

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 into the Soil and Groundwater.

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. Long Term Groundwater Monitoring Plan, Graymont Western US, Inc., dated July 2008 by CH2MHill.
2. Supplemental Groundwater Investigation and Feasibility Study, Graymont Western US, Inc., dated February 2008 by CH2MHill, Inc.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can 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

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 Site is described above and in **Enclosure A**.

Prior to use of the property for lime production in 1962, the property was reportedly used by a nearby shipbuilding firm and the U.S. Navy as a laydown/storage yard during and after World War II. Remedial activities conducted at the Site in 1993 identified elevated concentrations of total petroleum hydrocarbons (TPH) in soil above MTCA Method A cleanup levels. TPH detected in 1993 was presumed to be that of diesel and/or fuel oil. Concentrations of TPH detected above MTCA cleanup levels in soil in 1993 ranged from 2,200 milligrams per kilogram (mg/kg) to 82,000 mg/kg. TPH was also present in groundwater.

Where possible, the contaminated soil discovered in 1993 was removed and disposed of at an off-Site facility. However, production equipment and buildings covered most of the affected soil and could not be removed. Monitoring wells were installed within and downgradient of the contaminated areas. Periodic groundwater monitoring between 1993 and 1996 found that concentrations of TPH and other petroleum-related compounds in groundwater were relatively low and declining. The findings of the investigation were reported to Ecology, and concluded that no further remedial action or groundwater monitoring was necessary and that the residual soil contamination would be managed through institutional controls. A restrictive covenant for the affected portions of the property was filed on April 9, 2001, and Ecology issued a No Further Action letter on September 5, 2002.

In September 2006, Graymont re-entered the Voluntary Cleanup Program as they had planned to install new stormwater collection sumps near areas of the their facility covered by the restrictive covenant. In October 2006, during construction of the second collection sump, located north of the largest portion of the restrictive covenant area and west of the smaller square-shaped restrictive covenant area, strong petroleum odors and staining were observed at depths of about 5 feet. As a result, the plan to install a sump at this location was abandoned and additional investigation was conducted.

In December 2006, eight test pits (TP1 through TP8) were excavated to assess the approximate limits of petroleum contamination in soil on the northern side of the restrictive covenant area. Two of the test pits (TP2 and TP8) contained concentrations of gasoline-, diesel-, and oil-range petroleum hydrocarbons (TPH-G, TPH-D, and TPH-O) above MTCA Method A cleanup levels.

In April and July 2007, groundwater samples were collected from new and existing monitoring wells. Analytical results indicated that TPH-G was detected in MW-4R

(located within the impacted soil area) at 2,000 micrograms per liter ($\mu\text{g/L}$) during both sampling events. TPH-D was present in MW-2 (located along the northern, upgradient property boundary) at 700 $\mu\text{g/L}$ in April 2007, but was not detected in July.

Soil and groundwater samples collected from the Site to date have been analyzed in accordance with MTCA Table 830-1. Based on the data collected to date, it appears that the TPH contamination remains limited to the Graymont property and is not currently discharging to the Blair Waterway.

2. Establishment of cleanup standards.

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

Groundwater beneath the Site is not considered to be a current or potential source of drinking water due to its proximity to surface water and tidal influence. As a result, cleanup levels for protection of marine organisms are applied to groundwater. However, since there is no published surface water criteria for TPH-G, TPH-D, and TPH-O, the appropriate cleanup levels default to Method A.

Conditional points of compliance have been established for the Site along the shoreline of Blair Waterway. Impacts to groundwater above MTCA cleanup levels have been documented beneath the Site (specifically at MW-4R); however, no exceedances have been documented to date in the three monitoring wells located along the shoreline of Blair Waterway. Ecology has approved using these three monitoring wells (MW-7, MW-8R, and MW-9R) as conditional points of compliance for the following reasons: the majority of residual impacted soil remaining in place is located beneath the facility and is inaccessible; the limits of the residual impacted soil have been defined and do not appear to be mobile; and cleanup levels have not been exceeded to date for TPH in wells along the waterway.

3. Selection of cleanup action.

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

Cleanup actions conducted at the Site to date have included the excavation and off-Site disposal of petroleum-impacted soil, and containment and monitoring of residual contamination left in place.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Restriction on land and ground water use.

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Pierce County:

- 0321274000.

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

2. Performance of confirmational monitoring.

Confirmational monitoring is necessary at the Site to confirm the long-term effectiveness of the cleanup. The monitoring data will be used by Ecology during periodic reviews of post-cleanup conditions. Ecology has approved the monitoring plan you submitted. A copy of the plan is included in **Enclosure B**.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they

remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank 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).

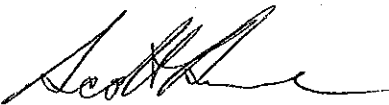
Mr. Paul Liner
October 1, 2009
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Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#SW0802).

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) 407-6347 or e-mail at sros461@ecy.wa.gov.

Sincerely,



Scott Rose, L.G.
Acting Unit Manager
SWRO Toxics Cleanup Program

SIR/ksc:Graymont Western Site NFA

Enclosures (3): A – Description and Diagrams of the Site
 B – Environmental Covenant for Institutional Controls and Confirmational
 Monitoring Plan

By certified mail: (7008 2810 0001 3941 1634)

cc: Robert Freeman – Graymont Western US, Inc. (same address as above)
 Rob Olsen – Tacoma-Pierce County Health Dept
 Carol Johnston – Ecology
 Dolores Mitchell – Ecology (w/o enclosures)