STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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December 27, 2019

Tim Woodmansee
BYK Construction
133 West State Street
Sedro Woolley, WA 98284

Re: No Further Action at the following Site:

- **Site Name:** Glenn's Diesel
- **Site Address:** 14885 State Route 9, Mount Vernon, Washington
- **Facility/Site No.:** 26541964
- **VCP Project No.:** NW3225

Dear Tim Woodmansee:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Glenn's Diesel 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 releases:

- Diesel, cadmium, and lead into the soil

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 document:

1. Remedial Action Summary Report – Glenn's Diesel – 14885 State Route 9 – Mount Vernon, Washington by Stratum Group and dated April 8, 2019

This document is kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649 - 7024 or sending an email to nwro_public_request@ecy.wa.gov. The document is also available on Ecology's webpage.

The document is also available on Ecology's webpage (https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4265). Use the right hand panel to access (open) electronic documents.

This opinion is void if any of the information contained in this document 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.**

In December of 2001, five soil samples were collected and analyzed for diesel, oil, arsenic, barium, cadmium, chromium, lead, mercury, selenium, and carcinogenic polycyclic aromatic hydrocarbons.

There were no exceedances of MTCA Method A standards for arsenic, barium, chromium, mercury, or selenium. For the other analytes, two soil samples had no exceedances of any analyte, one sample had an exceedance only for carcinogenic polycyclic aromatic hydrocarbons, one sample had exceedances only for oil and lead, and one sample had exceedances only for diesel, oil, and cadmium.

In November of 2008, responding to a report of a petroleum spill on an adjoining property, two soil samples and one water (puddle) sample were collected and analyzed for gasoline, diesel, and oil. Diesel was not detected in either of the soil samples. One soil sample had a detection of oil and the other had detections of gasoline and oil but it could not be determined if the concentration of oil exceeded the MTCA Method A standards. The concentration of gasoline exceeded the MTCA Method A standard. Gasoline was not detected in the water sample. Diesel and oil were detected in the water sample but it could not be determined whether the concentrations exceeded the MTCA Method A standards.

In July of 2014, seven test pits were dug on site. One soil sample was collected from six of the test pits and three soil samples from the seventh test pit. The soil samples were analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, methyl tertiary butyl ether, cadmium, chromium, and lead. One soil sample was analyzed for arsenic, another soil sample was analyzed for mercury, and one soil sample was analyzed for volatile organic compounds. There were no volatile organic compounds detected in the soil sample. Although arsenic and mercury were detected in their respective samples, the concentrations did not exceed the respective MTCA Method A standards. Six of the nine soil samples had no exceedances of the MTCA Method A standards for any analyte, one soil sample exceeded the MTCA Method A standard for cadmium, one soil sample exceeded the MTCA Method A standard for oil, and one soil sample exceeded the respective MTCA Method A standards for both cadmium and oil.

No groundwater was encountered in a well drilled to four hundred feet in depth.

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.

Soil

Diesel – 2,000 mg/Kg

Cadmium – 2 mg/Kg

Chromium – 2,000 mg/Kg

Lead – 118 mg/Kg

Note – diesel, cadmium, and chromium are MTCA Method A values, lead is from Table 749-3 - "Ecological Indicator Soil Concentrations for the Protection of Terrestrial Plants and Animals" due to the heavily vegetated nature of most of the site.

A standard horizontal point of compliance, the property boundary, was used for soil contamination.

A standard vertical point of compliance, fifteen feet, for soils was established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. Fifteen feet is protective for direct contact with the contaminated soil.

3. Selection of cleanup action.

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

The method selected for soil - excavation of the contaminated soil and transporting the soil off-site to a permitted facility – meets the minimum requirements for cleanup actions by providing a permanent solution, immediate restoration time frame, provides for confirmation monitoring, and protects human health and the environment.

4. Cleanup.

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

In August of 2014, 3.3 tons of contaminated soil were excavated from the site and taken off-site to a permitted facility. Two soil samples were collected from one excavation site and one soil sample from the second excavation site. From the first excavation, one soil sample was analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, and xylene while the second soil sample was analyzed only for diesel and oil. There were no detections of any analyte except oil in either soil sample. Both oil detections were below the MTCA Method A standard for oil. The soil sample from the second excavation was analyzed for diesel, oil, cadmium, chromium, lead, and mercury. None of the detections exceeded the respective MTCA Method A standards.

