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September 17, 2020

Neil Falkenburg, Manager
West Bay Marina Associates
2100 West Bay Drive NW
Olympia, WA 98502
westbaymarina@hotmail.com

Re: Status of Agreed Order No. 11100 and No Further Action to Complete Cleanup of the following Contaminated Site:

- **Site Name:** West Bay Marina
- **Site Address:** 2100 West Bay Drive NW, Olympia, WA
- **Cleanup Site ID:** 6873
- **Facility/Site ID:** 92753273

Dear Neil Falkenburg:

Thank you for working with the Washington State Department of Ecology (Ecology) on West Bay Marina (Site) under the Model Toxics Control Act (MTCA), chapter 70.105D¹ of the Revised code of Washington (RCW), and Agreed Order No. 11100 (Order), which became effective on July 2, 2015.

This letter provides written notification that, under MTCA and the Order, no further remedial action is necessary to clean up contamination at the Site, but further remedial action is still necessary to control and monitor the remaining contamination and periodically review conditions at the Site. This letter also describes the status of the Order and the Site.

Completion of Cleanup Required by Order

The remedial actions required by the Order are specified in Section VII (Work to Be Performed) and detailed in the Cleanup Action Plan (Exhibit B). West Bay Marina Associates (WBMA) was required to excavate soil containing dioxin/furan TEQs above cleanup levels, remove trees within the area of concern, properly dispose of the contaminated soil, backfill the excavation with clean fill, cap that portion of the site that could not be removed due to underground utilities

¹ <https://apps.leg.wa.gov/rcw/dispo.aspx?cite=70.105D>

and structures that prohibit the removal of contaminated soil, and file an environmental covenant with Thurston County detailing where the residual contamination remains and what procedures to follow if the contaminated soil is exposed in the future. After inspecting the Site and reviewing the supporting documentation, Ecology has determined that the cleanup required at the Site under the Order has been satisfactorily completed.

Post-Cleanup Remedial Actions Required by Order

Although the cleanup of contamination at the Site has been completed, further remedial action is still necessary under MTCA and required under the Order to control and monitor the remaining contamination at the Site. WBMA's responsibilities are specified in the Environmental Covenant, dated January 7, 2020, between WBMA and Ecology. Specifically, WBMA is responsible for maintaining the cap that covers the contaminated soils and notification to Ecology if there is planned disturbance of the cap.

Periodic Reviews of Post-Cleanup Conditions Required by Order

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure they remain protective of human health and the environment. This requires continued access to the Site, as provided in Section VIII D (Access) of the Order. Ecology's responsibilities are specified in the MTCA Cleanup Regulation of the Washington Administrative Code (WAC) 173-340-420,² which require Periodic Reviews every 5 years. Any costs incurred by Ecology in conducting periodic reviews may be recovered from WBMA.

Status of Order

Although the cleanup of contamination at the Site has been completed, further remedial action is still necessary under MTCA to control and monitor the remaining contamination and periodically review the conditions at the Site. The Order will remain in effect until the required post-cleanup remedial actions are completed or are no longer necessary under MTCA.

This letter summarizes WBMA's remaining responsibilities under the Order; it does not alter or expand WBMA's responsibilities under the Order.

No Further Action Determination

Ecology has determined that no further remedial action is necessary to clean up contamination at the Site under MTCA. However, as explained above, further remedial action is still necessary under MTCA to control and monitor the remaining contamination and periodically review the conditions at the Site.

² <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-420>

Contact Information

Thank you and congratulations on your work in cleaning up the Site. We look forward to continuing to work with you to make sure your investment in the Site is protected over the long term. Should you have any questions, please do not hesitate to contact Ecology's cleanup project manager for the Site, Andrew Smith, at (360) 407-6316 or andrew.smith@ecy.wa.gov .

Sincerely,



Marian Abbett, P.E.
Acting Section Manager
Toxics Cleanup Program, Southwest Region

cc by email: Ivy Anderson, Office of the Attorney General
Andrew Smith, Ecology
Shannon Spurling, Ecology
Ecology Site File