



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

December 1, 2020

Derek Bottles  
Newcastle Joint Ventures, LLC.  
1180 NW Maple Street, Suite 310  
Issaquah, WA 98027  
[Derek\\_Bottles@AVALONBAY.COM](mailto:Derek_Bottles@AVALONBAY.COM)

**Re: No Further Action at the following Site:**

- **Site Name:** Mutual Materials Newcastle Lot 4 Cr Site
- **Site Address:** 6620 Coal Creek Parkway SE, Newcastle, WA 98056
- **Facility/Site ID No.:** 50608
- **Cleanup Site ID No.:** 15081
- **VCP Project No.:** NW3248

Dear Derek Bottles:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Mutual Materials Newcastle Lot 4 Cr Site 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:

- Chromium into the Soil.

**Enclosure A** includes a detailed description and diagrams 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 associated with this Site is affected by other sites.

## **Basis for the Opinion**

---

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

1. Environmental Partners, Inc., August 12, 2020, Revised Cleanup Action Report and Response to Ecology Opinion Letter Dated February 19, 2020, Mutual Materials Newcastle Lot 4 Cr Site.
2. Environmental Partners, Inc., August 12, 2020, Revised Cleanup Action Report, Lot 4 Chromium Site, Former Mutual Materials Brick Plant Property, Newcastle, Washington.
3. Department of Ecology, February 19, 2020, Opinion for Further Action Pursuant to the Site Cleanup Action Report for Mutual Materials Newcastle Lot 4 Cr Site, VCP No. NW3248.
4. Environmental Partners, Inc., October 1, 2019, Cleanup Action Report, Lot 4 Chromium Site, Former Mutual Materials Brick Plant Property, Newcastle, Washington.
5. Environmental Partners, Inc., June 7, 2017, Revised Site-Specific Terrestrial Ecological Evaluation Report, Former Mutual Materials Property, 6620 Coal Creek Parkway Southeast, Newcastle, Washington.
6. Environmental Partners, Inc., January 7, 2015, Phase I Environmental Site Assessment, Former Mutual Materials Brick Plant, 6620 Coal Creek Parkway Southeast, Newcastle, Washington.

These documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by completing a Request for Public Record form (<https://www.ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>) and emailing it to [PublicRecordsOfficer@ecy.wa.gov](mailto:PublicRecordsOfficer@ecy.wa.gov), or contacting the Public Records Officer at 360-407-6040. A number of these documents are accessible in electronic form from the Site web page: (<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=15081>).

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 further clean up contamination at the Site. That conclusion is based on the following analysis:

#### **1. Characterization of the Site.**

Ecology has determined that the characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site (**Enclosure A, Figure 1**) is described above and in **Enclosure A**.

Chromium found in soil was determined to be the chemical of concern (COC), that the maximum concentration was at least 98 milligrams per kilogram (mg/kg) in a Phase I Environmental Site Assessment Report (January 7, 2015). The source of the contamination was identified as the waste brick debris stored at the Site (**Enclosure A, Figure 2**), which originated from the historical brick manufacturing operation on the Property between approximately 1957 and 2011.

Based on the Revised Cleanup Action Report (RCAR, August 12, 2020), the soil impacted by chromium was defined and limited to an area of approximately 361 square feet within the Property at depths ranging from 3 to 6 feet below ground surface (bgs)(**Enclosure A, Figures 3 and 4**).

Groundwater was not encountered during the Site assessments and subsequent soil excavation performed at the Site. Groundwater is expected to be present on the Site at a depth of approximately 30 feet bgs. This estimate was based on the depth to the water table at the neighboring areas and the Site hydrogeologic conditions. There are two wells located next to the Property in which groundwater was encountered at a depth of 30 feet, one in Lot 3 and one about 180 feet southeast of the Site (**Enclosure A, Figure 2**).

The elevation of Lot 4 is approximately 390 feet average mean sea level (AMSL). The water table was encountered on the adjacent Lot 3 (**Enclosure A, Figure 2**) to the west at an elevation of about 360 feet AMSL, or 30 feet bgs. Therefore groundwater at the Site is anticipated to be at a similar depth of 30 feet bgs.

