STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490*

January 20, 2021

Jill Whitman
L.R. Bailey
703 N Bridge Road PR NE
Benton City, WA 99320

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

- **Site Name:** Richland Uptown Shopping Center Parcel 10
- **Site Address:** 1364 Jadwin Avenue, Richland
- **Facility Site ID No.:** 10144
- **Cleanup Site ID No.:** 11645
- **VCP Project No.:** CE0518

Dear Jill Whitman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Richland Uptown Shopping Center Parcel 10 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.

## Summary of Opinion

Ecology has received a report presenting the removal of a 320-gallon underground storage tank (UST) at the Site. This was a heating oil tank (HOT) located inside the shopping center structure located at the Site. Diesel range petroleum hydrocarbons were detected in soil at the south end of the tank at a depth of 7 feet below ground surface (ft bgs) at 42,000 mg/kg, well above the MTCA Method A cleanup level of 2,000 mg/kg. Groundwater is at a depth of approximately 10 ft bgs at the Site. The diesel in soil concentration at this location and depth indicates that a release occurred at this location, although the HOT did not have any evident holes in it.

Previously in 1994, a total of four USTs in two tank pits were identified at the Site. Two of these USTs were reportedly removed (#21 and #22) and two left in place (#19 and #20). It is appears that tanks #19 and #20 may actually be the one HOT that was removed in 2020; the current report appears to suggest that location and number of remaining tanks was in error within the 1994 report. The 1994 report indicated that the status of USTs #19 and #20 were unknown and within the building.

USTs #21 and #22 located outside of the structure also appeared to have petroleum releases. During the 1994 removal of these tanks, petroleum was detected in soil at a depth of 5 ft bgs at 18,000 mg/kg. The USTs that were removed were corroded and pitted. Soil contamination at this location may remain and needs to be addressed.

Floating product was observed in the 1994 excavations at the Site. An onsite monitoring well (MW-2) historically had measurable product in it and also contained 0.25 feet of product during the current investigation. Ecology considers sites with free product on groundwater to be a high priority for cleanup.

The Site will not be eligible for a No Further Action (NFA) determination until the petroleum in soil and groundwater are no longer present above MTCA cleanup levels or are managed through institutional controls and an Environmental Covenant (EC). Generally, a site with free product on groundwater would not be eligible for consideration of an EC. An EC is more typically applied where there is some remaining contamination beneath a structure that cannot be accessed until the structure is no longer there. Ecology recognizes that there may be physical limitations constraining cleanup of contaminated soil within the existing structure footprint and an EC provides for delaying cleanup beneath the structure in such a case.

In addition, in order to be eligible for consideration an EC, the extent of contamination must be defined and cleanup of contaminated soil and groundwater must take place to the extent possible.

Although cleanup of contaminated soil within the building footprint may not be feasible at this time, Ecology anticipates that cleanup of contaminated groundwater, including removal of all free product, should be achievable. In addition, remaining soil contamination associated with USTs #21 and #22 may also be accessible for cleanup.

There are potential different approaches for proceeding at the Site. One approach would be to continue investigations to define the current extent of soil and groundwater contamination followed by development of a feasibility study/corrective action plan. Another approach could include implementation of an interim action to remove remaining soil contamination to the extent possible, and to recover free product in groundwater at the Site. Under either approach, additional investigation and likely monitoring wells will be needed to define the extent of product and dissolved phase groundwater contamination.

With respect to remaining contaminated soil, the extent of contamination can be defined through borehole sampling (e.g. via direct push), or through excavation. The second approach could allow for cleanup of contaminated soil concurrent with investigation of the extent of soil contamination.

## 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 release:

- Petroleum hydrocarbons into soil and groundwater.

**Enclosure A** includes a Site plan map.

Please note a parcel of real property can be affected by multiple sites. The Parcel 10 Site is believed to likely be affected by the Richland Uptown Shopping Center Parcel 12 site (CSID 11643) where the dry cleaning solvent Tetrachloroethene (PCE) was released to groundwater.

## Basis for the Opinion

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

| Report Title | Prepared by | Date |
|---|---|---|
| Report of Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center | Blue Mountain Environmental Consulting, Inc. (BMEC). | June 8, 1994 |

| Report Title | Prepared by | Date |
|---|---|---|
| Soil and Groundwater Assessment Report at Richland Uptown Shopping Center, Parcel 11 | Blue Mountain Environmental Consulting, Inc. (BMEC). | October 12, 2017 |
| Groundwater Monitoring and Passive Hydrocarbon Recovery Services, March 1, 2011 Monitoring Event, Uptown Shopping Center | URS | April 13, 2011 |
| Underground Storage Tank Investigation Report at Richland Uptown Shopping Center Parcel 10 | Blue Mountain Environmental Consulting, Inc. (BMEC). | December 10, 2020 |

Those documents are stored in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Visit our Public Records Request page[1], to submit a public records request or get more information about the process. If you require assistance with this process, you can contact the CRO public records coordinator at 509-454-7658 or emailing CROPublicRequest@ecy.wa.gov.

