



State of Washington
POLLUTION LIABILITY INSURANCE AGENCY
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March 27, 2018

Ms. Marjorie Langton
24105 4th Place West
Bothell, WA 98021

**Subject: No Further Action Opinion pursuant to RCW 70.149.040(9) and
WAC 173-340-515(5) regarding:**

- **Owner/Contact Name:** ML Langton, LLC
- **Property Address:** 1703 NE 43rd Place, Renton, WA 98056
- **HOTAP Project No.:** 638
- **FSID No:** 9560

Dear Ms. Langton:

Thank you for participating and submitting the document(s) regarding cleanup action at 1703 NE 43rd Place, Renton, WA 98056 for review by the Washington State Pollution Liability Insurance Agency (PLIA) under the Heating Oil Technical Assistance Program (HOTAP). PLIA appreciates your initiative in pursuing this administrative option for cleaning up a contaminated Site 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 the substantive requirements of MTCA and the Heating Oil Pollution Liability Protection Act Chapter 70.149 RCW, for characterizing and addressing the following releases at the Site:

Issue Presented and Opinion

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

PLIA has determined that no further cleanup action is necessary at the Site.

Our analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. This opinion does not apply to any other release(s) that may affect the Property. Any such sites, if known, are identified separately below.

At this time, we have no information that other releases have actually affected the Property.

The Site is defined by the nature and extent of contamination associated with the following heating oil release, which occurred at parcel #334570-0060.

- Total Petroleum Hydrocarbons (TPH-d) in the diesel-range into the soil.

Description of the Property

The Property includes the following tax parcel(s) in King County affected by the Site and addressed by your cleanup:

- Tax Parcel No. 334570-0060

Enclosure A defines the nature and extent of the release.

Basis for Opinion

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

- Document #1: Cleanup Action Report-2018 Independent Cleanup Action J&M Machine 1703 NE 43rd Place Renton, Washington WDOE FSID#9560, by Environmental Associates, Inc. of March 2018
- Document #2: Site Summary/Project Background Independent Cleanup Action J&M Machine (WDOE Facility ID#9560) 1703 NE 43rd Place Renton, Washington, by Environmental Associates, Inc. of February 2018

These documents are kept on file with PLIA and are subject to the Public Records Act (Chapter 42.56 RCW). In-person review of the files may be done by appointment only. Appointments can be made by contacting PLIA at 1-800-822-3905 or pliamail@plia.wa.gov.

This opinion is void if any information contained in those documents is materially false or misleading.

Analysis of the Cleanup

1. Cleanup of the Site

PLIA has concluded that **no further cleanup action** is necessary at the Site. Our conclusion is based on the following analysis:

a. Characterization of the Site

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

Conceptual Site Model (CSM)

- i. **Soil Direct Contact:** The depth and extent of TPH-o and TPH-d impacted soil is located approximately between 0 ft. (bottom of the underground storage tank [UST]) and 5 ft. below ground surface (bgs) in the vicinity of west side of the shed and extends laterally about 4 ft. north-south and 10 ft. east-west (Fig. 5). The location of the petroleum-contaminated soil (PCS) is within the depths (0 to 15 ft. bgs) that humans (utility workers and property developers) may come into contact with.

Result: The direct contact exposure pathway was a concern at this Site.

- ii. **Vapor Exposure:** The building footprint is within the lateral inclusion zone of 30 ft. or 6 ft. vertical separation from the edge of the contamination at the UST locations. The lateral inclusion zone or vertical separation distance are defined as the area surrounding a contaminant source through which vapor phase contamination might travel and intrude into buildings (ITRC 2014, EPA 2015, Ecology Draft VI Guidance update 2016).

Result: The vapor exposure pathway was a concern at this Site.

- iii. **Groundwater:** Groundwater was observed in all eight borings at 4 ft. In 2012, eight grab water samples were taken prior to excavation and the sample results were below the MTCA Method A Unrestricted Land use Criteria for TPH-d-o of 500 ug/l.