Groundwater migration in a water table aquifer, if present, is anticipated to be northerly to northeasterly, consistent with local topography and surface water flows (**Enclosure A, Figures 2 and 5**).

## **2. Establishment of cleanup standards.**

### **Cleanup Levels**

#### **Soil**

The soil cleanup level suitable for unrestricted land use is appropriate for the Site. For unrestricted land use, human direct contact and the soil-to-ground water pathway, the Method A cleanup level defined in MTCA is utilized. The cleanup level for chromium in soil at this Site is defined as 2,000 mg/kg.

The Site qualifies for an exclusion from conducting a terrestrial ecological evaluation (WAC 173-340-7491(c)(i)); there is no undeveloped land or potential terrestrial habitat on or within 500 feet of the Site. Therefore, protection for terrestrial species is not needed for this Site in accordance with MTCA.

#### **Groundwater**

The cleanup level for groundwater at this Site is not defined because the soil-to-groundwater contamination pathway is most likely incomplete at the Site, due to the depth to groundwater indicated by the Site and local hydrogeological data. Therefore, it is considered unlikely that groundwater has been impacted by the Site releases.

### **Points of Compliance**

#### **Soil**

The points of compliance for contamination in soil at the Site are summarized as follows:

<b>Basis for Point of Compliance</b>	<b>Depths to Meet Cleanup Levels</b>	<b>Standard vs Conditional Point of Compliance</b>
Protection of ground water	All depths throughout the Site, to uppermost ground water	Standard point of compliance
Prevention of direct contact	15 feet below ground surface	Standard point of compliance
Prevention of contact with biologically active soil zone	6 feet below ground surface	Conditional point of compliance

#### Groundwater

The point of compliance for groundwater is throughout the Site, from the uppermost level of the saturated zone extending vertically and horizontally to the lowest depth which could potentially be affected.

### **3. Selection of cleanup action.**

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

Cleanup efforts consisted of excavation of the contaminated soil in April 2015 at a contaminated area (**Enclosure A, Figure 4**), off-Site disposal of the excavated soil, and research of the local groundwater occurrence. Soil confirmation sampling was also conducted to verify the completion of the remediation.

### **4. Cleanup.**

Ecology has determined the cleanup effort you performed meets the Site cleanup standards for the identified COC. This determination is based on the cleanup actions documented below:

- The remedial excavation area was approximately 19 feet square and 3 to 6 feet deep (**Enclosure A, Figures 4 and 5**). In April 2015, a total of approximately 142 tons of impacted soil was removed and disposed of at a regulated off-Site facility.

- Five confirmation soil samples collected at the sidewalls and bottom of the excavation demonstrated that chromium concentrations remaining in soil range from 4.95 to 10.10 mg/kg, which are below the Site cleanup level (2,000 mg/kg) (Enclosure A, Figure 4).

### **Listing of the Site**

---

Based on this opinion, Ecology will initiate the process of removing 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 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).

Derek Bottles  
December 1, 2020  
Page 7

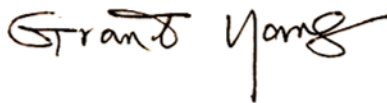
### **Termination of Agreement**

---

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project #NW3248.

For more information about the VCP and the cleanup process, please visit our web site: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>. If you have any questions about this opinion or the termination of the VCP Agreement, please contact me by phone at (425) 649-7126 or e-mail at [grant.yang@ecy.wa.gov](mailto:grant.yang@ecy.wa.gov).

