Second Periodic Review
Cap Sante Marine

1019 Q Avenue, Anacortes, Skagit County
Facility Site ID: 67532227, Cleanup Site ID: 1678

Toxics Cleanup Program, Headquarters

Washington State Department of Ecology
Lacey, Washington

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This document is available on the Department of Ecology's Cap Sante Marine cleanup site page.[1]

Related Information

- Facility Site ID: 67532227
- Cleanup Site ID: 1678

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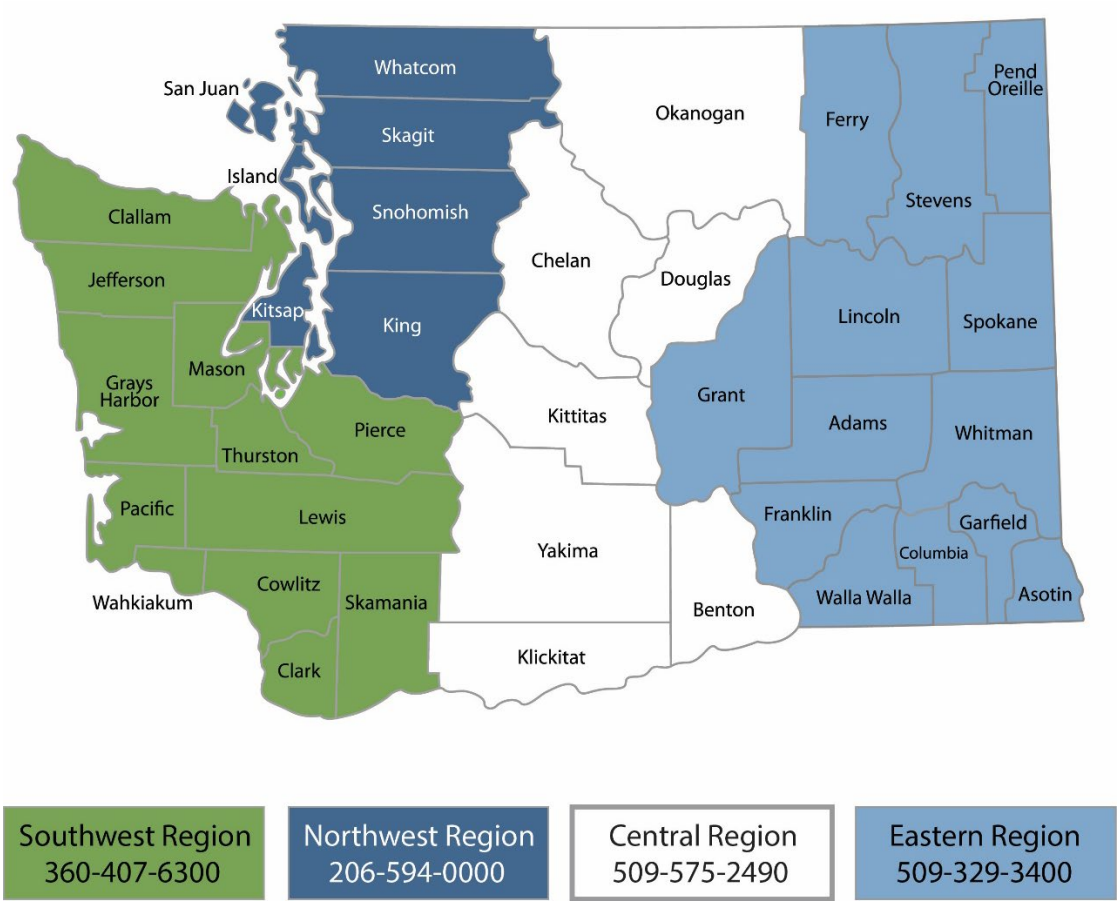
[1] https://apps.ecology.wa.gov/cleanupsearch/site/1678
[2] https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup
[3] https://ecology.wa.gov/about-us/accessibility-equity/accessibility

Department of Ecology's Regional Offices

Map of Counties Served



Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Cap Sante Marine cleanup site (Site). Site cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. Ecology completed the first periodic review in August 2020.

