



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 14, 2019

COPY

Bill Johnston
Johnston-Peach LLC
401 Central Avenue
Bellingham, WA 98225

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Actions for the following Hazardous Waste Site:

- **Name:** 401 Central Ave LUST (aka Johnston & Peach Property)
- **Address:** 401 Central Avenue, Bellingham, WA 98225
- **Facility/Site No.:** 10851
- **VCP No.:** NW2987
- **Cleanup Site ID No.:** 12378

Dear Bill Johnston:

Thank you for submitting documents regarding your remedial actions for the 401 Central Ave LUST facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites 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 requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release at the Site:

- Gasoline-range petroleum hydrocarbons (TPHg), and benzene, toluene, ethylbenzene, and xylenes (BTEX) into the Soil.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory and not binding on Ecology.



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Ecology's Toxics Cleanup Program has reviewed the following information regarding your remedial actions:

1. Whatcom Environmental Services, Response to Ecology Opinion Letter dated December 29, 2017 and Workplan for Installation of a Second Groundwater Monitoring Well, October 11, 2018.
2. Ecology, Opinion Letter, December 29, 2017.
3. Whatcom Environmental Services, Independent Remedial Action Report, March 31, 2017.
4. Ecology, Opinion Letter, May 24, 2016.
5. Whatcom Environmental Services, Underground Storage Tank Site Assessment and Petroleum Contaminated Soil Removal Action, September 30, 2013.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by completing a Request for Public Records form (<https://www.ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>) and emailing it to PublicRecordsOfficer@ecy.wa.gov, or by calling the Public Records Officer at 360-407-6040. Some of these documents are accessible in electronic form from the Site web page, which can be accessed at (<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=12378>).

The Site is currently defined by the extent of contamination caused by the following release:

- TPHg and BTEX into the Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the release(s) at the Site, Ecology has determined:**

As per your submittal dated October 11, 2018, you requested Ecology's Opinion on two topics:

1. The first topic is: "The chemicals of concern at the Site are defined as TPHg and BTEX in the soil, and the Site is defined as the soil impacted by the release of TPHg and BTEX from the former gasoline USTs which were closed and removed from the ground in 2013".

In Part 2 "Description of the Site" of the application form submitted to the Voluntary Cleanup Program dated May 12, 2015, the name of the Site was designated as "Johnston & Peach Property" in section A, and in section B, the source property was designated as Tax Parcel 380330114260. With the exception of two sub-slab vapor samples with two sub-slab soil samples, there has been continued objection to Ecology's recommendation that sampling within this tax parcel (the designated contamination source property) was needed to characterize contamination on that property: i.e., from the UST release and potentially from other sources (former truck-repair).

The Johnston & Peach (J&P) Property was a former facility (Site) that was apparently a long-term base of the City Sanitary Service Co. that provided for the operations of garbage trucks. See definition of site and facility in Chapter 173-340-200 WAC and in Chapter 70.105D.020(5) RCW. Ecology therefore rejects the notion that the "Site", which was designated as the entire "J&P Property" and includes Tax Parcel 380330114260 and nearby Tax Parcel 380330098305 (0.3 acres total), is completely defined by the release from an UST of TPHg and BTEX into the soil. There are other potential sources of contamination within the entire J&P Property, and also it has not been established that only soil has been impacted.

However, the characterization performed in the UST release area has demonstrated that the source of the release (one particular UST), and likely the maximum extent of the soil contamination, are not located within J&P Property Tax Parcel 380330114260 (the designated contamination source property), but instead are located immediately to the west in Central Avenue. Furthermore, a request was proposed to re-designate the name of the Site to "401 Central Ave LUST" (rather than the entire "J&P Property"). Given these circumstances, Ecology consents to consider the UST release as a singular Site named "401 Central Avenue LUST", defined by the release of TPHg and BTEX from an UST into the soil (and possibly ground water) with the source property as Central Avenue. See **Enclosure A, Figures 2&3**.

2. The second topic is: "Will the installation of groundwater monitoring well MW-2 at the location shown on **Enclosure A, Figure 3** resolve Ecology's concerns regarding the empirical demonstration (assuming the groundwater concentrations detected in a sample collected from well meet the MTCA A groundwater cleanup levels)?"