Sincerely,



Grant Yang  
Site Manager  
Toxics Cleanup Program, NWRO

Enclosure (1): A - Description and Diagrams of the Site

cc: Thomas Morin, Environmental Partners Inc. ([thomm@epi-wa.com](mailto:thomm@epi-wa.com))  
Sonia Fernandez, VCP Coordinator, Ecology ([sonia.fernandez@ecy.wa.gov](mailto:sonia.fernandez@ecy.wa.gov))  
Lyndsay Gordon, VCP Financial Manager, Ecology ([Lyndsay.gordon@ecy.wa.gov](mailto:Lyndsay.gordon@ecy.wa.gov))

## **ENCLOSURE A**

### **DESCRIPTION AND DIAGRAMS OF THE SITE**



# Site Description

*This enclosure provides Ecology's understanding and interpretation of Site conditions and forms part of the basis for the opinion expressed in the letter.*

**Site:** The Site is located within a property development with a street address of 6620 Coal Creek Parkway SE in Newcastle, Washington (Property), with the chemical of concern (COC) consisting of chromium in soil. The Site is located within King County tax parcel number 606125-0050 which is approximately 2.53 acres in size.

**Area and Property Description:** The Site is adjacent to the northern portion of the City of Newcastle. The Property and surrounding area are currently being developed into apartments, townhomes, retail stores, parks, and shopping plazas. Townhouses and apartment buildings have been developed in 2020 on the Property that is bordered by forests to the east.

**Property History and Current Use:** The Site was formerly occupied by a brick manufacturing plant and used the northern-central portion of the Property to store brick debris and brick products between approximately 1957 and 2011.

**Sources of Contamination:** The Site investigation revealed and confirmed that chromium contamination in soil originated from releases of the stockpile of brick debris and brick products. One underground storage tank and one above surface ground storage tank storing petroleum products were formerly located about 600 feet south of the Property. However, the investigation concluded that no petroleum contamination was detected in soil at this Property related to those tanks.

**Physiographic Setting:** The Site is located in the Puget Sound Lowland, which is characterized as a broad, low-lying region situated between the Cascade Range to the east and the Olympic Mountains and Willapa Hills to the west. The Site is at an elevation of approximately 390 feet above mean sea level and slopes to the north and northwest.

**Surface/Storm Water System:** The closest surface water body to the Site is Coal Creek, which is located approximately 450 feet to the north of the Site flowing to the Creek. Surface water and storm water runoff on and in the vicinity of the Site disperse via sheet flow to the City of Newcastle's storm water drainage system.

**Ecological Setting:** The Site is surrounded by developed land occupied by residential compounds and commercial buildings, streets, paved areas and other physical barriers. Therefore, the urban environment prevents wildlife from feeding on plants, earthworms, insects, or other food sources in or on the soil.

**Geology:** The Site and vicinity are primarily underlain by Vashon glacial till, a dense unconsolidated deposit characterized by poorly-sorted materials. A veneer of Vashon recessional outwash deposits is also present, as recorded in the soil borings and excavation to depths of 1 to 5 feet below the ground surface (bgs) overlying the till at this Site.

**Groundwater:** Groundwater was not encountered in the Site investigations and the remedial excavation, which extended to a maximum depth of 8 feet bgs. Based on the Site-specific and regional study, the water table occurs at approximately 30 feet bgs and the flow direction is generally to the north-northeast towards Coal Creek. Because of the estimated depth to the water table and the shallow soil contamination, groundwater on the Site was not investigated.