Between September and December of 2018, 288 tons of contaminated soil were taken off-site to a permitted facility. Twenty-four confirmational soil samples were collected from the excavation. Twenty-three soil samples were analyzed for cadmium and lead. All lead concentrations and all but one cadmium concentration were below their respective MTCA Method A standards. One soil sample exceeded the cadmium standard by ten percent but satisfied the MTCA requirements that no soil sample exceed twice the standard and that the number of samples exceeding the standard be less than ten percent of the total number of samples. Four soil samples were analyzed for diesel and oil. Diesel was not detected in any of the four samples. Oil was detected in three of the four samples but all detections were below the MTCA Method A standard. One sample was analyzed for gasoline, arsenic, chromium, and mercury. Gasoline was not detected in the sample and all three metals detections were below their respective MTCA Method A standards. One soil sample was analyzed for carcinogenic polycyclic aromatic hydrocarbons. There were no detections of carcinogenic polycyclic aromatic hydrocarbons in the sample.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

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).

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 (NW 3225).

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 - 7223 or e-mail at christopher.maurer@ecy.wa.gov.

Sincerely,

Christopher Maurer, P.E.
HQ - Toxics Cleanup Program

Enclosure: A – Description and Diagrams of the Site

cc: Kim Ninneman, Stratum Group
Lyndsay Gordon, Ecology

Enclosure A

Description and Diagrams of the Site

(3.4600 ac) TRACT 2 OF SKAGIT COUNTY SHORT PLAT NO. 29-87 AS APPROVED FEBRUARY 12, 1988, AND RECORDED FEBRUARY 12, 1988, IN VOLUME 8 OF SHORT PLATS, PAGE 23, RECORDED UNDER AUDITORS FILE NO. 8802120024. TOGETHER WITH THAT PORTION OF THE WESTERLY 1/2 OF THAT CERTAIN 100 FOOT WIDE STRIP OF LAND CONVEYED TO THE SEATTLE LAKE SHORE AND EASTERN RAILWAY COMPANY BY DEED RECORDED JULY 25, 1891 IN VOLUME 20 OF DEEDS PAGE 504 WHICH LIES IN THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., ADJOINING LOT 2 OF SHORT PLAT 29-87 RECORDED FEBRUARY 12, 1988 UNDER AUDITOR'S FILE NO. 8802120024.