Soil and ground water data from the proposed monitoring well (MW-2) would be expected to support an empirical demonstration that ground water is not and will not be impacted, if the following conditions are satisfied:

- (1) Sufficient soil samples must be acquired during the installation of the well to define the concentrations in the contaminated soil directly above the ground water, and in contact with the ground water. Soil samples should be analyzed for TPHg and BTEX and referenced to Method A cleanup levels for soil.
- (2) The installation /construction of the well, and the sampling should be documented in detail.

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(3) If contaminant concentrations in ground water are at or near the Method A cleanup levels for groundwater, more than one ground water sampling round would be needed to demonstrate compliance.

This opinion does not represent a determination by Ecology that remedial actions will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7251 or by E-mail at roger.nye@ecy.wa.gov.

Sincerely,



Roger K. Nye
NWRO Toxics Cleanup Program

Enclosures (1): A- Site Description and Diagrams

cc: Harold Cashman, Whatcom Environmental, Inc.
Sonia Fernandez, VCP Coordinator, Ecology

Enclosure A

Description and Diagrams of the Site

Site Description

This section provides Ecology's understanding and interpretation of Property conditions and is the basis for the opinion expressed in the body of the letter.

Site: There is not sufficient information at this time to define the Site. The extent of gasoline-contaminated soil, with benzene as the primary contaminant of concern, has been generally defined laterally, but not at depth, and it is unknown if ground water is impacted. The Site is located within Central Avenue Property, west of and adjacent to Whatcom County Tax Parcel # 380330114260, located at 401 Central Avenue, Bellingham, WA.

Area and Property Description: The Property is located at the southwestern terminus of Central Avenue in the Central Business District of Bellingham (**Figure 1**). The area is zoned Commercial, and the land surrounding the Property is covered by buildings, streets, and parking areas to the north, east, and south. The east boundary of Bellingham Maritime Heritage Park (the former Holly Street Landfill) is located 200 feet west of the Property (see **Figure 2**).

Site History and Current Use: The Property and areas of adjacent properties were apparently utilized from approximately the 1940s into the 1980s as an operating base for fueling and repairing garbage trucks that provided collection for the city of Bellingham. Earlier use of the Property was not reported except that adjacent buildings to the east were constructed. Various small businesses have occupied the adjacent buildings over the years. The Property is used for business parking and access to Maritime Heritage Park.

Sources of Contamination: The known contamination was caused by the release of gasoline from one particular UST formerly utilized at the Property.

Physiographic Setting: The Site is situated at an elevation of 65 feet above mean sea level. Land in the immediate area of the Site is generally flat, except for a steep wooded bluff 200 feet to the west at the edge of Maritime Heritage Park.

Surface/Storm Water System: Whatcom Creek is located 400 feet west of the Site, and flows into the Whatcom Waterway and Bellingham Bay approximately 600 feet and 3,000 feet to the southwest, respectively. The Site is paved, and runoff storm water ostensibly flows into municipal storm drains.

