



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 20, 2017

Mr. Fred Roberson  
1944 Pacific Ave  
Tacoma WA 98402

**Re: Determination of No Further Action at the following Site:**

- **Site Name:** Tenth & K Professional Bldg (a.k.a. Bargren Building)
- **Site Address:** 1002 Martin Luther King Jr. Way, Tacoma, WA
- **Facility/Site No.:** 18558
- **Cleanup Site No.:** 13162

Dear Mr. Roberson:

On May 11, 2016, Ecology was notified by receipt of a site assessment report that contamination related to an underground storage tank had been found at 1002 Martin Luther King Jr. Way, Tacoma, Pierce County, Washington.

**Issue Presented and Opinion**

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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**

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

- Total Petroleum Hydrocarbons-Gasoline (TPH-G) into the soil.

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**

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

- *Underground Storage Tank Decommissioning Site Assessment and Final Clean Up Report*, DLH Environmental Consulting, May 9, 2016.

This document is kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You may 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**

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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 Tenth & K Professional Building, 1002 Martin Luther King Jr. Way, Tacoma, Pierce County, Washington, is located on the southwest corner of the intersection of Martin Luther King Jr. Way and South 10<sup>th</sup> Street. The current building is a single story structure that was erected in 1962. It is currently used for professional offices. The site previously was the Peterson Brothers Garage. No information as to the former facilities was provided.

An 850-gallon underground storage tank (UST) was discovered on the west side of the building. It apparently was used when the site was an automotive repair shop. No information as to the dates of use of the UST were found.

On February 29, 2016, the 850-gallon gasoline UST was removed from the west side of the building. No pump island was found during the removal. The fill port was found to have been cut and paved over and one small section of product line found was found and removed. After inertion, the tank was removed from the ground. Strong petroleum odors and soil staining were noted beneath the tank and along the lower sidewalls at approximately 8 feet below ground surface (bgs).

After UST removal, soil samples were collected from all sidewalls, below the UST, and at one location three feet below the bottom of the tank at approximately 11 feet bgs. Impacted soils were found in all the samples except for the sample from 11 feet bgs. Constituents found above Method A cleanup levels consisted of TPH-G, toluene, and ethylbenzene. The highest detection of TPH-G was 1,600 mg/kg, well above the Method A cleanup level of 100 mg/kg. The highest toluene concentration found was 14 mg/kg; twice the Method A cleanup level of 7 mg/kg. Ethylbenzene's highest detection was 15 mg/kg, which is above the Method A cleanup level of 6 mg/kg. All benzene results were below the detection limit of 0.02 mg/kg.

The area of contamination was over excavated. After completion, 7 confirmation samples were collected from along the sidewalls at 8 feet to 11 feet bgs. The only remaining detection above the cleanup level was found in soil sample EW-Lense-8 and had a concentration of 500 mg/kg of TPH-G. Since this location is next to the building, additional excavation was not feasible.

A total of 45.55 tons of petroleum contaminated soil was removed and properly disposed of at the Pierce County LRI Landfill in Graham, Washington.

No groundwater was encountered during remediation work at the site. Depths to groundwater in the general area are greater than 100 feet bgs.

## **2. Establishment of cleanup standards.**

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

Ecology's *Model Remedies for Sites with Petroleum Contaminated Soils* (Publication 15-09-043, September 2015) may be applied to this site since groundwater was not impacted and due to the depth of groundwater, is highly unlikely to be impacted. Model Remedy 4 is appropriate for determining cleanup levels at this Site.

The cleanup levels for the Model Remedy 4 are based on generic Method B values. For all petroleum, this value is 1,500 mg/kg. Since the remaining contamination is one third of this value, the site can be considered cleaned up and compliant with applicable rules and regulations.

**3. Selection of cleanup action.**

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

The selected remedy was excavation and disposal of affected soil.

**4. Cleanup.**

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

All accessible contaminated soil was removed from the excavation. Confirmation samples were collected at the extent of the excavation and analytical results showed that remaining concentrations were below the generic Method B values used for comparison.

All contaminated soil was disposed of at Pierce County LRI Landfill.

**Listing of the Site**

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

- Confirmed and Suspected Contaminated Sites List.

**Limitations of the Opinion**

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**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).

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**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).

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (360) 407-6263 or e-mail at [Carol.Johnston@ecy.wa.gov](mailto:Carol.Johnston@ecy.wa.gov).

Sincerely,



Carol A. Johnston  
SWRO Toxics Cleanup Program

CAJ : kb

By Certified Mail: [91 7199 9991 7037 0287 2509]

cc: Rob Olsen, TPCHD  
Donna Hewitt, DLH Environmental Consulting  
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