Cleanup activities at this Site were completed under Consent Decree 13-2-02181-4. Residual concentrations of petroleum hydrocarbons, carcinogenic polycyclic aromatic hydrocarbons, and non-carcinogenic polycyclic aromatic hydrocarbons that exceeded MTCA cleanup levels remain on the property. The MTCA cleanup levels for soil and groundwater are established under WAC 173-340-740[4] and WAC 173-340-720,[5] respectively.

Ecology determined institutional controls in the form of an environmental covenant would be required as part of the cleanup action for the Site. WAC 173-340-420(2)[6] requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because an institutional control is required as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (WAC 173-340-420(4)):

a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site

b) New scientific information for individual hazardous substances or mixtures present at the site

c) New applicable state and federal laws for hazardous substances present at the site

d) Current and projected site and resource uses

e) The availability and practicability of more permanent remedies

f) The availability of improved analytical techniques to evaluate compliance with cleanup levels

Ecology publishes a notice of all periodic reviews in the *Site Register* and provides an opportunity for public comments.

[4] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740
[5] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720
[6] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420

Summary of Site Conditions

Site description and history

The property was acquired by the Port of Anacortes in 1956 and leased to a series of tenants who operated a boatyard and marina support area providing small boat storage, boat launch, boat maintenance, and offshore fueling facilities. From the late 1970s to 2007, Cap Sante Marine, Ltd. occupied the northern portion of the Site and provided small vessel storage, launch, and minor maintenance services. Vessel fueling was historically provided from a float located offshore from the site. Fuel was supplied to the float through a series of underground pipelines that were supplied by underground storage tanks located within the Cap Sante Marine lease area. The southern portion of the Site, the Fisherman's Work Area and Parking Area, is generally flat, paved with asphalt, and has been used as a work and parking area since the late 1980s.

Currently, a tenant of the Port of Anacortes leases part of the property where the Site is located to operate a restaurant. Other parts of the property are used for pedestrian access, parking, and boat launching.

A vicinity map is in Appendix A, and a Site plan is in Appendix B.

Site investigations

In September of 1983, eight soil borings and three test pits were installed at the Site. The soil borings and one test pit were converted to groundwater monitoring wells. Free product was observed in the monitoring wells in September and October. The report concluded that the likely source of the petroleum seeps were the underground storage tanks serving the marina (Hart Crowser & Associates Inc., 1983).

In May of 2004, thirteen soil samples and six groundwater samples were collected from six soil borings. Analytical results showed that gasoline, benzene, and xylene exceeded MTCA Method A cleanup levels in four locations. Analyses of the groundwater samples showed that gasoline, diesel, and benzene exceeded MTCA Method A standards in two locations. These results demonstrated that the soil and groundwater contamination was downgradient from the location of the underground storage tanks.

In 2005, seven soil samples and five groundwater samples were collected and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, and xylene. Gasoline and benzene exceeded their respective MTCA Method A standards in five of seven soil samples. Diesel exceeded the MTCA Method A standard in three of seven soil samples. Gasoline, diesel, and benzene exceeded their respective MTCA Method A standards in all five groundwater samples. The five sampling locations with soil and groundwater exceedances all adjoined the underground storage tank area.

In 2007, twelve surface (0-10 centimeters) sediment samples were collected from the marina. The results of the sediment sampling showed that there is no evidence that historical fuel releases from the Site have adversely affected sediment quality within the marina.