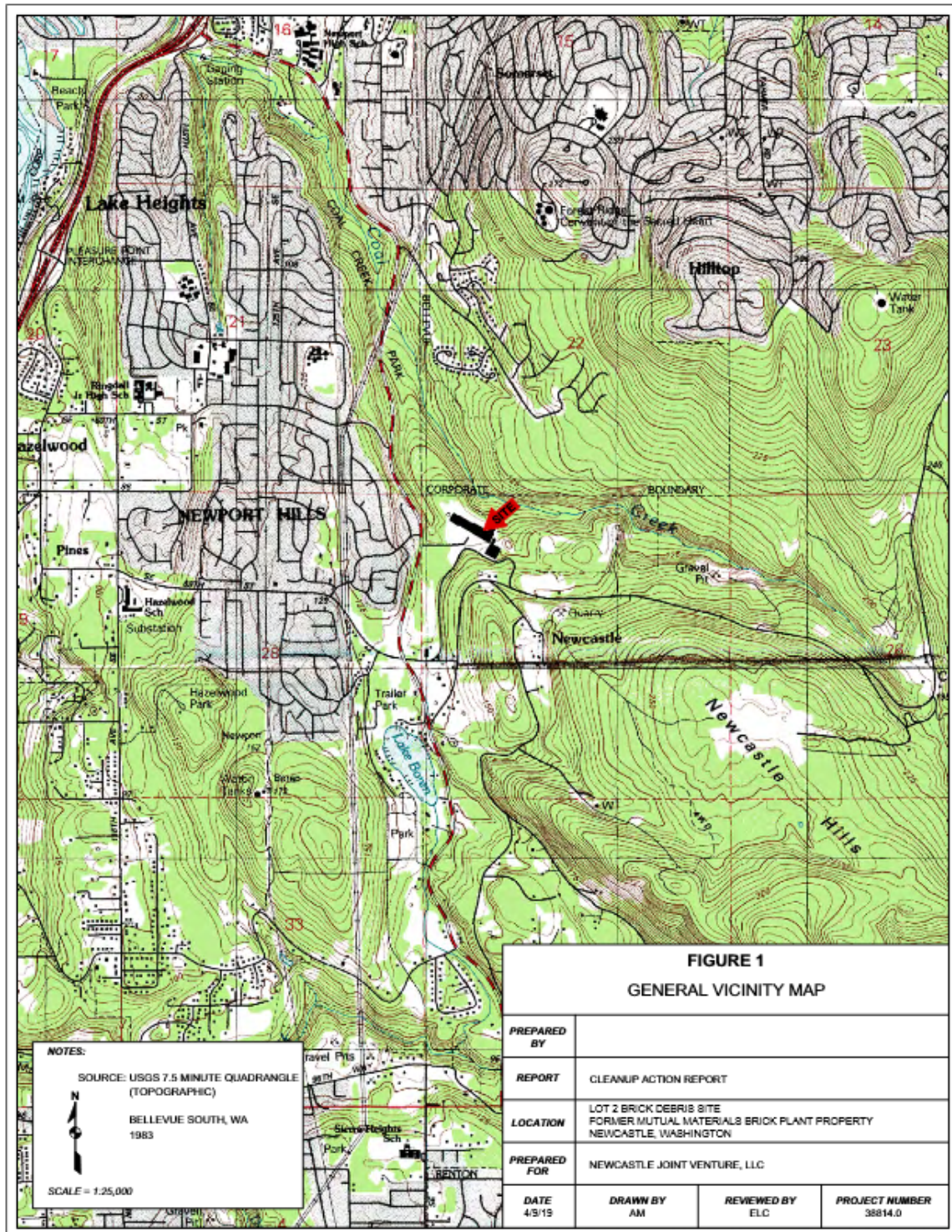
**Water Supply:** A public water supply is currently provided to the Site by the Coal Creek Water and Sewer District which obtains drinking water from the Tolt River and Cedar River watersheds. According to Ecology's well log database, there are no private drinking water wells located within 1,000 feet of the Property.

**Releases and Cleanup of Contamination:** Soil was contaminated due to releases from stockpiles of brick debris and brick products, which were stored on the Site during the former brick manufacturing operation between approximately 1957 and 2011. Since 2015, several cleanup efforts conducted at the Site included characterization of the Site contamination, removal of the brick debris and impacted soil, off-Site disposal of all the removed materials, soil cleanup and confirmation sampling, and the review of groundwater occurrence at the Site and vicinity.

Based on the Revised Cleanup Action Report (August 12, 2020), chromium exceeding the Site cleanup level in soil was removed and disposed off-Site appropriately. The report also concluded that groundwater is present at a depth below approximately 30 bgs at the Site. This data supports the conclusion that groundwater was unlikely impacted by the releases from the stockpile of debris and brick. Therefore, the cleanup action is considered complete at this VCP Site.