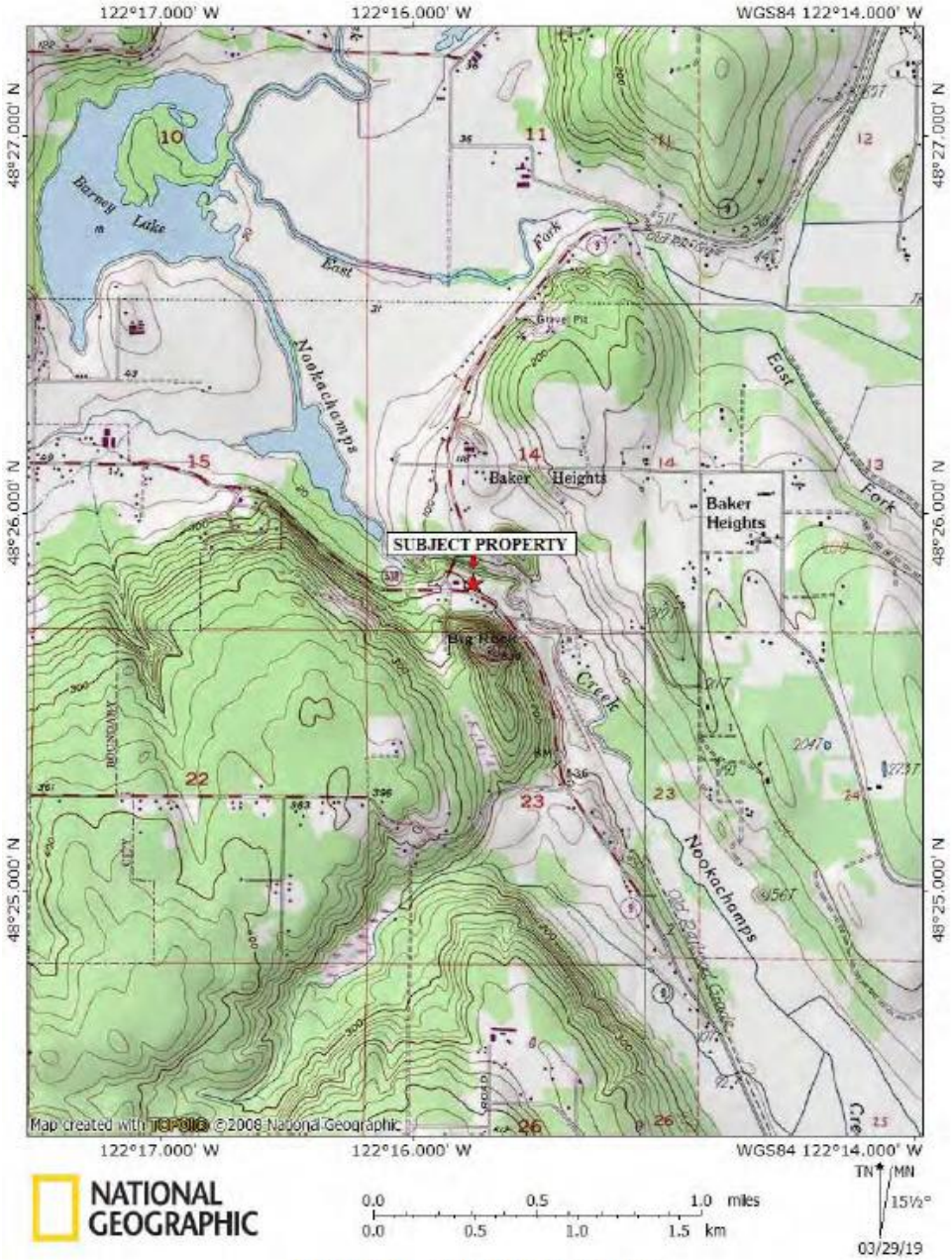


Figure 1. Site Vicinity Map

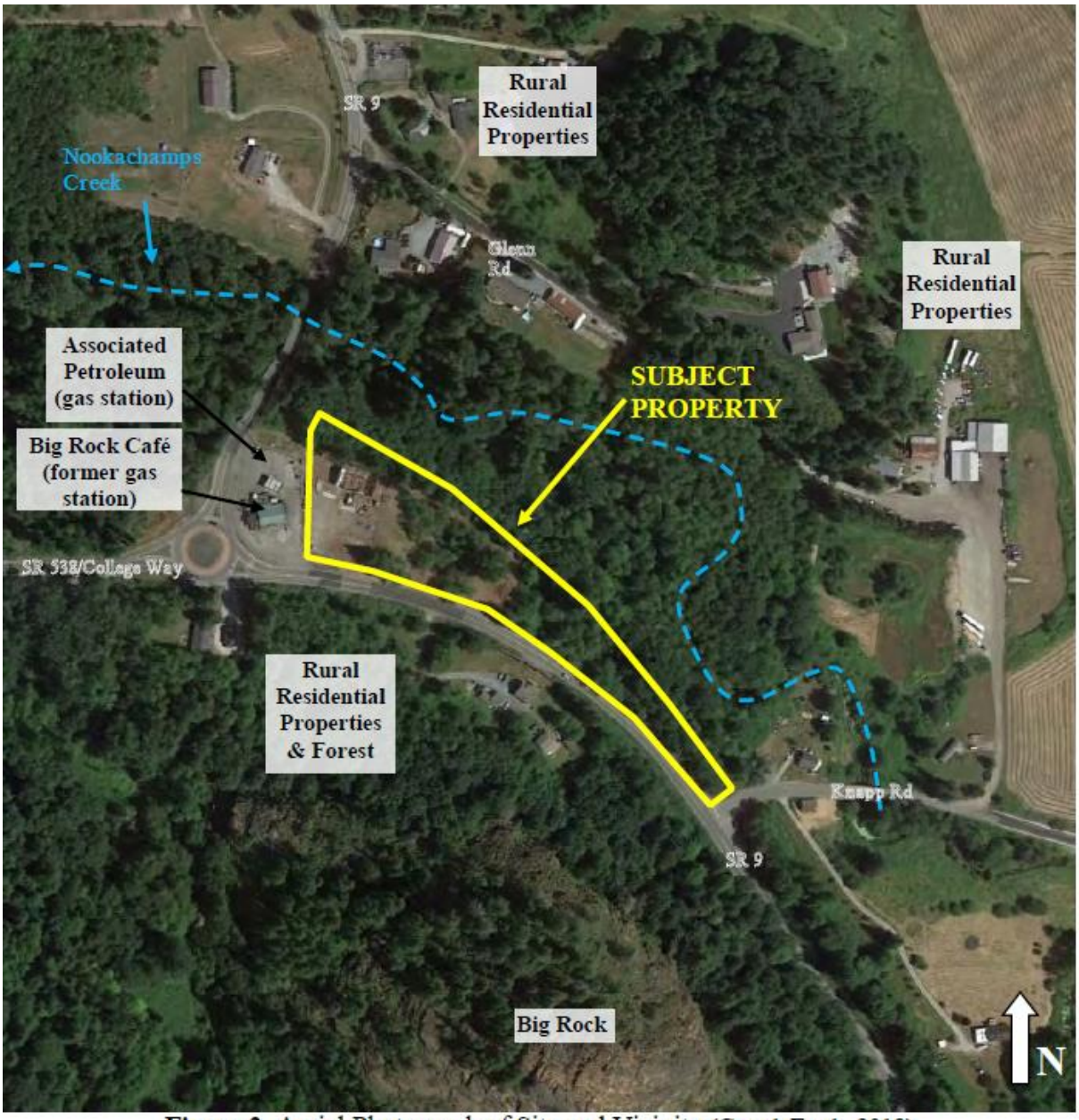


Figure 2. Aerial Photograph of Site and Vicinity (GoogleEarth, 2018)