In 2007, thirty-three soil samples were collected from fourteen shallow (less than six feet below ground surface [bgs]) soil borings and were analyzed for one or more of the following: gasoline, diesel, oil, chromium, copper, lead, zinc, volatile organic compounds, and polycyclic aromatic hydrocarbons. Eight of the fourteen soil borings had no exceedances of MTCA Method A standards for any analyte. The remaining six soil boring locations had one or more exceedances of the following: gasoline, diesel, benzene, copper, lead, or total carcinogenic polycyclic aromatic hydrocarbons (cPAHs). Thirteen soil samples were collected from nine deeper (greater than six feet bgs) soil borings and were analyzed for one or more of the following: gasoline, diesel, oil, chromium, copper, lead, zinc, volatile organic compounds, and polycyclic aromatic hydrocarbons. One of the nine soil borings had no exceedances of MTCA Method A standards for any analyte. The remaining eight soil boring locations had one or more exceedances of the following: gasoline, diesel, benzene, ethylbenzene, and naphthalene. The majority of the shallow and deep soil samples that had MTCA exceedances were located near the former historical petroleum recovery trench of the former underground storage tanks.

Six groundwater samples were collected and analyzed for gasoline, volatile organic compounds, polycyclic aromatic hydrocarbons, total and dissolved lead, and hexavalent chromium. Gasoline and benzene, in the same monitoring well, exceeded their respective MTCA Method A standards. This well was near the historical petroleum recovery trench.

In 2011 and 2012, as part of an investigation into an adjoining site, six soil borings were drilled on the Cap Sante Marine Site. Thirteen soil samples were collected from the six borings and analyzed for gasoline, diesel, oil, lead, and volatile organic compounds. Nine soil samples from four wells were analyzed for polycyclic aromatic hydrocarbons while three samples from one well were analyzed for polychlorinated biphenyls. None of the concentrations of any detected analyte exceeded the respective MTCA Method A standards.

Between August of 2014 and February of 2018, groundwater samples were collected from two monitoring wells. The samples were analyzed for gasoline, diesel, oil, and carcinogenic and non-carcinogenic polycyclic aromatic hydrocarbons. The inland groundwater well had two polycyclic aromatic hydrocarbons detections in one round but were below the site cleanup standards. The shoreline groundwater well had multiple detections of gasoline, diesel, non-carcinogenic polycyclic aromatic hydrocarbons, and carcinogenic polycyclic aromatic hydrocarbons. However, all detections were below the site cleanup standards.

Cleanup actions

In 1984, the Port of Anacortes installed and operated a petroleum recovery system to control fuel seepage observed seeping into the marine water east and southeast of the Site in the early 1980s. After approximately six months of operation, petroleum seepage was no longer observed, and the recovery operation was stopped.

In November of 2007, two 12,000-gallon underground storage tanks (one gasoline and one diesel) were excavated and taken off-site. Petroleum and metals contaminated soil (9,900 cubic yards) was taken off-site to a permitted facility. Sixty-seven confirmational soil samples were analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, carcinogenic polycyclic aromatic hydrocarbons, and non-carcinogenic polycyclic aromatic hydrocarbons. Seven soil samples were analyzed for chromium, copper, lead, and zinc. Where an exceedance of a cleanup standard occurred, the soil was over-excavated and a deeper soil sample was analyzed for the same analytes. No exceedances of the cleanup standards were found in the final soil confirmational samples.

Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site. WAC 173-340-704[7] states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

The standard point of compliance for the proposed human health based-direct contact soil cleanup levels is throughout the soil column from the ground surface to 15 feet bgs, in accordance with WAC 173-340-740(6)(d). The points of compliance for soil cleanup levels based on protection of groundwater as marine surface water are 0-5 feet bgs for the unsaturated zone and 5 feet bgs and greater for the saturated zone.

Preliminary soil cleanup levels for the Site were developed as part of the Cap Sante Work Plan (Landau Associates, 2007b) and are based on MTCA Method A values for unrestricted land use, MTCA Method B standard formula values for the protection of human health, and MTCA Method B soil concentrations protective of groundwater calculated using Ecology's fixed parameter, three-phase partitioning model (MTCASGL Workbook; WAC 173-340-747(4)(b)). In addition to these criteria, natural background soil metals concentrations in Washington state (Ecology, 1994) were considered in accordance with WAC 173-340-705(6) and WAC 173-340-709 where the lowest applicable regulatory criteria, adjusted for natural background metals concentrations, were selected as the preliminary soil cleanup levels.