Result: The groundwater leaching exposure pathway was not a concern at this Site.

- iv. **Surface water:** There are no surface waters in the vicinity of the subject Property.

Result: The surface exposure pathway was not a concern at this Site.

b. Establishment of cleanup standards

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

Cleanup Levels

Table 1. The proposed cleanup levels are:

Contaminants of Concern (COCs)	Soil Cleanup Level mg/kg (Method A) <u>Un-restricted Land Use (DC & Vapor)</u>	Groundwater Cleanup Level ug/l (Method A)	Sub-slab/soil gas Screening Levels ug/m ³ (Method B SL)	Indoor/Air Cleanup Levels ug/m ³ (Method B CUL)
TPH-d	2,000	500	-	-
Total Naphthalene (include 1-methyl and 2-methyl naphthalene)	-	-	45.7	1.37
Naphthalene (carcinogen) (does <u>not</u> include 1-methyl and 2-methyl naphthalene)	-	-	2.45	0.0735
Total Petroleum Hydrocarbon	-	-	-	140
Benzene (carcinogen)	-	-	10.7	0.321

ii. Points of Compliance.

The proposed cleanup levels are:

Soil -Direct Contact: For soil cleanup levels based on human exposure via direct contact, the point of compliance is:
"...throughout the Site from ground surface to 15 ft. below the ground surface."

Groundwater: For groundwater, the standard point of compliance as established under WAC 173-340-720(8) is: *"...throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site."*

Vapor: Ambient and indoor air throughout the Site

c. Selection of cleanup action.

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

- Decommissioned five underground heating oil tanks.
- Excavation of PCS to the extent technically practicable (~22.05 tons).
- Conducted performance sampling of the soil to confirm effectiveness of the cleanup action.

d. Cleanup.

PLIA has determined the cleanup you performed met the clean-up levels at the points of compliance and therefore meets cleanup standards established for the Site.

Direct Contact:

Decommissioning of former USTs.

- The former five heating oil USTs were permanently decommissioned by removal.

Excavation:

- The lateral and vertical extent PCS detected at the Site was successfully excavated (~22.05) to levels below the MTCA Method A Unrestricted Land use Criteria of 2000 mg/kg for TPH-d-o.
- Points of Compliance: The limit of the excavation is bounded by the extent of PCS confirmation sampling results below cleanup levels: laterally, to the north it is bounded by Borings Cell1-1, Cell3-3, and Cell5-3; to the west by Boring JM-W2; to the south by Borings S3-3 and JM-S2; to the east by Boring E3-3 and at the center by Boring B2-5 (Fig. 5 and Lab Results).

Result: The soil direct contact exposure pathway is no longer a concern at this Site.

Vapor Exposure Pathway:

- The lateral and vertical extent of PCS detected at the Site were successfully excavated (~22.05) to levels below the MTCA Method A **Unrestricted Land Use** Criteria of 2,000 mg/kg for TPH-d and disposed at a permitted facility.

Result: The vapor exposure pathway is no longer a concern at this Site.

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(s) of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- 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 the Department of Ecology (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 equivalent. Courts make that determination (RCW 70.105D.080 and WAC 173-340-545).

3. State is immune from liability.

The state, PLIA, 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.

Ms. Langton
April 11, 2018
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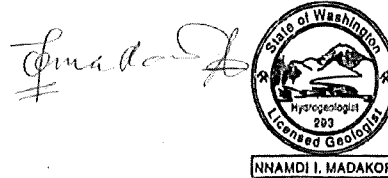
Contact Information

Thank you for choosing to clean up your property under the PLIA Heating Oil Insurance Program. If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at shanyese.trujillo@plia.wa.gov.