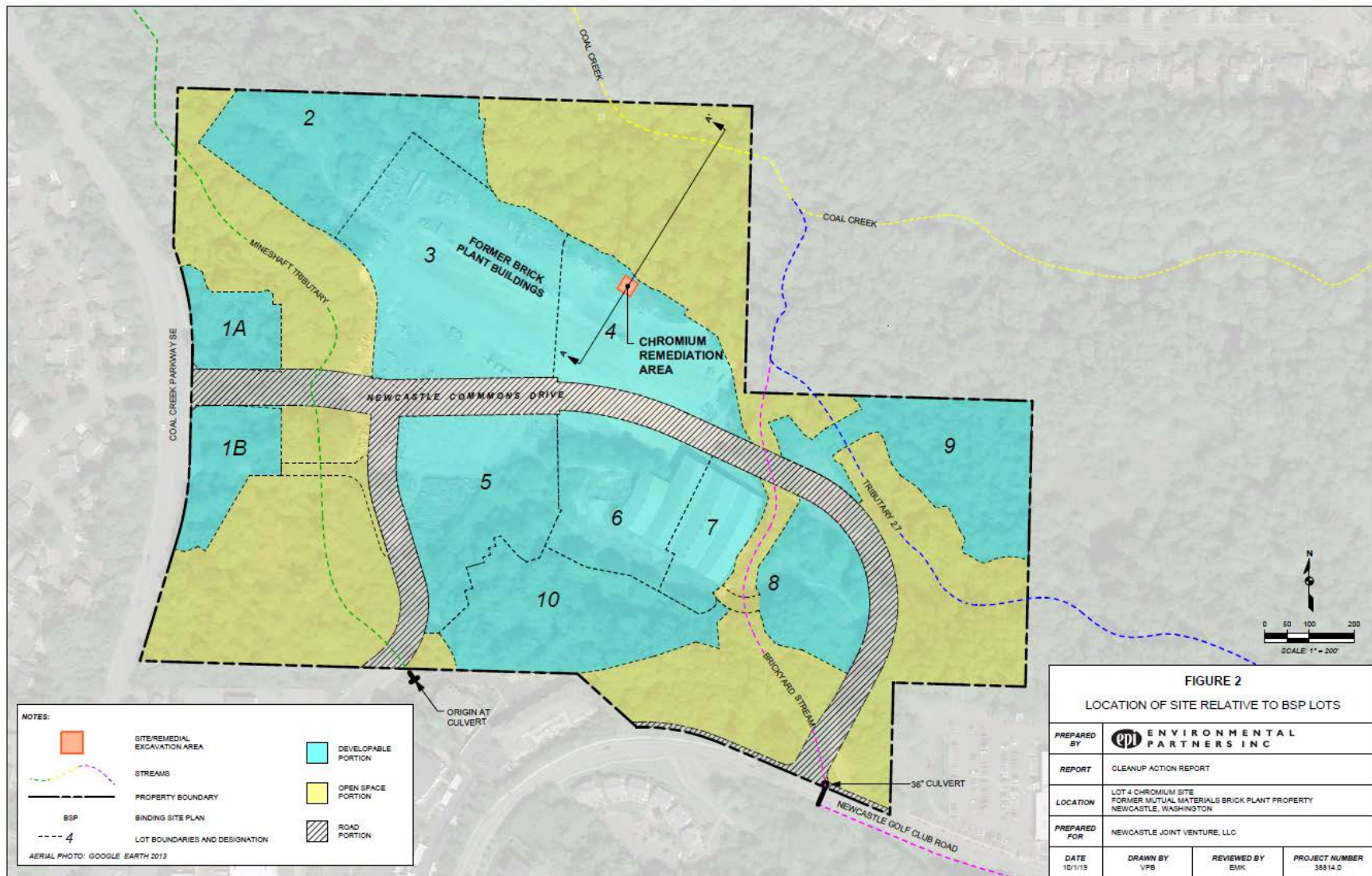
## **SITE DIAGRAMS**

Figure 1 Location of the Site (EPI, 2020)