Groundwater at Site, or potentially affected by the Site contamination, is not currently used for drinking water and is not a reasonable future source of drinking water because of its proximity to marine surface water. Groundwater cleanup criteria were developed to be adequately protective of aquatic organisms and of humans that ingest these marine organisms. Except for

[7] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704

petroleum hydrocarbons (gasoline, diesel and heavy oil), MTCA Method B marine surface water preliminary cleanup levels were developed in accordance with WAC 173-340-730(3). Because cleanup levels protective of marine surface water have not been established for petroleum hydrocarbons, gasoline-, diesel- and heavy oil-range hydrocarbon cleanup levels for groundwater were referenced from MTCA Table 720-1 (MTCA Method A), in accordance with WAC 173-340-730(3)(b)(iii)(C).

As discussed in the Investigation Data Report (Landau Associates, 2007b), cPAH concentrations in saturated zone soil at several locations exceeded the preliminary cleanup levels. However, in accordance with WAC 173-340-747(9), it has been empirically demonstrated with groundwater analytical results that these cPAH concentrations in saturated soil are protective of groundwater and adjacent marine surface water (cPAHs were not detected above the preliminary groundwater cleanup levels). Based on this empirical demonstration and consultation with Ecology, the proposed soil cleanup level for cPAHs within the saturated zone was set at 0.137 milligrams per kilogram (mg/kg) total cPAH toxicity equivalent (TEQ).

Because the proposed final groundwater cleanup levels are based on protection of marine surface water and not protection of groundwater as drinking water, the proposed conditional point of compliance for the preliminary groundwater cleanup levels was set at where groundwater discharges to Fidalgo Bay.

Environmental/Restrictive Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On August 5, 2014, institutional controls in the form of an environmental covenant[8] (Covenant) were recorded for the Site.

The Covenant recorded for the Site imposes the following limitations:

a. Commercial Land Use. The remedial action for the property is based on a cleanup designed for commercial property. As such, the property shall be used in perpetuity only for commercial land uses as that term is defined in the rules promulgated under Chapter 70.105D RCW. Prohibited uses on the property include, but are not limited to, residential uses, childcare facilities, K-12 public or private schools, parks, grazing of animals, and growing of food crops.

b. Containment of Soil. The remedial action for the Property is based on containing contaminated soil. The Cap Sante Marine Lease Area cap consists of plantings (bark and small shrubs) and gravel. The Fisherman's Work Area and Parking Area cap consists of asphalt. Exhibit C [in the Environmental Covenant] illustrates these two capped areas. The primary purpose of this cap is to contain contamination and mitigate risk of direct human/terrestrial wildlife contact with

[8] https://apps.ecology.wa.gov/cleanupsearch/document/75600

contaminated soils. As such, the following restrictions shall apply within the area illustrated in Exhibit C:

i. With the exception of activities carried out consistent with Section 2 (b)(ii), any activity on the Property that will compromise the integrity of the cap including: drilling; digging; piercing the cap with a sampling device, post, stake, or similar device; grading; excavation; installation of underground utilities; removal of the cap; or, application of loads in excess of the cap bearing capacity, is prohibited without prior written approval of Ecology. The Grantor shall report to Ecology within forty-eight (48) hours of the discovery of any damage to the cap. Unless an alternative plan has been approved by Ecology in writing, the Grantor shall promptly repair the damage and submit a report documenting this work to Ecology within thirty (30) days of completing the repairs.

ii. Activities which temporarily disturb the capped areas, such as utility trenching, or other maintenance actions shall restore the protective cap upon conclusion of the activity. Intrusive activities in the capped areas that involve worker contact with the contaminated soil shall be conducted by individuals that have the appropriate training and certifications for working on hazardous waste sites and in conformance with a site-specific health and safety plan. Prior to conducting any activities that will disturb the capped areas; the Grantor shall provide written notice to Ecology.

