STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, WA 99205-1295 • 509-329-3400

August 6, 2020

Steve Burchett, PE
Budinger & Associates, Inc.
1101 North Fancher Road
Spokane Valley, WA 99212

**Re: Further Action at the following Site:**

- **Site Name:** City of Spokane Maintenance Shop
- **Site Address:** 127 W Mission Ave, Spokane
- **Facility/Site No.:** 22442438
- **VCP Project No.:** EA0347

Dear Steve Burchett:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the City of Spokane Maintenance Shop 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?

**YES. Ecology has determined that 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:

- Metals, petroleum hydrocarbons, and volatile organic compounds (VOCs) into the soil.

- Metals into the 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. Budinger & Associates, Inc., Normandie Facility Remediation, Groundwater Sampling and Chemical Analysis (Quarterly Report), June 30, 2020.

2. Budinger & Associates, Inc., Normandie Facility Remediation - Additional Monitoring Wells, Results of Soil Sampling and Chemical Analysis, March 5, 2020.

3. Budinger & Associates, Inc., Former Normandie Maintenance Facility, Remediation and Closure Plan, September 27, 2019.

4. Budinger & Associates, Inc., Environmental Site Characterization Report, November 20, 2017.

5. Stantec, Phase I Environmental Site Assessment, Former Normandie Storage/Maintenance/Fueling Facility, August 16, 2016.

Those documents are kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling the ERO resource contact at (509) 329-3415.

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 **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 groundwater at the Site is

sufficient to establish cleanup standards and select a cleanup action, with the understanding that data gaps for contaminants in soil identified in Ecology's previous opinion letter[1] will be addressed during future remedial actions. The Site is described above and in **Enclosure A.**

**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.

For groundwater, the cleanup levels were established using MTCA Method A and are based on the protection of drinking water beneficial uses. The cleanup levels are as follows:

| | |
|---|---|
| Arsenic: | 5.0 µg/L |
| Diesel- and oil-range organics: | 500 µg/L |

For groundwater, the point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. This is the standard point of compliance.

**3. Selection of cleanup action.**

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

- Collection of groundwater samples from all site monitoring wells until each well meets the cleanup standards for four consecutive quarters.

**4. Cleanup.**

Ecology has determined the cleanup you performed does not meet the cleanup standards at the Site.

- Groundwater sample collected from MW-4 in February 2020 contained arsenic exceeding the cleanup level, with two subsequent samples analyzed below the arsenic cleanup level. Samples should be collected for two additional quarters to demonstrate that cleanup standards have been met at MW-4.

- Groundwater samples collected from MW-5 in February and April 2020 contained arsenic exceeding the cleanup level, with one subsequent sample analyzed below the arsenic cleanup level. Samples should be collected for three additional quarters to demonstrate that cleanup

[1] Ecology, Opinion on Proposed Cleanup, City of Spokane Maintenance Shop, January 2, 2020

standards have been met at MW-5.

- Groundwater samples from MW-1, MW-2, and MW-3 have not exceeded cleanup levels for four consecutive quarters, and have therefore demonstrated compliance with the groundwater cleanup standards. These wells may be discontinued from further chemical analyses, though collection of data for characterization (such as groundwater elevation) should continue until cleanup standards have been met throughout the Site.

- If the groundwater cleanup standards cannot be met at all Site monitoring wells within a reasonable timeframe, remedial alternatives should be evaluated. These include, but are not limited to, engineered controls to prevent offsite migration of contaminated groundwater, institutional controls to restrict groundwater use at the Site, and continued groundwater monitoring to ensure the long-term effectiveness of these controls.

## 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.

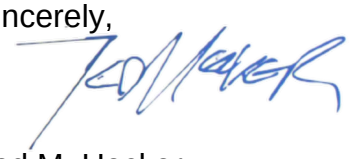
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.180.

## Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

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, please contact me by phone at (509) 329-3522 or e-mail at ted.uecker@ecy.wa.gov.

