



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

July 23, 2018

Mike Phillips
Phillips Richland, LLC
843 NE Rogahn Street
Hillsboro, OR 97124

Re: No Further Action at the following Site:

- Site Name: Richland Uptown Shopping Center Parcel 4
- Address: 1332 Jadwin Ave, Richland, Benton County
- Assessor's Property ID: 15819
- Facility Site No.: 17604
- Cleanup Site ID No: 11648
- VCP No: CE0497

Dear Mr. Phillips:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Richland Uptown Shopping Center Parcel 4 site (Site). 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 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

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:

- Petroleum hydrocarbons (heating oil) into the Soil.

The Site is a parcel within a strip mall in Richland, Washington. Parcel 4 consists of one shop within the mall. Site plan maps for the Parcel 4 site are provided in **Attachment A**.



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Two heating oil underground storage tanks (USTs), designated Tank #26 and #27 were removed from the Site just outside the rear of the shop in 1994 as reported in "Report of Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center," prepared by Huntingdon Engineering and Environmental and dated June 8, 1994.

The two tanks at Parcel 4 reportedly held #2 Fuel Oil. At the time of the UST removals in 1993, total petroleum hydrocarbons (TPH) were found in soil at the base of the tank pit at a depth of 9 feet below ground surface above the Method A cleanup level of 2,000 mg/kg for diesel or heavy range oil (detections of 6,200 mg/kg [Tank #26] and 4,700 mg/kg [Tank #27]). TPH was also found in tank pit sidewall samples at a depth of 5 feet at 3,100 mg/kg and 29 mg/kg, respectively. The analytical method used, EPA Method 8015M, did not differentiate between diesel range organics and heavy oil range organics (only reported total petroleum hydrocarbons).

A total of 11 parcels within the Richland Uptown Shopping Center had apparent releases associated with USTs. The majority of the UST releases were heating oil, though one parcel (#12) had a release of the dry cleaning solvent Tetrachloroethene (PCE) that has impacted groundwater in the area. PCE in groundwater from Parcel #12 may be present in groundwater beneath Parcel 4. Parcel 12 is located approximately 500 feet north of Parcel 4.

Light non-aqueous phase liquid (LNAPL) was measured in a monitoring well adjacent to Parcel 10 (MW-2), located approximately 400 feet north of Parcel 4. This LNAPL is believed to originate from USTs associated with Parcel 10.

Basis for the Opinion

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

1. Blue Mountain Environmental and Consulting Co. Inc., "Soil and Groundwater Assessment Report at Richland Uptown Shopping Center, Parcel 4," October 12, 2017.
2. Huntingdon Engineering and Environmental, "Report of Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center," June 8, 1994.
2. URS, "Groundwater Monitoring and Passive Hydrocarbon Recovery Services", Uptown Shopping Center." October 8, 2011.

Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling Ecology's Public Records Officer at (360) 407-6040 or emailing RecordsOfficer@ecy.wa.gov.

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 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.

As previously discussed, soil sampling in 1994 resulted in three soil samples above the Method A cleanup level for TPH. In 2017, soil samples were collected at five locations adjacent to the former tank locations at a depth of 8 feet using direct push (i.e. Geoprobe sampling methods). The soil samples were analyzed via method NWTPH-Dx. In addition, soil and groundwater samples were collected at two locations south-southeast and southwest of the former tank locations designated BMEC-5 and BMEC-6, respectively. No petroleum hydrocarbons were detected in the soil samples collected at locations BMEC-05 through BMEC 11 (8 feet depth) nor in the groundwater samples collected at BMEC-5 and BMEC-6 (20 feet depth). No indications of petroleum hydrocarbons were reported in the seven boring logs and Ecology has received no current or historical information to indicate that groundwater at the Site has been impacted by this release.

Although Ecology would prefer to see the soil samples collected at precisely the same locations and depths where previous impacts were found, the samples were in sufficient proximity to the previous locations and depths such that impacts above cleanup levels are considered unlikely. Similarly, Ecology would prefer to see the groundwater samples collected at the location with the historical soil impacts and at the depth of the water table. However, the groundwater samples collected support the conclusion of a lack of groundwater impacts at this Site.

2. Establishment of cleanup standards.

Diesel range organics (DRO) and heavy oil range organics (HRO) both have Method A Cleanup Levels of 2,000 mg/kg. The use of this cleanup level is considered appropriate for this Site.

The Site is in a highly urbanized area and meets exclusion criteria for a Terrestrial Ecological Evaluation (TEE).

3. Selection of cleanup action.

Ecology has determined the cleanup action performed at the Site (natural attenuation after removal of the USTs) meets the substantive requirements of MTCA. The release of heating oil occurred in or prior to 1994 when the heating oil USTs were removed. Therefore, at least 24 years have passed since the release of heating oil from the USTs.

The cleanup can be considered protective and permanent because current soil concentrations are less than the selected cleanup levels (the non-detect data suggests that no contamination remains).

4. Cleanup.

Ecology has determined the cleanup meets the cleanup standards established for the Site. Compliance with the selected cleanup standard (Method A soil cleanup level of 2,000 mg/kg) was demonstrated through the collection of five soil samples and two groundwater samples surrounding the former heating oil UST tank pit in 2017 (no detections of DRO or HRO were reported in any sample).

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

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).

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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 (#CE0497).

For more information about the VCP and the cleanup process, please visit our web site: www.ecology.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 (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,



Frank P. Winslow
CRO Toxics Cleanup Program

FPW/RLL

cc: Brent Bergeron, Blue Mountain Environmental

VCP Financial Manager

Enclosure