Periodic Review

Effectiveness of completed cleanup actions

During the Site visit Ecology conducted on December 12, 2024, the Site is currently operating as a commercial restaurant with public parking on the north half of the site, and as commercial marina support with public parking, including access to the T-Dock on the south half of the site. A photo log is in Appendix C.

Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by implementation of an asphalt cap and/or use of a protective vegetated topsoil barrier. The cap appears to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

Protection of groundwater

Soils with petroleum hydrocarbons, carcinogenic polycyclic aromatic hydrocarbon, and non-carcinogenic polycyclic aromatic hydrocarbon concentrations at concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, most of the contaminated soil source material has been removed. As noted in the 2018 Groundwater Monitoring Report, the groundwater monitoring results demonstrated compliance with the groundwater performance criteria for the Site at each monitoring well location (GeoEngineers, 2018).

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2014. The Covenant remains active and discoverable through the Skagit County Auditor's office. Ecology found no evidence a new instrument has been recorded that limits the effectiveness or applicability of the Covenant. This Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup action and prohibits any use of the property that is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant ensures the long-term integrity of the cleanup action will be protected.

New scientific information for individual hazardous substances or mixtures present at the Site

There is no new relevant scientific information for the hazardous substances remaining at the Site.

New applicable state and federal laws for hazardous substances present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

The cleanup at the Site was governed by Chapter 173-340 WAC (2007 ed.). WAC 173-340-702(12) (c) [2007 ed.] provides that,

"A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment."

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 2013 to 2025 is available below.

Cleanup Level Comparison Table

Analyte	2013 MTCA Method A Soil Cleanup Level (ppm)	2025 MTCA Method A/B Soil Cleanup Level (ppm)	2013 MTCA Method B Groundwater Water Cleanup Level (ppb)	2025 MTCA Method B Groundwater Water Cleanup Level (ppb)
Gasoline	30/100	30/100	800/1,000[2]	800/1,000[2]
Diesel	2,000	2,000	500[2]	500[2]
Oil	2,000	2,000	500[2]	500[2]
Acenaphthene	66	4,800	643	30
Acenaphthylene	NE	NE	NE	NE
Anthracene	12,285	24,000	25,900	100
Benzo(ghi)perylene	NE	NE	NE	NE
Fluoranthene	89	3,200	90	6
Fluorene	547	3,200	3,460	10
Naphthalene	138	1,600	4,940	4,940
Phenanthrene	NE	NE	NE	NE
Pyrene	2,400	2,400	2,590	8
Benzo(a)anthracene	See TEQ	See TEQ	0.018	0.035
Benzo(a)pyrene	See TEQ	See TEQ	0.018	0.035
Benzo(b)fluoranthene	See TEQ	See TEQ	0.018	0.035
Benzo(k)fluoranthene	See TEQ	See TEQ	0.018	0.035
Chrysene	See TEQ	See TEQ	0.018	0.035
Dibenzo(a,h)anthracene	See TEQ	See TEQ	0.018	0.035
Indeno(1,2,3-cd)pyrene	See TEQ	See TEQ	0.018	0.035
Total carcinogenic PAHs (TEQ)	0.137	0.100	0.100	0.100[1]

Notes:

1. The value shown is the MTCA Method A standard for groundwater. The MTCA Method B standard for surface water – 1.6×10^{-5} micrograms per liter (µg/L) - is below the practical quantitation limit for this site.

2. The values for gasoline, diesel, and oil are the MTCA Method A standards for groundwater, as there are no MTCA Method B standards for petroleum hydrocarbons in surface water.

MTCA = Model Toxics Control Act
NE = None Established
ppb = parts per billion
ppm = parts per million
TPH = total petroleum hydrocarbons
TEQ = toxicity equivalent quotient

In January 2024 the MTCA was updated; however, the updates do not modify cleanup levels or institutional controls related to the site.

A review of the 2025 MTCA cleanup levels was completed during this periodic review. Soil cleanup levels were previously compared to the soil protective of groundwater to surface water (marine) screening level. However, due to the availability of groundwater data, it was deemed more appropriate to compare the groundwater data to the surface water (marine) screening level and compare the soil data against the direct contact screening level. Soil and groundwater are still protective of the environment and human health based on this review.