Sincerely,



Shanyese Trujillo, M.E.S.
Lead Site Manager
Pollution Liability Insurance Agency



NNAMDI I. MADAKOR

Nnamdi Madakor P.HG, P.G.
Technical Program Manager
Pollution Liability Insurance Agency

Enclosure A

cc: Claim file

Enclosure A

Taken from:

1. Document #1: Cleanup Action Report-2018 Independent Cleanup Action J&M Machine 1703 NE 43rd Place Renton, Washington WDOE FSID#9560, by Environmental Associates, Inc. of March 2018
2. Document #2: Site Summary/Project Background Independent Cleanup Action J&M Machine (WDOE Facility ID#9560) 1703 NE 43rd Place Renton, Washington, by Environmental Associates, Inc. of February 2018

Figure 1: Site Overview

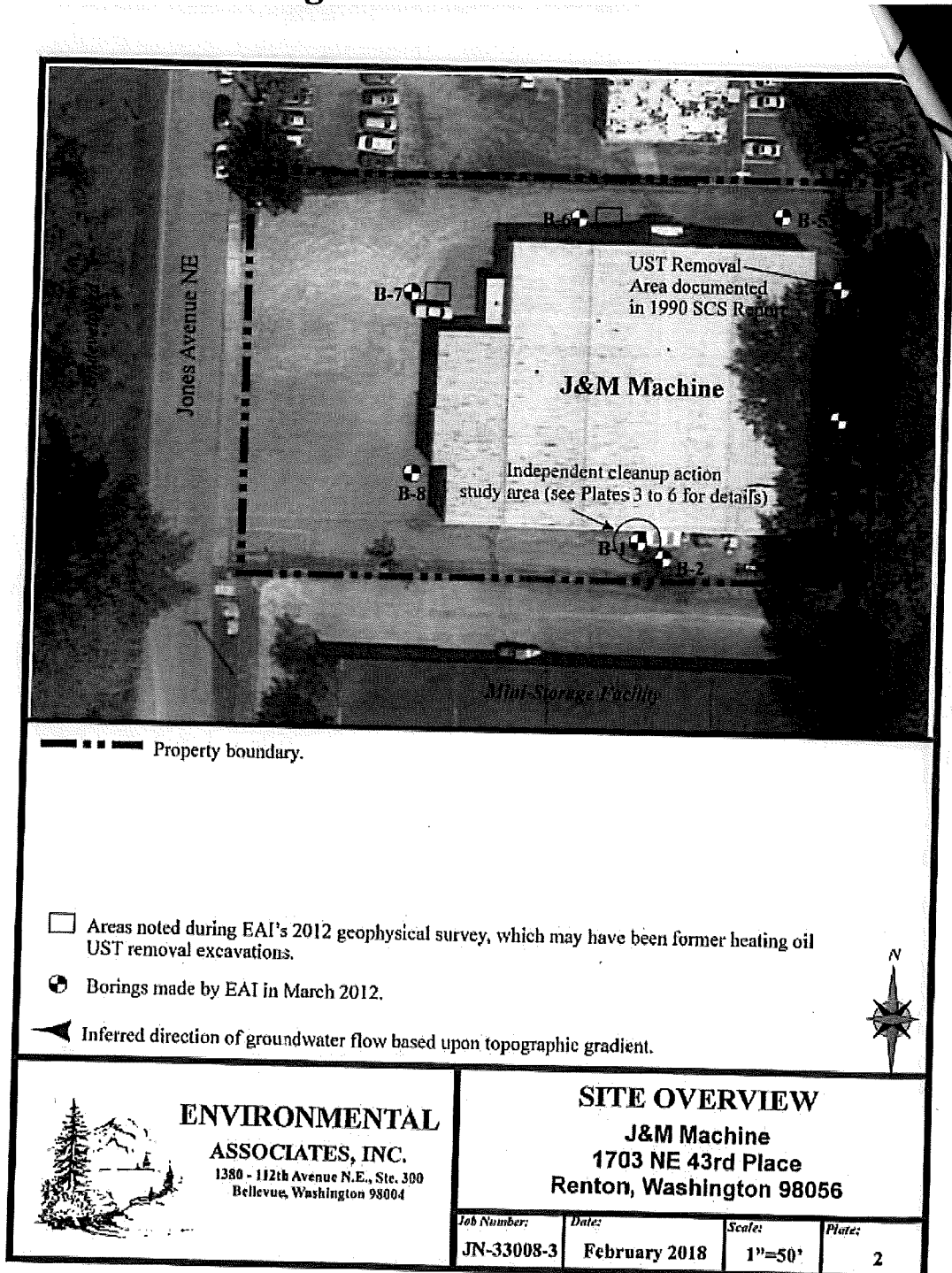


Figure 2: Area Detail

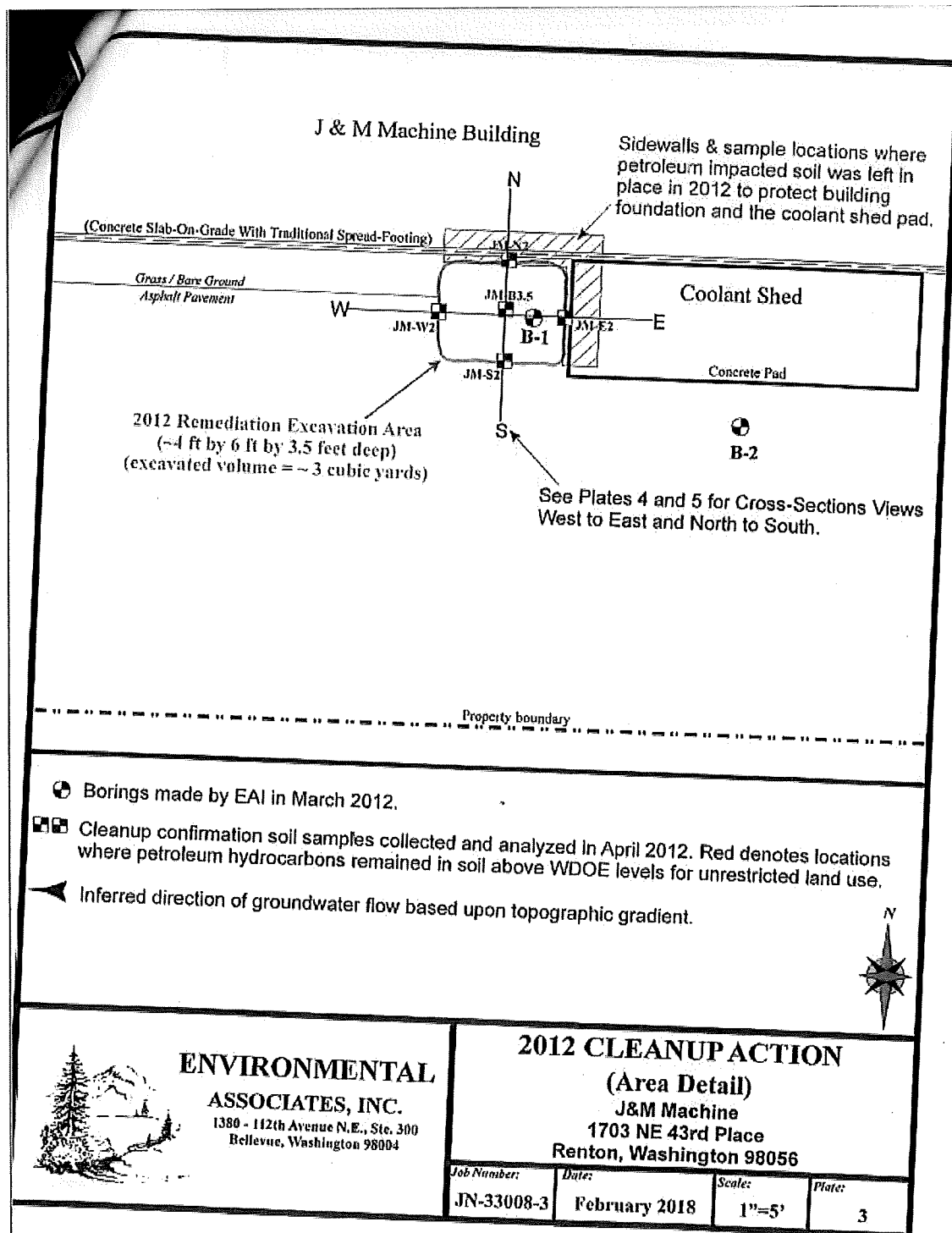


Figure 3: Cross Section View-West to East

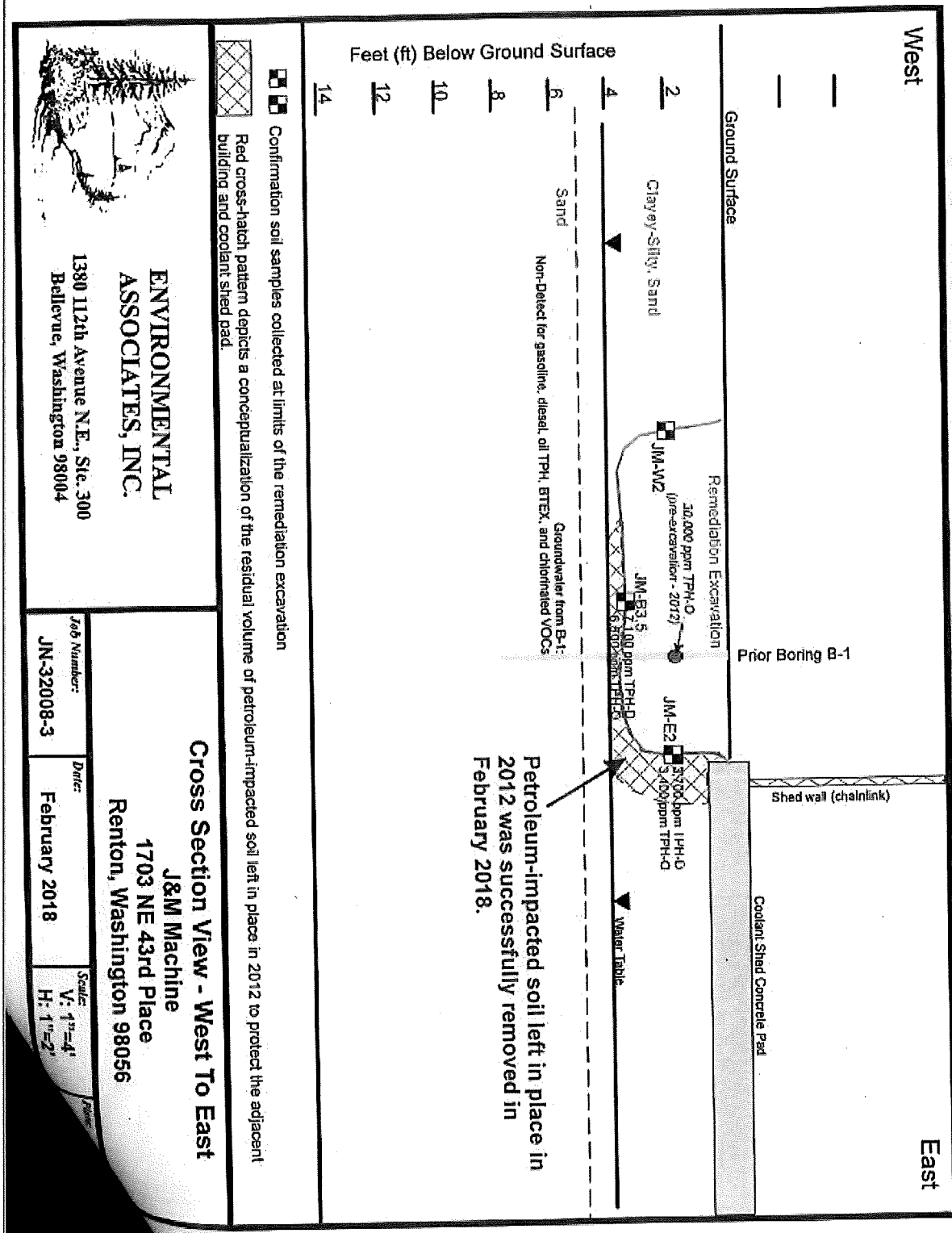


