



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 11, 2012

Mr. Greg Mika
321 N. Otto St.
Port Townsend, WA 98368

Re: No Further Action at the following Site:

- **Site Name:** Reynolds Grey Machine & Services
- **Site Address:** 321 N. Otto St., Port Townsend
- **Facility/Site No.:** 20613
- **Cleanup Site ID No.:** 3081
- **VCP Project No.:** SW1140

Dear Mr. Mika:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Reynolds Grey Machine & Services facility (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 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

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

1. Initial Investigation Report, Reynolds Grey Machine and Services, dated August 5, 2009 by Anita A. Hicklin (Jefferson County Public Health).
2. Laboratory Report, Twiss Analytical, Inc., RE: Forklift Cleanup, Reynold Grey Machine, Inc, dated August 24, 2011.
3. Material Safety Data Sheet (MSDS) No. 00450, Hangsterfer's S-500 CF (Water Soluble Oil), Validation Date June 18, 1999.
4. Good Man Sanitation, Receipt for Septic Tank Pump Out, dated June 14, 2010.
5. Miscellaneous electronic mail correspondence and Site photos.

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 located at 321 North Otto Street in Port Townsend, Jefferson County, Washington. The property is identified by Jefferson County as tax parcel #947100805, and is about 0.4 acres. The Site and surrounding area is zoned as light industrial, with

rural residential areas nearby. There are three structures on Site, including the main shop building, a canvass boat shed, and a makeshift storage building made from Conex containers with what appears to be a wood roof. The shop building is served by an on-Site septic system.

In July 2009, Ecology received a complaint through the Environmental Report Tracking System (ERTS) from a former employee regarding operations at the Site. The ERTS complaint alleged that coolant and oil was being disposed of down the sink at the shop, as well as on the ground by a boat shed on the property.

In response to the complaint, Jefferson County Public Health (JCPH) staff visited the Site on July 31, 2009. JCPH interviewed the business/property owner, Mr. Greg Mika, who stated that the allegations of dumping were not true. Mr. Mika indicated to JCPH staff that used oil is stored in a 30-gallon drum, and is ultimately disposed at a facility in Seattle. The coolant he uses is called Hangsterfer's S-500 CF, which is a chlorine-free, water-soluble coolant that, according to the MSDS, does not contain any hazardous ingredients. During their inspection of the remainder of the Site, JCPH staff identified various areas of stained soil of what appeared to be petroleum hydrocarbons, and in a couple areas, paint. According to JCPH's report, Mr. Mika was agreeable to JCPH staff collecting samples from the Site but then changed his mind. In a subsequent conversation between Mr. Mika and Ecology, Mr. Mika indicated that he changed his mind after talking to his attorney because JCPH staff were not clear with him where they wanted to sample and he was unwilling to grant them access to the entire Site (a regrettable decision, in hindsight, according to Mr. Mika). In situations such as this, the investigator has no choice but to recommend the Site for listing.

On January 14, 2010, Ecology issued an Early Notice Letter to Mr. Mika indicating that the Reynolds Grey Machine and Services Site had been added to Ecology's Confirmed and Suspected Contaminated Sites List.

On January 21, 2010, at the request of Mr. Mika, Ecology conducted a Site visit as part of an already-planned meeting at JCPH that day. Ecology staff on Site included Mr. Scott Rose, Mr. Cris Matthews, and Mr. Ted Benson. Ecology staff interviewed Mr. Mika, and toured the indoor operation, as well as the outdoor portions of the Site. At the time of the Site visit, Ecology noted fairly good housekeeping throughout the operation. About five to six 5-gallon buckets were observed in one part of the shop. The buckets contained waste cutting fluid, and were open-topped with no secondary containment. The fluid was reportedly from an old piece of grinding equipment that belonged to the previous owner, and the fluid was drained from it prior to the grinder being sold by Mr. Mika. Mr. Mika

asked Ecology staff where he could dispose of the fluid and it was suggested he contact the county hazardous waste collection.

Ecology staff inspected the outside area of the property. The only significant staining noted was an area of petroleum-stained soil beneath a forklift that was parked in the gravel driveway. Areas of paint and other staining noted by JCPH staff in July 2009 were not observed.

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.

MTCA Method A soil cleanup levels for unrestricted land uses were used for the Site. Standard points of compliance were used for the Site. The point of compliance for protection of groundwater was established in the soils throughout the Site. For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance was established in the soils throughout the Site from the ground surface to 15 feet below ground surface.

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 included the excavation and off-Site disposal of petroleum-impacted soil.

4. Cleanup.

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

In July 2011, about 2-3 cubic yards of petroleum-impacted soil was excavated from the Site and disposed at the Jefferson County Landfill. Confirmation soil samples collected did not indicate the presence of petroleum hydrocarbons.

It is Ecology's opinion that this Site warrants a No Further Action determination for the following reasons:

- Petroleum-impacted soils were limited to surficial soils and were successfully excavated and disposed.
- The volume of waste coolant observed during Ecology's Site visit appeared to be consistent with the wastestream of the former machining operation.
- The coolant used during the former machining operation, according to the MSDS, does not contain any hazardous ingredients. Even if some volume of coolant was dumped down the drain as alleged, it's unlikely anything would be detectable in soil or groundwater.
- Liquid within the septic tank was pumped out in June 2010 as part of required updates to the system for a building permit.

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

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performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

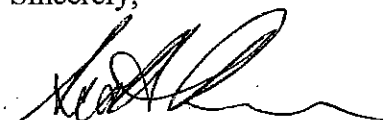
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (#SW1140).

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 via email at sros461@ecy.wa.gov.

Sincerely,



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

SIR/ksc:Reynolds Grey Machine Site NFA

By certified mail: (7009 3410 0000 1272 3502)

cc: Marjorie Boyd – Jefferson County Public Health
Dolores Mitchell – Ecology (w/o enclosures)