Current and projected Site and resource uses

The Site is used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the cleanup action.

Availability and practicability of more permanent remedies

The remedy implemented included containing hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies may be available, they are still not practicable at this Site.

Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the cleanup action were capable of detection below the selected MTCA cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

Conclusions

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the

long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.

- The Covenant for the property is in place and is effective in protecting human health and the environment from exposure to hazardous substances and the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the Covenant are being followed. No additional cleanup actions are required by the property owner at this time. The property owner is responsible for continuing to inspect the Site to ensure the integrity of the cleanup action is maintained.

Next review

Ecology will schedule the next review for the Site five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years after those activities are completed.

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Appendix A. Vicinity Map

Notes:
1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. can not guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.
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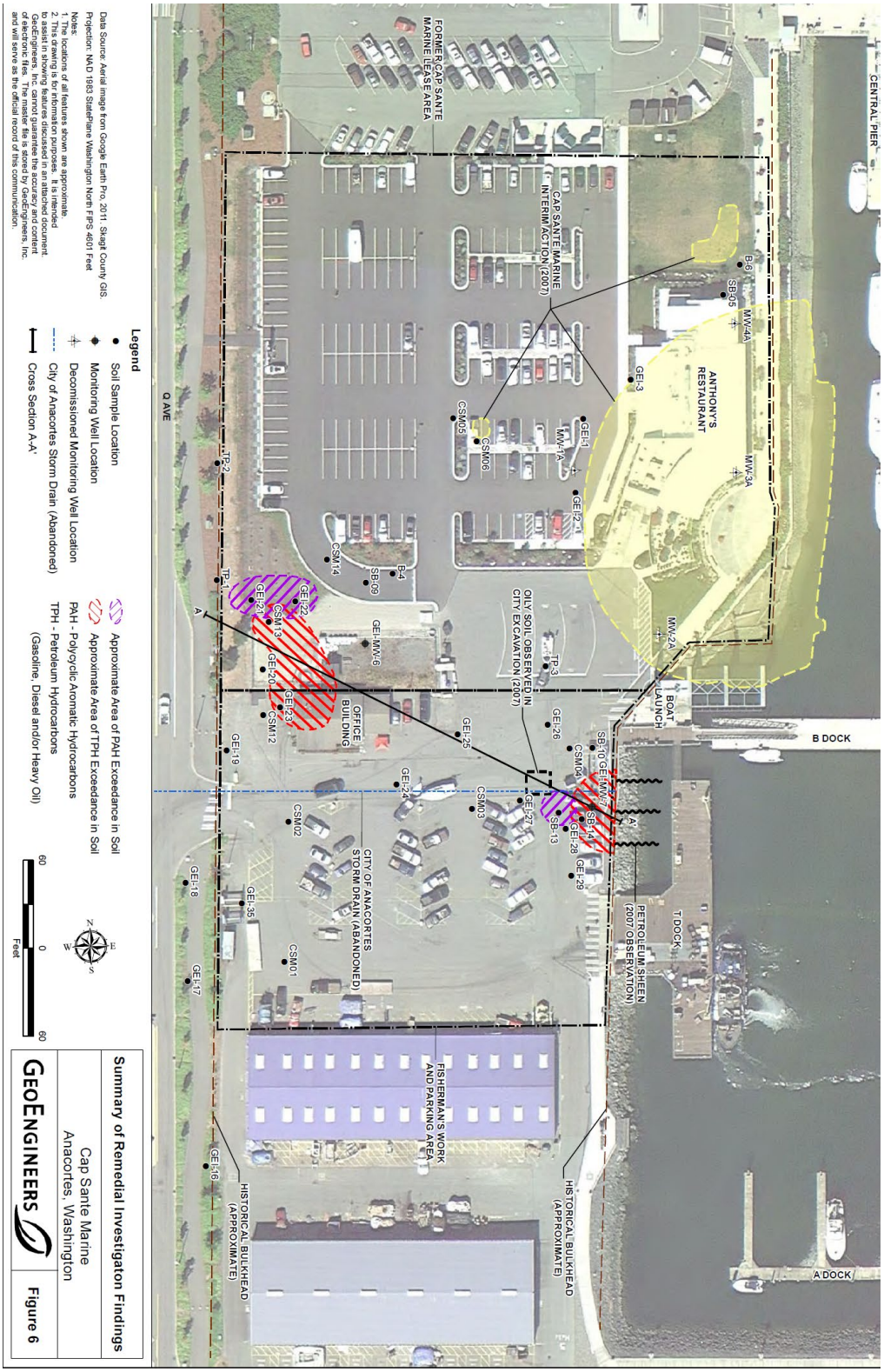
Data Sources: ESRI Data & Maps