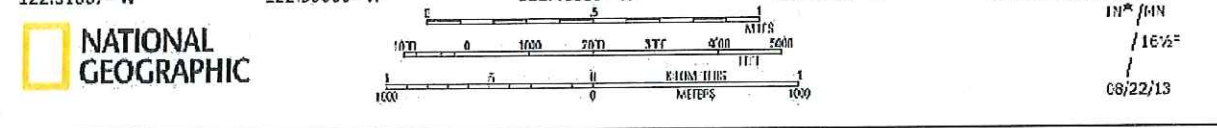
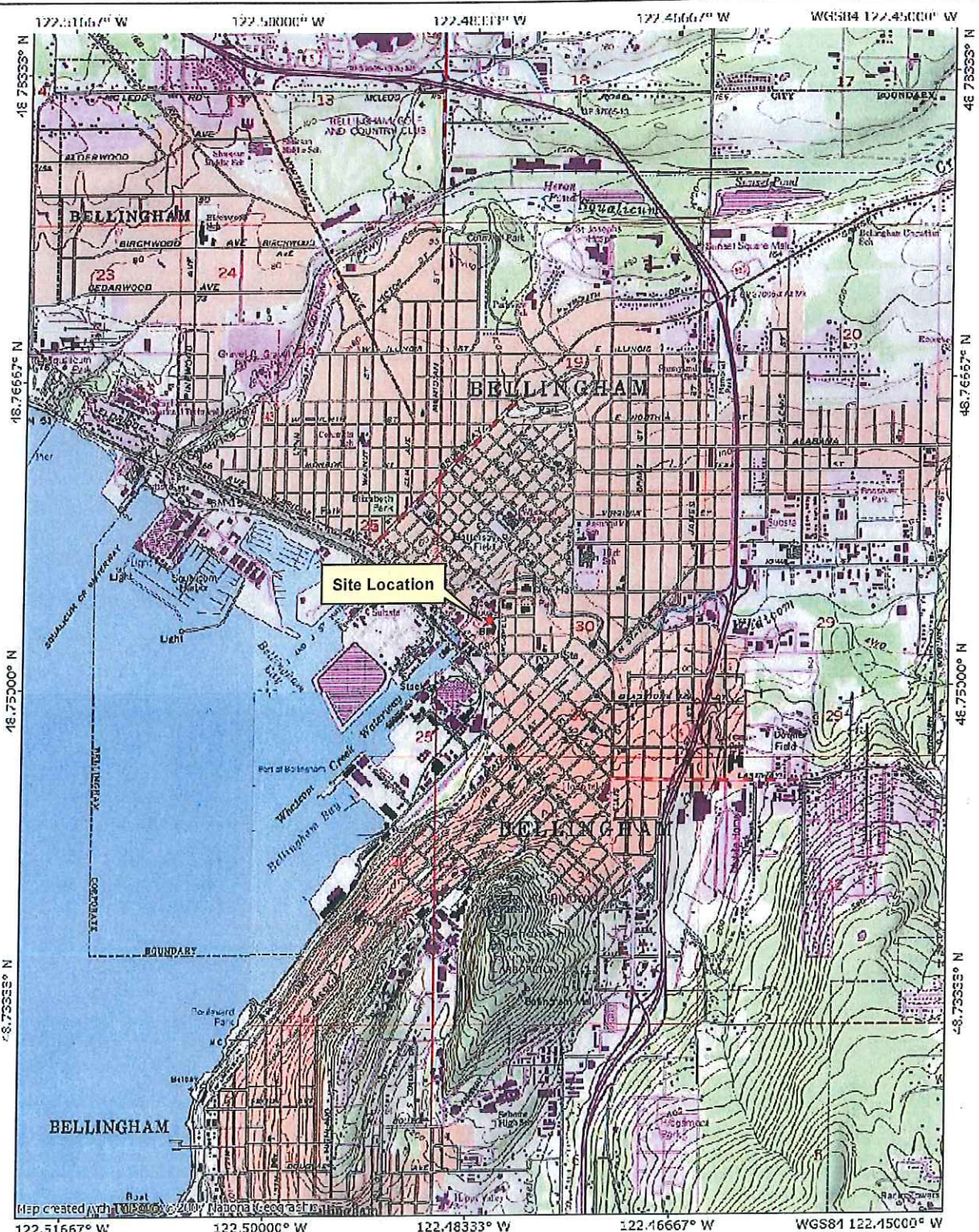
Ecological Setting: The Maritime Heritage Park west of the Site is primarily a large grassy area covering the former Holly Street landfill with some native vegetation. The park is heavily frequented by people and likely does not provide significant habitat to wildlife receptors. All other land areas surrounding the Site are covered by buildings and pavement.

Geology: The Property is underlain by fill material up to 8 feet thick consisting of clay, silt, sand, and gravel. The Bellingham Glaciomarine Drift (consisting of silts, clays, and fine sand lenses) extends beneath the fill to 28 feet below ground surface (bgs). The formation is of low permeability and was essentially dry in borings on the Property. The weathered surface of the Chuckanut sandstone was encountered at 28 feet bgs, the maximum depth of exploration.

Ground Water: A perched zone of ground water of limited yield was encountered at the surface of the bedrock at 28 feet bgs. The ground water possibly occupies the weathered surface of the sandstone and may have wide lateral extent. The flow direction of the ground water is unknown, but could follow the slope of the bedrock surface. The nature and occurrence of deeper ground water beneath the Property are not known.

Extent of Soil and Ground Water Contamination: Given current data, the lateral extent of soil contamination at depth appears to be limited to approximately 10 to 15 feet from the former UST location. The vertical extent of the soil contamination has not been defined, with concentrations of benzene at 100 times the soil Method A cleanup level for benzene detected at 25 feet bgs. The extent of ground water contamination, if present, is unknown.

