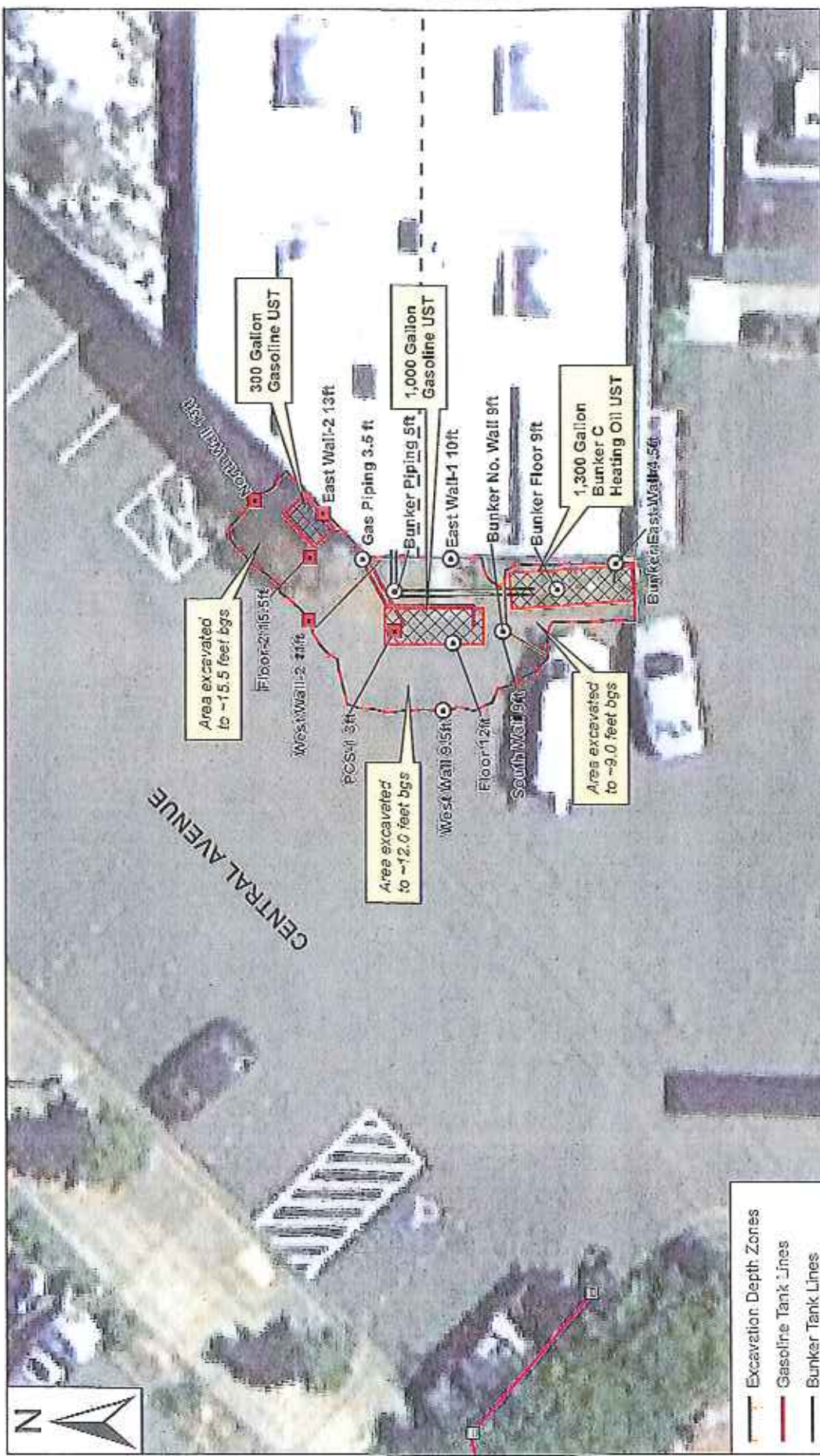
Geology: The Property is underlain by Bellingham glaciomarine drift to the maximum depth of exploration (15 feet below ground surface (bgs)). The deposit is generally of low permeability and consists of moderately sorted to unsorted material of all sizes.

Ground Water: Ground water was not encountered in the excavation to a maximum depth of 15 feet bgs, and its depth and occurrence beneath the Property are not known.

Extent of Soil and Ground Water Contamination: The extent of soil contamination is unknown. Ground water on the Site has not been investigated.

Google Maps · Property Location and Surrounding Area





0 16 32
Feet
1 inch equals 16 feet

Subject Property Site Map
Central Ave.
UST
08/22/2013

Prepared by:
awhat.com
ENVIRONMENTAL

Prepared for:
Johnston - Peach LLC

All data are approximate and should be used for relative location reference only.
August 2017, Aerial Photograph (GoogleEarth)

- Excavation Depth Zones
 - Gasoline Tank Lines
 - Bunker Tank Lines
 - Catch Basin
 - Stormwater Line
 - Tanks
 - Extent of Excavation
- Soil Sample Locations**
- Met MTCA Method A
 - Exceeded MTCA Method A

Figure 2