Projection: NAD 1983 UTM Zone 10N

Vicinity Map	
Cap Sante Marine Anacortes, Washington	
GEOENGINEERS	Figure 1

Appendix B. Site Plan



Appendix C. Photo Log

Photo 1: The fisherman's work area and parking area; looking east.

Photo 2: The fisherman's work area and parking area; looking north.

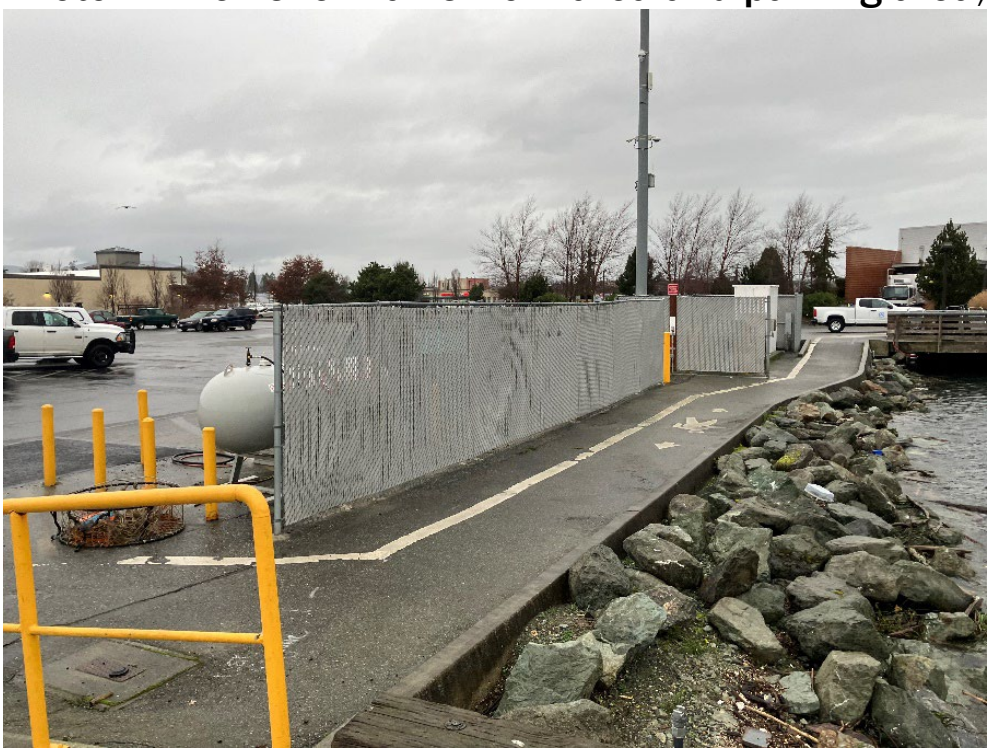


Photo 3: The fisherman's work area and parking area; looking south.

Photo 4: The Cap Sante Marine Lease area; looking north.

Photo 5: The Cap Sante Marine Lease area; looking south.

Photo 6: The Cap Sante Marine Lease area; looking southwest.

Photo 7: The Cap Sante Marine Lease area; looking west.