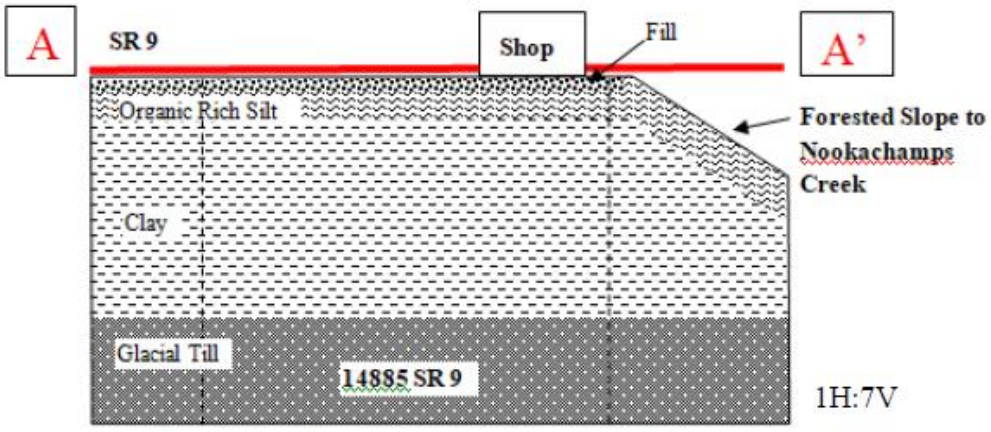
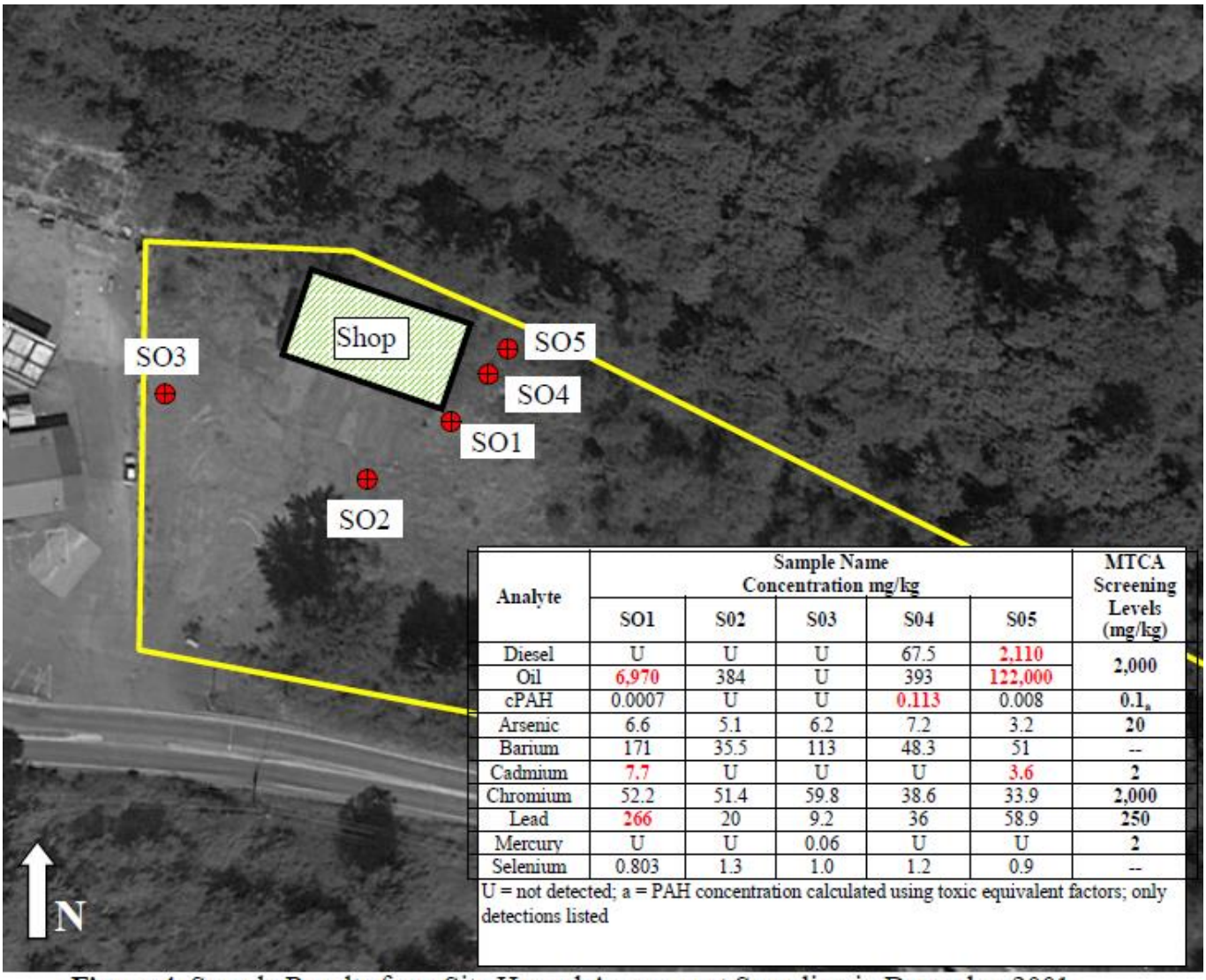