Site Diagrams



Prepared for:
Johnston-Peach LLC

Prepared by:
whatcom
 ENVIRONMENTAL

Site Location Map

Central Ave	Figure 1
03/02/17	

Google Maps 401 Central Avenue LUST Site - Land Use Near the Site

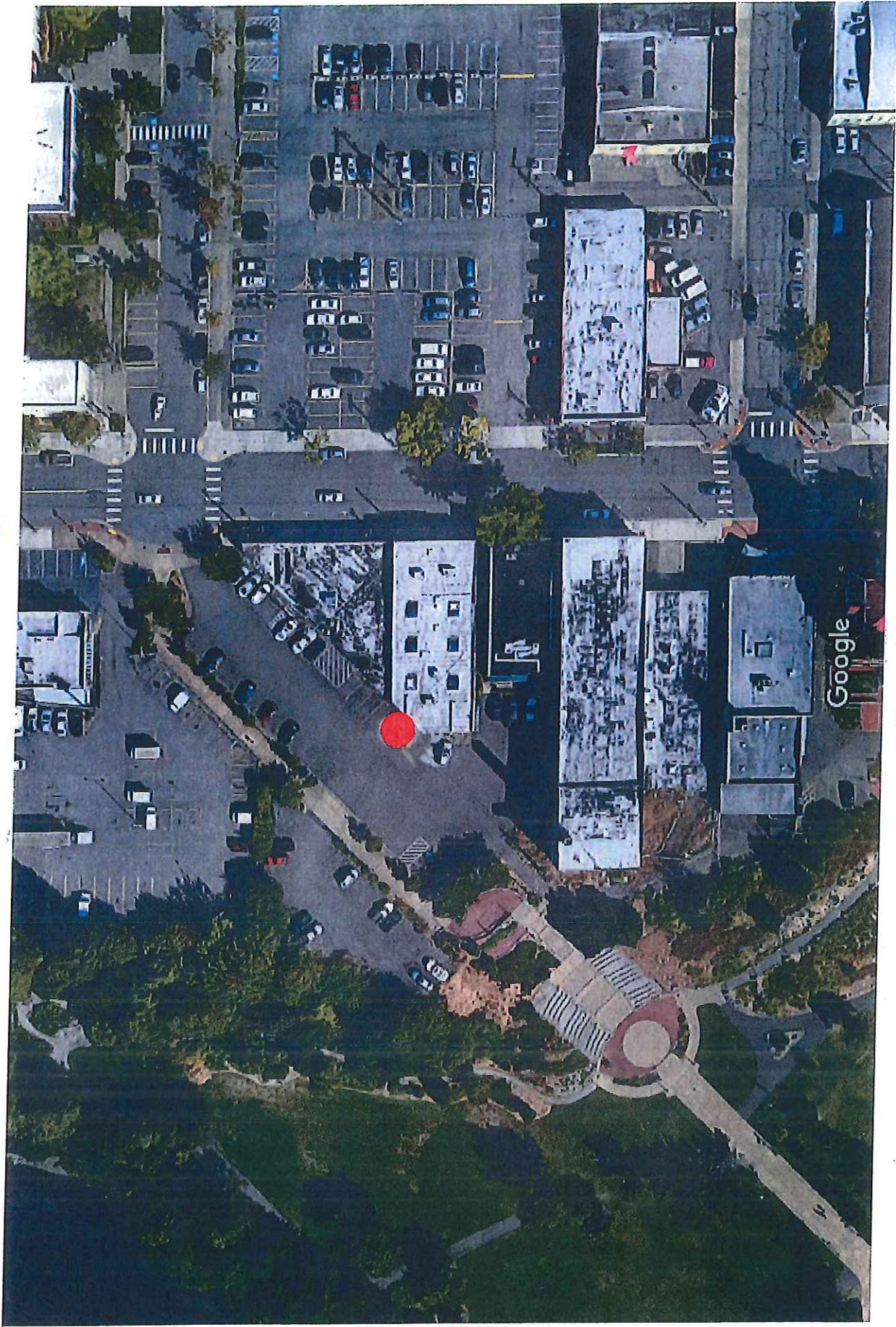
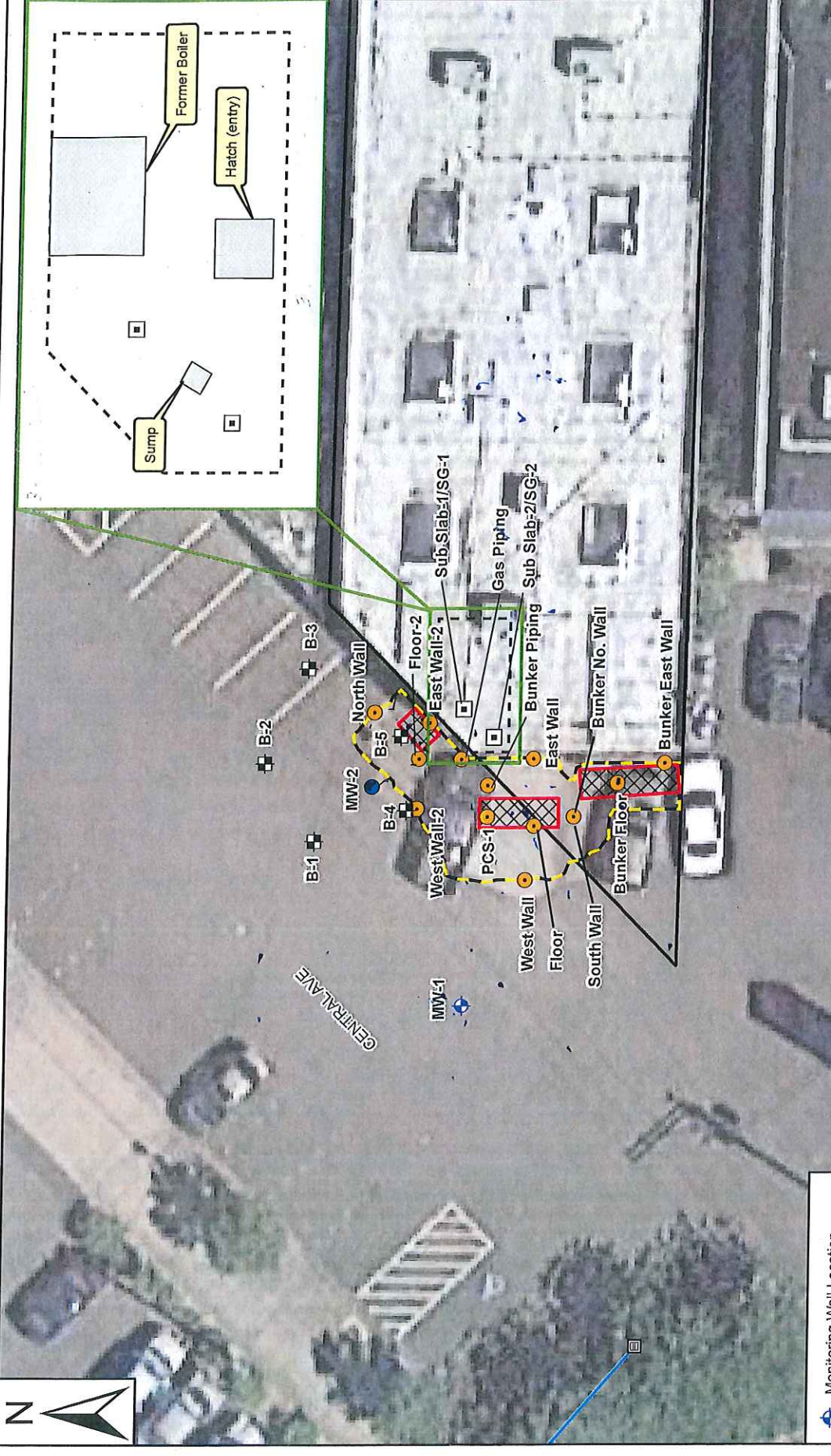


Figure 2



Proposed Monitoring Well Location Map

401 Central Avenue
Bellingham, WA 98225

Central Ave
09/12/18

Prepared by:

whatcom
ENVIRONMENTAL

0 5 10 20 Feet
1 inch = 20 feet

Prepared for:

Johnston-Peach LLC

All data are approximate and should be used for relative location reference only.
2016 aerial photograph (GoogleEarth).

- Monitoring Well Location
- 2016 Soil Boring Locations
- 2016 Sub-Slab Boring Locations
- 2013 Soil Sample Locations
- Boiler Vault
- Location of Removed Tanks
- Extent of 2013 Excavation
- Subject Property
- Proposed Well Location

Figure 3