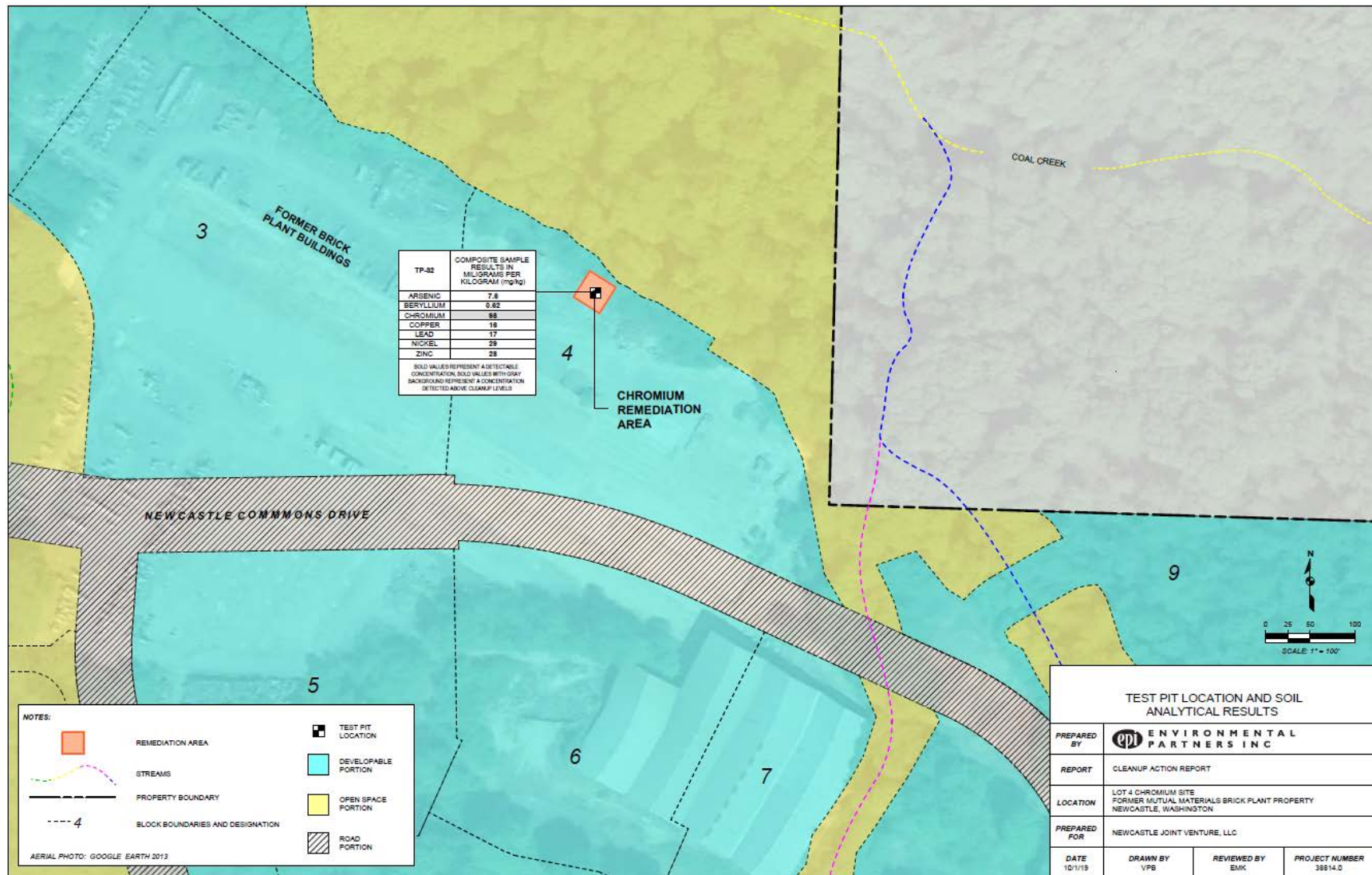




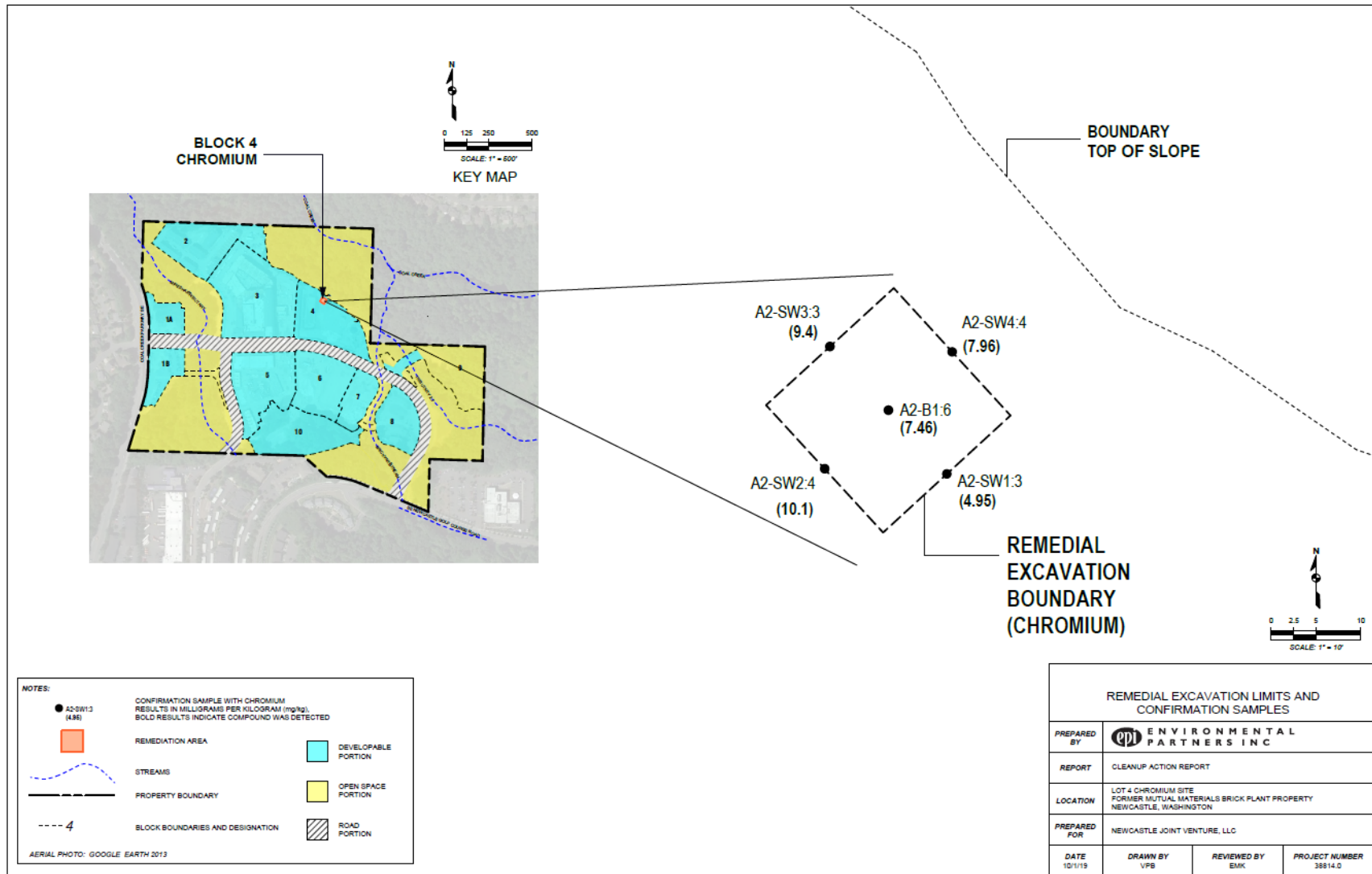
**Figure 2 Site Plan and Soil Excavation Area (EPI, 2020)**



**Figure 3 Soil Contaminated by Chromium at the Site (EPI, 2020)**



**Figure 4 Soil Excavation Boundary and Confirmation Sampling Locations at the Site (EPI, 2020)**





**Figure 5 Geological Cross- Section at the Mutual Materials Newcastle Lot 4 Cr Site (EPI, 2020)**