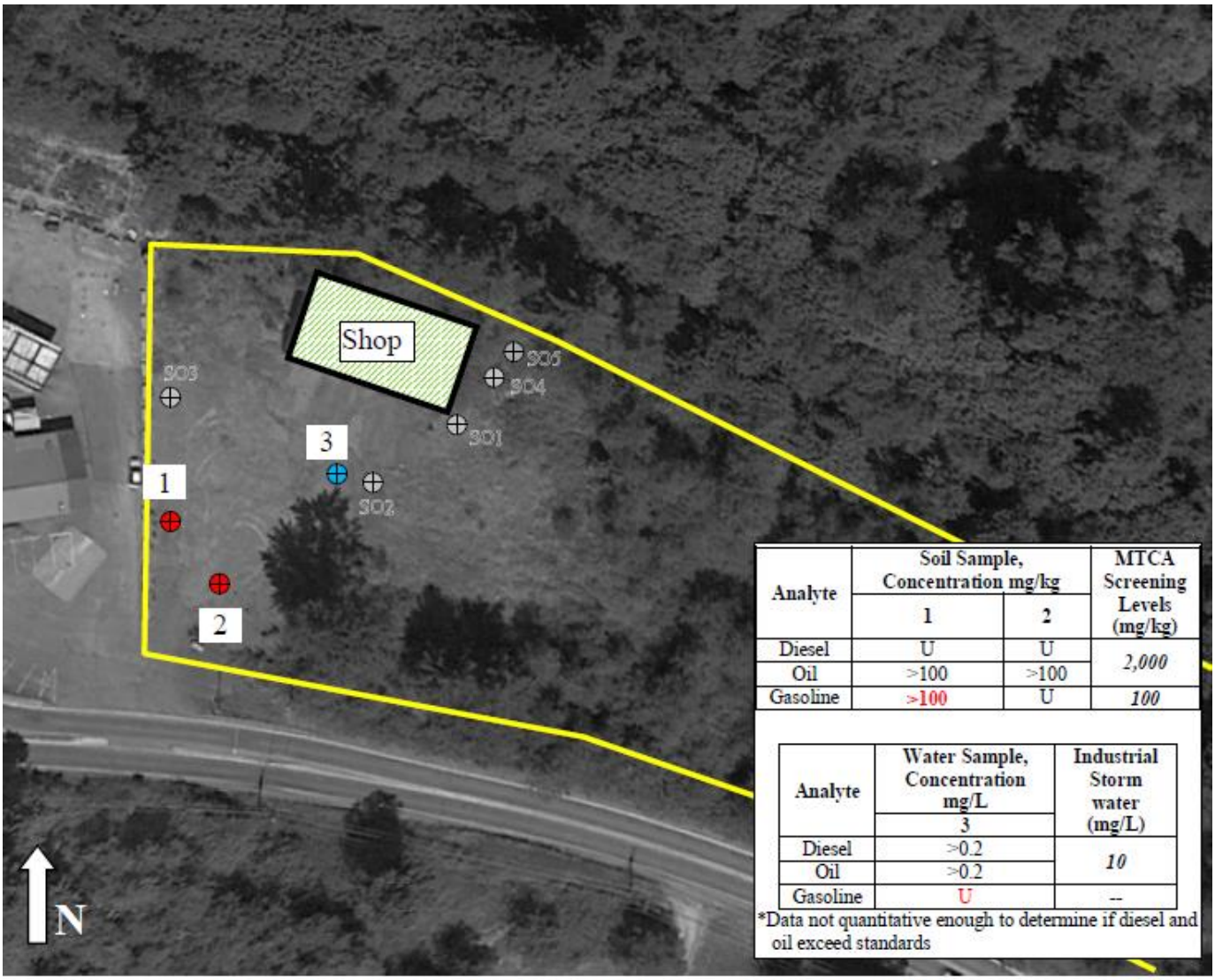
Figure 3. Conceptual cross section of site subsurface