Sincerely,



Ted M. Uecker
ERO Toxics Cleanup Program

tmu: hg

Enclosures (1): A – Description and Diagrams of the Site

cc: Chris Batten, NODO LLC

# Enclosure A

# Description and Diagrams of the Site

# Site Description

The 5.37 acre property (tax parcel 35181.0201) is located north of downtown Spokane and has been used as a maintenance facility since the early 1900s. Remedial investigation and cleanup actions at the site have been ongoing since 1989, and include the removal of 6 USTs, while 8 additional USTs have been closed in-place. Petroleum-contaminated soil (PCS) has been left in place at the site in several areas, both above and below CULs. The most recent record of residual contamination involves a drain removal excavation in 1997 that resulted in PCS and a 5,000-gallon UST being left in place due to concerns for utilities and the structural integrity of the building.

In 1989, a 1,000-gallon UST was removed near the NW corner of Sinto and Atlantic. The UST had been used for fuel, then waste oil. Samples of the sludge within the tank contained 5400 ppm TCE. Ecology performed an II, and found oil stained soils and groundwater in excavation pit (~15 feet BGS). Soil samples collected from below the excavation supposedly confirmed that metals, TPH, PCBs, and PAHs were below the cleanup level, but there is no record of the chemical analyses.

From 1991-1992, there was a release of approximately 2,000 gallons of DRPH from a pump island in the middle of the property. Approximately 40 cubic yards of PCS were removed, and a previously closed-in-place UST was discovered during excavation. In 1997, diesel contamination was discovered during removal of three gasoline and one diesel USTs, and approximately 447 tons of PCS were removed. In 1998, PCS was discovered during a sewer line repair. This soil was excavated along with a brick-lined cesspool at the end of the drain line. In 2000, approximately 22.3 tons of PCS were excavated from a grassy swale at the north end of the property. In 2011, Ecology issued NFA determinations for two of the LUST releases based on review of historic cleanup actions.

In 2016, a Phase I ESA was conducted in preparation for the City of Spokane to sell the property for residential and commercial development. Areas of concern identified in the report included dry wells and floor drains, the former drain excavation area, the eight closed-in-place USTs, and the two active USTs.

In 2017, 42 soil borings were drilled in areas of concern identified in the Phase I report. 96 soil samples were collected and analyzed for TPH, metals, and VOCs. Seven borings (B3, B13, B22, B24, B26, B29, and B42) ranging from 1-21 feet bgs contained total chromium ranging from 19 to 78 mg/kg, and one boring (B29) contained diesel, heavy oil, and methylene chloride above cleanup levels. Groundwater was encountered in 18 borings ranging from 20-30 feet bgs. Boring B13 (west of the Broom Shed) contained arsenic and lead in groundwater at concentrations exceeding MTCA Method A cleanup levels.

In September 2019, three groundwater monitoring wells (MW-1, MW-2, and MW-3) were installed in the southeast portion of the site where a 10,000 gallon waste oil tank was removed in 1989 (north of the Fleet Building). Soil samples collected during