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 the Site **is not** sufficient to establish cleanup standards and select a cleanup action.

[1] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests

**Site History and Investigation Summary**

The property is one Parcel (Parcel 10) with the Richland Uptown Shopping Center. Several USTs were removed in 1994 and a release of petroleum to soil and groundwater was identified. Free product was observed in excavations and in a monitoring well later installed adjacent to one of the UST excavations (MW-2).

In 2020, a 320 gallon remaining UST was removed from inside the structure and soil contamination was found in the excavation at a depth of 7 ft bgs. Groundwater was not sampled due to the presence of free product (0.25 feet) in MW-2.

Product measurements in MW-2 over time are summarized as follows:

| Date | MW-2 Product Thickness (feet) |
|---|---|
| 6/13/2006 | 0.33 |
| 9/27/2006 | 0.33 |
| 12/19/2006 | Sheen |
| 3/7/2007 | 0.20 |
| 12/15/2010 | 0.54 |
| 3/1/2011 | 0.38 |
| 9/25/2017 | 0.50 |
| 11/11/2020 | 0.25 |

**2. Establishment of cleanup standards.**

The 2020 report compared soil sampling results with the following MTCA Method A cleanup levels. Since no groundwater samples were collected, groundwater cleanup levels were not referenced. Method A cleanup levels for soil and groundwater for constituents detected in soil at the Site are as follows:

| Contaminant | Maximum Detection in Soil (mg/kg) | Soil Method A Cleanup Level (mg/kg) | Groundwater Method A Cleanup Level (µg/L) |
|---|---|---|---|
| Diesel Range Organics | 42,000 | 2,000 | 500 |
| Ethylbenzene | 0.12 | 6 | 700 |
| Xylenes | 1.21 | 9 | 1,000 |
| Naphthalenes | 7.0 | 5 | 160 |

Ecology has determined that the above cleanup levels (in addition to no measureable free product) meet the substantive requirements of MTCA. No points of compliance have yet been established; however, use of a standard point of compliance (throughout the Site).

A Terrestrial Ecological Evaluation (TEE) form has been submitted. The Site is in a highly urbanized area within the City of Richland, and the Site qualifies for exclusion from further TEE work.

**3. Selection of cleanup action.**

No cleanup action has yet been identified for the Site.

**4. Cleanup.**

Other than UST removals and limited product removal activities conducted at MW-2 by URS in December 2010 to March 2011, no cleanup has yet been performed at the Site. The following is a description of the limited product recovery efforts report by URS in their April 13, 2011 monitoring report:

*"URS began the passive hydrocarbon recovery program on December 9, 2010 by installing disposable oil-absorbent passive recovery devices into MW-2 at periodic intervals through January 21, 2011. The disposable passive recovery device is replaced during the maintenance events and transferred into a 55-gallon drum for temporary waste storage until treatment/disposal. URS either hand bailed or used a low-flow pump to remove fuel oil from within the monitoring well MW-2 column during the maintenance events when sufficient product was present to permit collection.*

*Approximately 4.3 gallons of free product has been recovered from MW-2 using hand bailing, low-volume pumping, and passive recovery device methods. In the interest of identifying the potential free-phase rebound effect in this single well, URS did not place an absorbent sock into MW-2 on March 1, 2011. URS will examine the product thickness at the next monitoring event and report on the observations with the next quarterly report."*

## 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).

## 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) 424-0543 or e-mail at Frank.Winslow@ecy.wa.gov.

Sincerely,

Frank P. Winslow, LHG
Toxics Cleanup Program
Central Regional Office

Enclosure: A – Site Plan Map

cc: Peter Trabusiner, BMEC

# Enclosure A

# Site Plan Map


| | | |
|---|---|---|
| WASHINGTON CLEANUP SITE ID#: 11645<br>FACILITY SITE ID#: 10144 | **FIGURE 2 – HEATING OIL TANK EXCAVATION LOCATIONS IN 1994 AND 2020** | Uptown Shopping Center<br>1364 Jadwin Avenue<br>Parcel No. 10<br>Richland, Washington 99354 |