Analyte	Sample Name Concentration mg/kg					MTCA Screening Levels (mg/kg)
	SO1	S02	S03	S04	S05	
Diesel	U	U	U	67.5	2,110	2,000
Oil	6,970	384	U	393	122,000	
cPAH	0.0007	U	U	0.113	0.008	0.1$_a$
Arsenic	6.6	5.1	6.2	7.2	3.2	20
Barium	171	35.5	113	48.3	51	--
Cadmium	7.7	U	U	U	3.6	2
Chromium	52.2	51.4	59.8	38.6	33.9	2,000
Lead	266	20	9.2	36	58.9	250
Mercury	U	U	0.06	U	U	2
Selenium	0.803	1.3	1.0	1.2	0.9	--

U = not detected; a = PAH concentration calculated using toxic equivalent factors; only detections listed

Figure 4. Sample Results from Site Hazard Assessment Sampling in December 2001



Analyte	Soil Sample, Concentration mg/kg		MTCA Screening Levels (mg/kg)
	1	2	
Diesel	U	U	*2,000*
Oil	>100	>100	
Gasoline	>100	U	*100*

Analyte	Water Sample, Concentration mg/L	Industrial Storm water (mg/L)
	3	
Diesel	>0.2	*10*
Oil	>0.2	
Gasoline	U	--

*Data not quantitative enough to determine if diesel and oil exceed standards

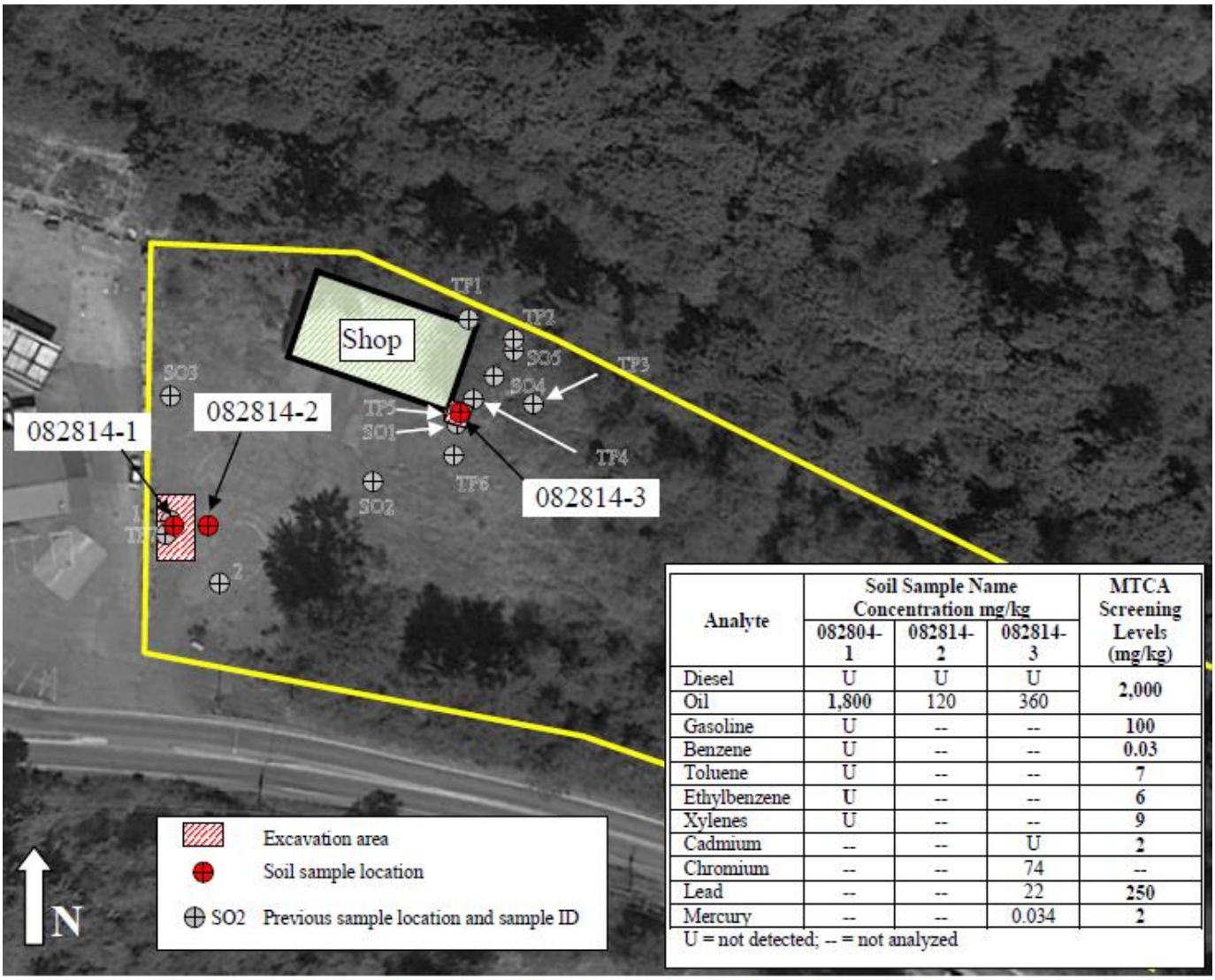
Figure 5. Sample results from spill response sampling in 2008