Figure 4: Cross Section View-North to South

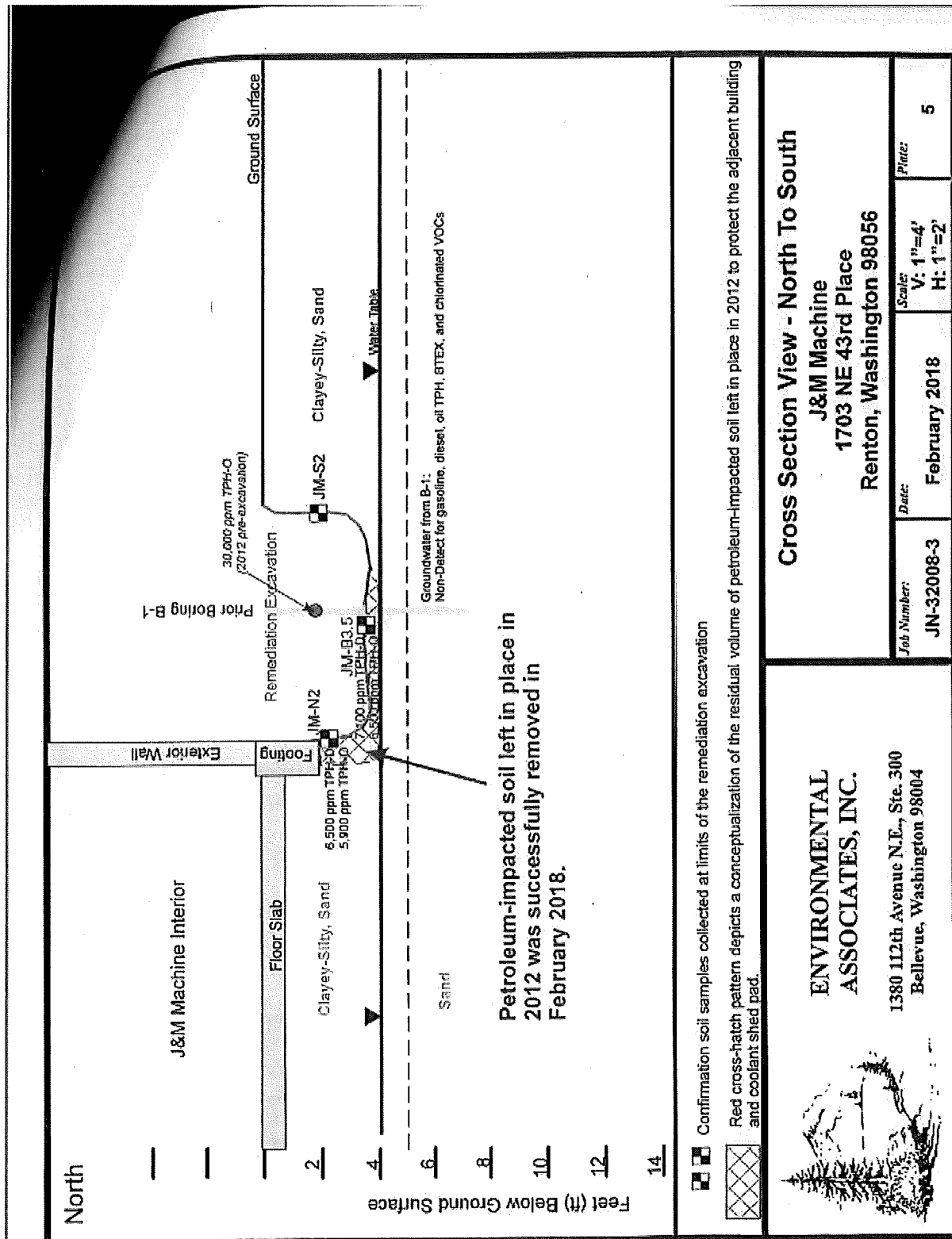
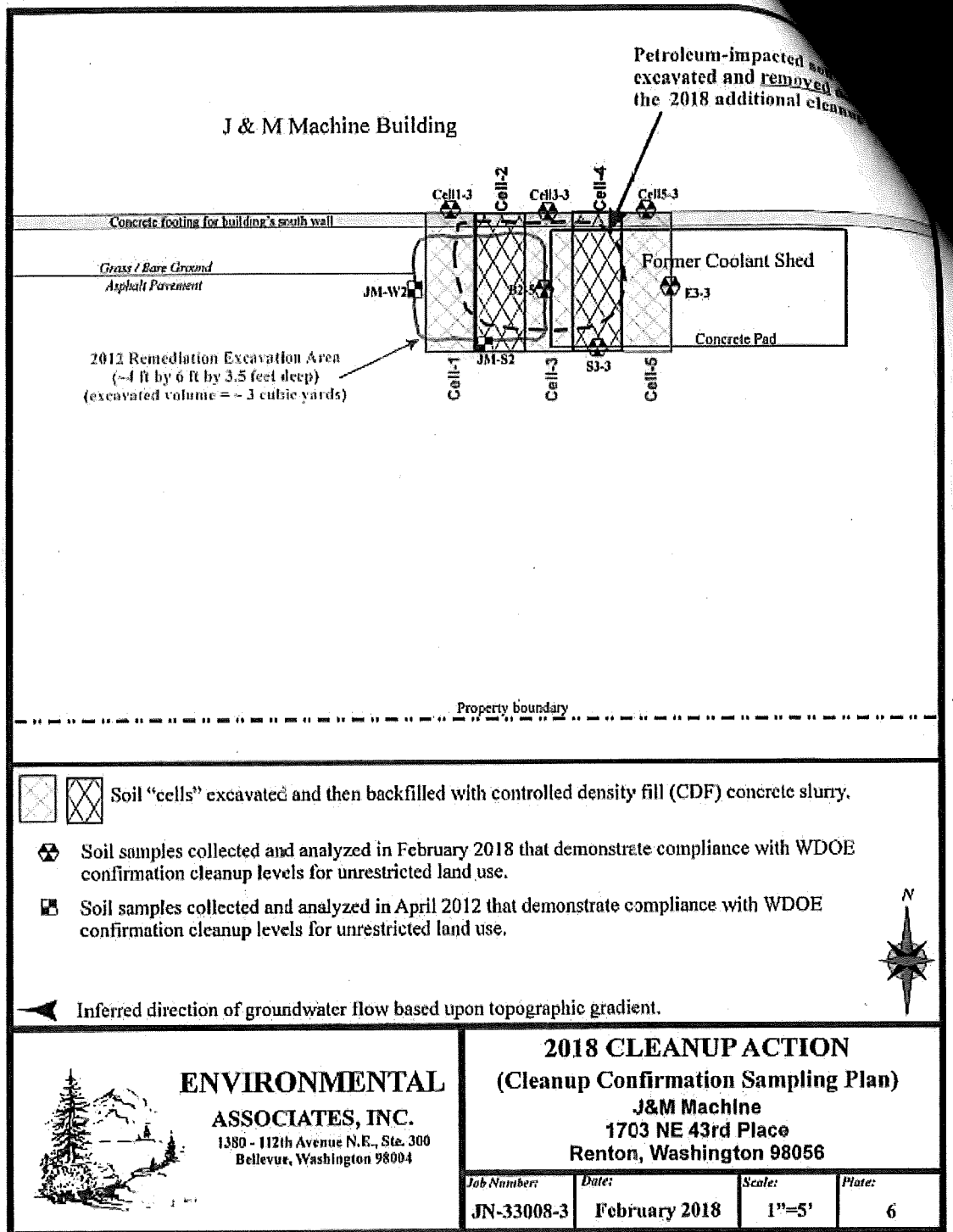


Figure 5: Cleanup Confirmation Sampling



FSID#9560

J&M Machine, Inc.

