



Questions and Answers Sheet Unocal Edmonds Bulk Fuel Terminal 0178

For the

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

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Situation

Union Oil Company of California (Unocal), a subsidiary of Chevron Corp, owned and operated a former asphalt plant (operating 1953 to late 1970s) and bulk fuel terminal (operating 1923 to 1991). The Washington Department of Ecology (Ecology) entered into an Agreed Order with Unocal to conduct remedial activities at the Unocal Edmonds Bulk Fuel Terminal 0178 Site (the “Site”). Cleanup work at the Site is currently taking place as an Interim Action. Ecology is negotiating the final Cleanup Action Plan and Consent Decree (settlement) with Unocal/Chevron.

In 2005, the Washington State Department of Transportation (WSDOT) signed a Purchase and Sale Agreement to purchase property from Unocal, which includes part of the Site. As part of the Purchase and Sale Agreement, transfer of the property to the State cannot occur until certain remediation work has been completed. Aspects of the Purchase and Sale Agreement are currently in litigation.

The City of Edmonds and community groups have expressed an interest in a portion of the Site being used as part of a marsh restoration project to daylight tidal connections between Edmonds Marsh (not part of the Site) and Puget Sound, making the marsh accessible for migrating salmon, including the endangered juvenile Chinook.

Questions and Answers

How is the Site defined?

The Site is where contamination (primarily petroleum products) from former operations at the property had come to be located. For this Site, contamination was found in soil, groundwater and sediments.

Where is the Site situated relative to nearby salmon habitat resources?

Puget Sound is located to the west of the Site, and Edmonds Marsh is located to the north. Parts of Willow Creek are considered part of the Site. Edmonds Marsh is not considered part of the Site.

Who is responsible for cleaning up the Site?

Unocal is a Potentially Liable Person (PLP) for the Site as the current owner of property at the Site and as an owner/operator at the time that contamination was released.

What is Ecology's role in the cleanup of the Site?

Ecology is overseeing cleanup work at the Site under the Model Toxics Control Act to ensure the contamination released from operations at the property is not a risk to human health or the environment.

What is Ecology's position on the community's proposal to restore salmon habitat?

Ecology supports habitat restoration projects that actively preserve, restore, and enhance existing wetlands throughout the state. Nevertheless, Ecology does not dictate how property is used by the property owner – so long as that use does not impact the cleanup.

What cleanup work has been completed at the Site to date?

A number of Interim Actions have been conducted over the years to clean up oil floating on groundwater, remove arsenic-contaminated soil, and remove petroleum-contaminated soil.

The Site was divided into two parts - an Upper Yard and Lower Yard. Ecology certified that the Upper Yard was suitable for residential use in 2003 and the Point Edwards Condominiums were subsequently constructed.

What is the current status of the property transfer of the Lower Yard?

Unocal currently owns the Lower Yard. WSDOT entered into a Purchase and Sale Agreement in 2005 to obtain the Lower Yard at an agreed upon future time as a multi-modal transportation center. Ecology is not a party to this agreement and cannot enforce this agreement.

WSDOT placed \$8.175 million in escrow for the Purchase and Sale Agreement and allowed Unocal to spend the funds to remediate the Site.

As required by the Purchase and Sale Agreement, Unocal/Chevron must provide WSDOT written confirmation from Ecology that certain remediation work has been completed prior to taking ownership of the Lower Yard.

WSDOT expects Unocal to complete the remediation of the Site as required by the Purchase and Sale Agreement and other remediation requirements as determined by Ecology.

What cleanup work is currently being conducted?

The current Interim Action at the Site was approved by Ecology in 2017 after public review and implemented the same year. The current plan is for the dual-phase extraction system to run for six years, after which the system effectiveness will be evaluated to determine if operations need amendment. Chevron has been providing required documents and conducting activities required by the Agreed Order in accordance with the Order's schedule, and the Interim Action work is progressing without any significant delays. Reports on cleanup efforts are available on Ecology's website.

What are the next steps in site cleanup?

Ecology is currently in discussions with Unocal/Chevron to enter into a Consent Decree to implement the Cleanup Action Plan for the entire Site.

The draft Cleanup Action Plan, the Consent Decree, and a State Environmental Policy Act (SEPA) environmental determination will all go out for public comment before being finalized.

How are cleanup levels determined?

Cleanup levels are set under the Model Toxics Control Act based on the current and expected future use of the property. Use restrictions for the property may be required depending on the cleanup action chosen.

For this Site, soil cleanup levels will be protective of human contact and leaching to groundwater, and groundwater cleanup levels will be protective of surface water at a conditional point of compliance. There may be containment of contaminated soil in certain areas at the Site while remediation of groundwater continues.

How was the current cleanup remedy selected?

The Cleanup Action Plan is designed for the remedy to be protective of human health and the environment for the land use indicated by Unocal/Chevron. The current draft Cleanup Action Plan was not designed to incorporate needs of habitat restoration or daylighting tidal connection.

Ecology believes the current draft Cleanup Action Plan is permanent to the maximum extent practicable and offers the best solution for the criteria considered: protectiveness, permanence, long-term effectiveness, management of short-term risks, and technical and administrative implementability. The remedy chosen is relatively easy to implement, offers simplified short-term risk management procedures, addresses the public's concerns both locally and regionally, and removes and/or destroys contaminants permanently.

Will WSDOT support restoration of salmon to the Edmonds Marsh watershed?

WSDOT has no alternative plans for the Edmonds Marsh watershed and agrees that a restoration project to daylight tidal connections between it and Puget Sound, making it accessible for migrating salmon, including the endangered juvenile Chinook is appropriate if public process, environmental considerations (particularly in regards to liabilities of potential residual or remaining contamination), and appropriate compensation lead to that conclusion.

How will WSDOT proceed after title of the property has been transferred?

After obtaining the property, WSDOT is required to go through a “surplus” property review to identify any future transportation use of the property. If no future transportation use is identified for the property, WSDOT will work with the City of Edmonds and other interested parties through a public process for other possible future uses of the property.

WSDOT is required to receive fair market values for the property, either monetarily or through a land exchange, to give up ownership of the property. WSDOT cannot statutorily give the property to the City of Edmonds or other interested parties without such consideration.