Figure 6. Sample results from test pit investigation, July 2008

Table 2. Soil sample results from test pit investigation, July 2014

Analyte	Soil Sample Name Concentration (mg/kg)									*MTCA A Screening Levels (mg/kg)*
	TP1	**TP2**	**TP3-.5**	**TP4**	**TP5-surface**	**TP5-2**	**TP5-3.5**	**TP6**	**TP7**	
Diesel	U	U	U	U	U	U	U	U	U	**2,000**
Oil	U	620	580	490	**24,000**	U	U	1,800	**2,800**	
Gasoline	U	U	U	U	8.6	U	U	U	U	**100**
Benzene	U	U	U	U	U	U	U	U	U	**0.03**
Toluene	U	U	U	U	0.51	U	U	U	U	**7**
Ethylbenzene	U	U	U	U	U	U	U	U	U	**6**
Xylenes	U	U	U	U	U	U	U	U	U	**9**
MTBE	U	U	U	U	U	U	U	U	U	**0.1**
Arsenic	--	--	--	--	7.4	--	--	--	--	**20**
Cadmium	U	0.5	0.67	U	**6.8**	U	U	**5.8**	U	**2**
Chromium	53	52	62	67	41	43	68	65	43	--
Lead	11	85	67	63	130	4.8	11	120	26	**250**
Mercury	--	--	--	--	0.026	--	--	--	--	**2**
VOCs	--	--	--	--	--	--	U	--	--	**varies**

U = analyte not detected; -- = analyte not sampled



Analyte	Soil Sample Name Concentration mg/kg			MTCA Screening Levels (mg/kg)
	082804-1	082814-2	082814-3	
Diesel	U	U	U	2,000
Oil	1,800	120	360	
Gasoline	U	--	--	100
Benzene	U	--	--	0.03
Toluene	U	--	--	7
Ethylbenzene	U	--	--	6
Xylenes	U	--	--	9
Cadmium	--	--	U	2
Chromium	--	--	74	--
Lead	--	--	22	250
Mercury	--	--	0.034	2