TABLE 1 - Petroleum Hydrocarbons - Soil Sampling Results All results and limits in parts per million (ppm)								
Soil Samples	Location	Gasoline TPH	Diesel TPH	Heavy Oil TPH	Benzene	Toluene	Ethylbenzene	Xylenes

Pre-Remediation Sampling - 2012

B1-2	Boring B-1 @ 2 ft (pre-remediation)	<10	<50	30,000	<0.02	<0.05	<0.05	<0.15
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Confirmation Soil Samples - Excavation Limits In 2012

JM-S2	South Sidewall @ 2 ft	NA	<50	<100	NA	NA	NA	NA
JM-E2	East Sidewall @ 2 ft	NA	3700	3400	NA	NA	NA	NA
JM-W2	West Sidewall @ 2ft	NA	<50	<100	NA	NA	NA	NA
JM-N2	North Sidewall @ 2 ft	NA	6500	5900	NA	NA	NA	NA
JM-B3.5	Base @ 3.5 ft	NA	7100	6500	NA	NA	NA	NA
Reporting Limit ³		10	50	100	0.02	0.05	0.05	0.15
WDOE Target Compliance Level ⁴		100	2000	2000	0.03	7	6	9

Notes:

- 1 - "ND" denotes analyte not detected at or above listed Reporting Limit.
- 2 - "NA" denotes sample not analyzed for specific analyte.
- 3 - "Reporting Limit" represents the laboratory lower quantitation limit.
- 4 - Method A soil cleanup levels as published in the Model Toxics Control Act (MTCOA) 173-340-WAC.
- 5 - The MTCOA gasoline TPH cleanup level is 30 ppm for soils with benzene otherwise it is 100 ppm.
- 6 - Soil samples were field screened using a GasTech combustible gas meter to measure the concentration of combustible gas, such as petroleum VOCs. Headspace VOC concentrations were measured after placing the soil sample in a sealed plastic bag and allowing soil and air inside the bag to equilibrate.

Bold and italics denotes concentrations above MTCOA Method A soil cleanup levels.

BGS - Below ground surface.

Environmental Associates, Inc.

FSID#9560

J&M Machine, Inc.

TABLE 5 - 2018 Final Cleanup Action - Confirmation Soil Sampling Results All results and limits in parts per million (ppm)				
Soil Samples	Sample Date	Location	Diesel TPH	Heavy Oil TPH
Interim Soil Samples Collected From Petroleum-Impacted Soil Subsequently Excavated / Removed				
B1-2	2012	Release discovery soil boring	<50	30,000
JM-E2	2012	East sidewalk @ 2 ft	3700	3400
JM-N2	2012	North sidewalk @ 2 ft	6500	5900
JM-B3.5	2012	Excavation base @ 3.5 ft	7100	6500
Confirmation Soil Samples - Collected From Final Limits Of The Remedial Excavation Area				
JM-S2	2012	South sidewalk @ 2 ft	<50	<100
JM-W2	2012	West sidewalk @ 2 ft	<50	<100
E3-3	2018	East sidewalk @ 3 ft	<50	<250
S3-3	2018	South sidewalk @ 3 ft	<50	<250
B2-5	2018	Excavation base @ 5 ft	<50	<250
Cell1-1	2018	North wall under foundation @ 3 ft	<50	<250
Cell3-3	2018	North wall under foundation @ 3 ft	<50	<250
Cell5-3	2018	North wall under foundation @ 3 ft	50	100 / 250
Reporting Limit ³			2000	2000
WDOE Target Compliance Level ⁴				

Notes:

1. N/A denotes analyte not detected at or above listed Reporting Limit.
2. N/A* denotes sample not analyzed for specific analyte.
3. "Reporting Limit" represents the laboratory lower quantitation limit.
4. Method A soil cleanup levels as published in the Model Toxics Control Act (MTCOA) 173-340-WAC.

Bold and italics denotes concentrations above MTCOA Method A soil cleanup levels.

Environmental Associates, Inc.