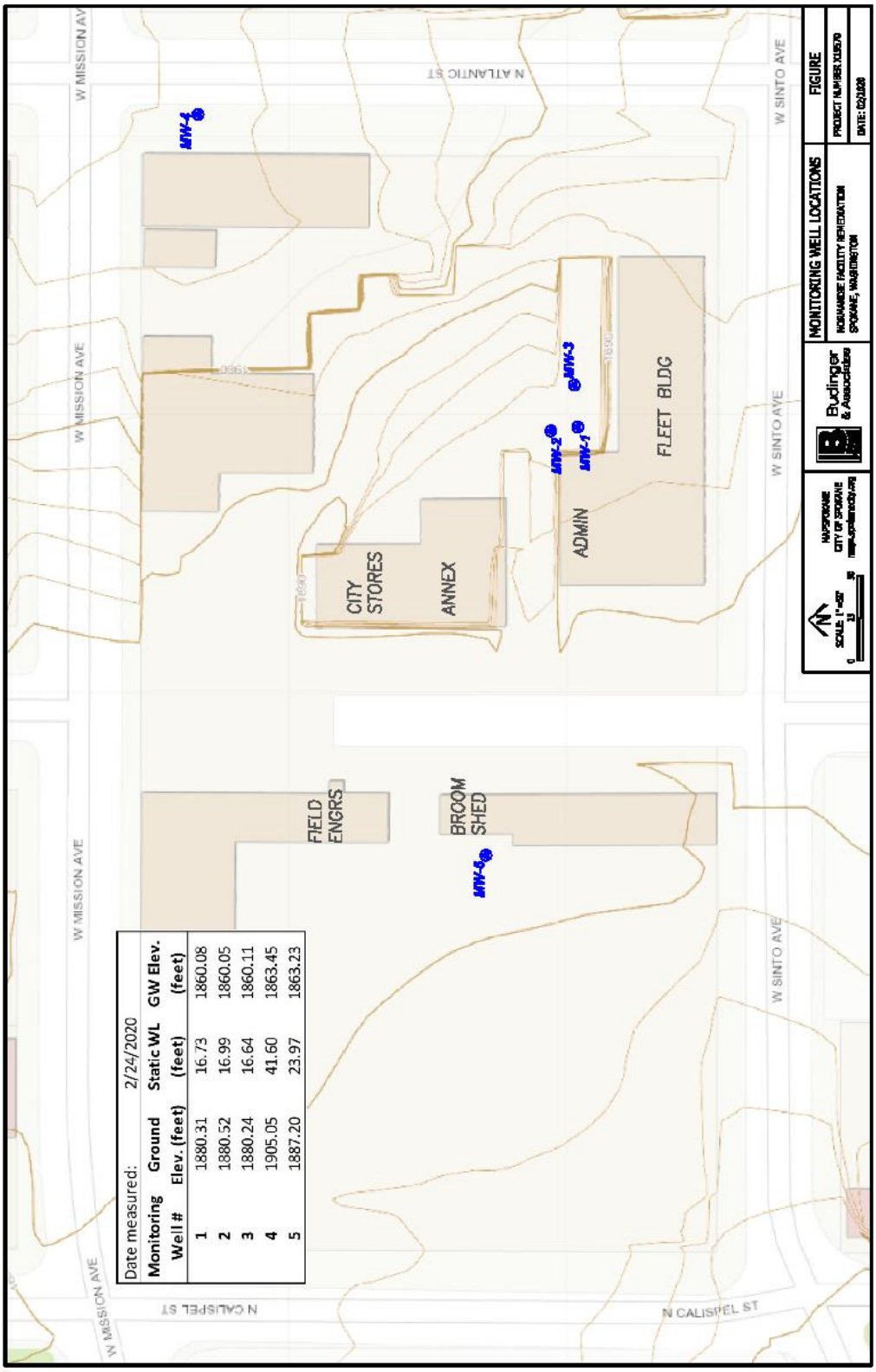
installation of the wells did not contain any contaminants of concern above MTCA cleanup levels, and groundwater samples collected in September did not contain any contaminants above cleanup levels.

In November 2019, the active 10,000 gallon diesel and 20,000 gallon gasoline USTs were removed from the south-central area of the site, along with the pump island. Soil samples collected during the excavation contained cPAHs with a toxicity equivalency factor (TEF) above the cleanup level (2.54 mg/kg), but did not contain diesel- or gasoline-range petroleum hydrocarbons above the cleanup level.

In January 2020, two additional monitoring wells (MW-4 and MW-5) were installed to the northeast of the site and directly west of the Broom Shed (former cesspool area). Soil samples collected from the well borings were analyzed for metals, TPH, VOCs, and PAHs, all of which were below cleanup levels. Groundwater elevation data collected from all site wells in February 2020 indicates that groundwater flow is to the southeast. Groundwater samples collected from the two additional wells contained arsenic above the cleanup level. Subsequent groundwater samples from MW-5 did not contain arsenic above the cleanup level, while MW-4 contained arsenic above the cleanup level in April 2020 and below the cleanup level in June 2020. The original three monitoring wells continue to not contain any constituents of concern above the cleanup levels.

Source: Stantec, 2016; Budinger & Associates, 2017

# Site Diagram




| Date measured: | | 2/24/2020 | |
|---|---|---|---|
| Monitoring Well # | Ground Elev. (feet) | Static WL (feet) | GW Elev. (feet) |
| 1 | 1880.31 | 16.73 | 1860.08 |
| 2 | 1880.52 | 16.99 | 1860.05 |
| 3 | 1880.24 | 16.64 | 1860.11 |
| 4 | 1905.05 | 41.60 | 1863.45 |
| 5 | 1887.20 | 23.97 | 1863.23 |