U = not detected; -- = not analyzed

Figure 7. Confirmation soil samples from 2014 soil removal

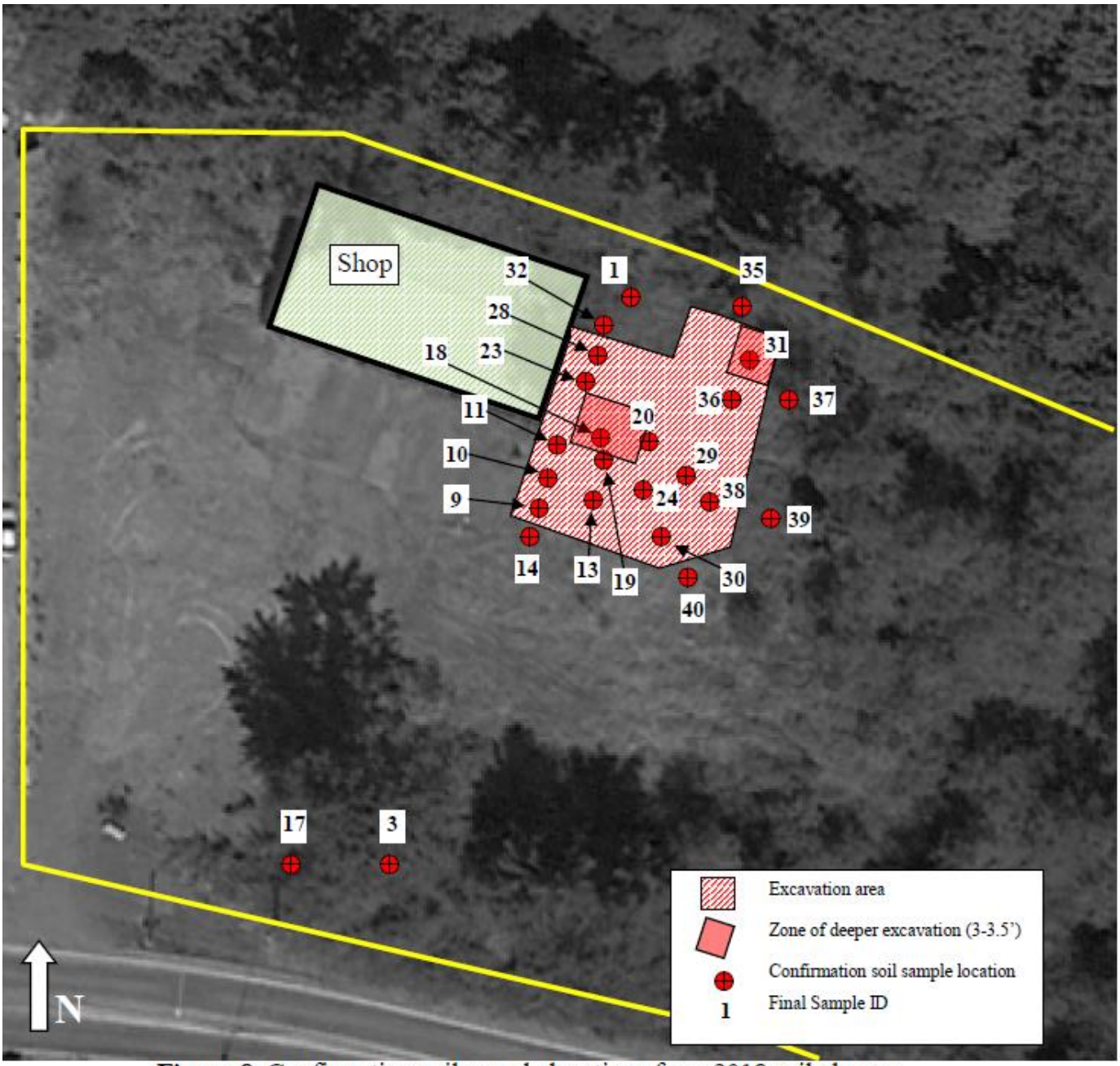


Figure 8. Confirmation soil sample locations from 2018 soil cleanup (scale is ~1" = 65')

Table 5. Confirmation soil sample results from 2018 cleanup

	Map ID	Sample Number	Analyte Concentration (mg/kg)								
			Cd	Pb	Cr	As	Hg	Gas	Diesel	Oil	cPAH
Confirmation samples; Soil remains in place	1	092818-1	--	--	--	--	--	--	--	--	U<0.02
	3	092818-3	0.76	110	76	9.1	0.079	U<20	U<50	330	--
	9	101118-9	0.28	59	--	--	--	--	--	--	--
	10	101118-10	0.32	75	--	--	--	--	--	--	--
	11	101118-11	0.21	21	--	--	--	--	--	--	--
	13	101118-13	0.29	65	--	--	--	--	--	--	--
	14	101118-14	0.63	55	--	--	--	--	--	--	--
	17	101118-17	1.6	72	--	--	--	--	--	--	--
	18	102618-18	0.17	13	--	--	--	--	U<25	U<50	--
	19	102618-19	0.28	19	--	--	--	--	U<29	81	--
	20	102618-20	0.17	14	--	--	--	--	U<25	57	--
	23	111618-23	0.25	70	--	--	--	--	--	--	--
	24	111618-24	0.15	19	--	--	--	--	--	--	--
	28	112818-28	0.21	46	--	--	--	--	--	--	--
	29	112818-29	0.40	75	--	--	--	--	--	--	--
	30	112818-30	0.26	64	--	--	--	--	--	--	--
	31	112818-31	0.75	50	--	--	--	--	--	--	--
	32	112818-32	1.1	70	--	--	--	--	--	--	--
	35	120518-35	1.1	42	--	--	--	--	--	--	--
	36	120518-36	0.30	23	--	--	--	--	--	--	--
	37	120518-37	**2.2**	60	--	--	--	--	--	--	--
	38	120518-38	0.44	29	--	--	--	--	--	--	--
	39	120518-39	2.0	62	--	--	--	--	--	--	--
	40	120518-40	0.22	61	--	--	--	--	--	--	--
Cleanup Levels (mg/kg)			*2*	*118*	*2,000*	*20*	*2*	*100*	*2,000*		*0.1 TEF*
Source of Cleanup Standards			Method A	Wildlife	Method A	Method A	Method A	Method A	Method A		Method A

U = analyte not detected at reporting limit; shaded box with red bold type indicates sample exceeds cleanup standard

Figure 9. Horizontal Extent of soil contamination