

Larry Sapp

ANACORTES - Ownership Fil

From: Dan S [dans@geotest-inc.com]
Sent: Friday, July 23, 2010 3:47 PM
To: Larry Sapp
Subject: GeoTest - NFA Letter - 1808 Commercial Avenue - Anacortes

Larry

After a more detailed review of Bob's Letter -- It is a lot of technical formality to basically say that they approve of all of the site cleanup activities conducted to date and conclude that no further remedial action should be needed within the limits of the property. The reference to elsewhere at the site refers to the contamination still present beneath the sidewalk within the Commercial Avenue road right-of-way (City of Anacortes property).

You have been issued a property specific NFA which refers to the subject property only. Referenced as "property" in the DOE letter.

The reference to "Site" refers to the entire contaminant plume which extended off your property an into the road right-of-way -- City of Anacortes property.

In summary, you should have no environmental concerns or restrictions from DOE for building within the limits of the property.

Please let me know if you have any questions or if you should need anything further.

We are always available to provide any additional environmental, geotechnical and/or construction testing and inspection services for the planned construction project. We look forward to continuing to service Banner Bank throughout the construction phase.

Thanks

Dan Sorenson, L.E.G. | Engineering Geologist
GeoTest Services Inc. | www.geotest-inc.com
741 Marine Drive, Bellingham, WA 98225
20611 67th Ave. NE Unit A, Arlington, WA 98223
360.733.7318 (P) 360.733.7418 (F)

Geotechnical | Environmental | Construction Inspection | Materials Testing Services

WBE Certified

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7/26/2010



JUL 22 2010

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 20, 2010

Mr. Larry Sapp
Vice President
Banner Bank
PO Box 907
Walla Walla WA 99362

Re: No Further Action at a Property associated with a Site:

- **Property Address:** 1808 Commercial Avenue, Anacortes, WA 98221
- **Facility/Site No.:** 8050343
- **VCP Project No.:** NW2007

Dear Mr. Sapp:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Banner Bank Anacortes 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.

Issues Presented and Opinion

1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

NO. Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site.

2. Is further remedial action still necessary elsewhere at the Site?

YES. Ecology has determined that further remedial action is still necessary elsewhere 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 Property and the Site

This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately on the next page.



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1. **Description of the Property.**

The Property includes the following tax parcel, which were affected by the Site and addressed by your cleanup:

- Skagit County No. P55164

Enclosure A includes a legal description of the Property. The location of the Property within the Site is illustrated in **Enclosure B**.

2. **Description of the Site.**

The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-, diesel-, and oil-range hydrocarbons into the Soil

Those releases have affected more than one parcel of real property, including the parcel identified above.

Enclosure B includes a detailed description and diagram of the Site, as currently known to Ecology.

3. **Identification of Other Sites that may affect the Property.**

Please note that a parcel of real property can be affected by multiple sites. At this time, we have no information that this Property is affected by other sites.

Basis for the Opinion

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

1. GeoTest Services, Inc., *Letter Re: Responses to Comments, Banner Bank Property 1808 Commercial Avenue, Anacortes, Washington, June 18, 2009.*
2. State of Washington Department of Ecology (Robert D. Swackhamer), *Letter Re: Further Action at the following Site: Banner Bank, May 6, 2009.*
3. GeoTest Services, Inc., *Phase III Independent Site Cleanup Work, 1808 Commercial Avenue, Anacortes, Washington, August 11, 2008.*
4. GeoTest Services, Inc., *Results of Additional Phase II Work, Proposed Property Purchase, 1808 Commercial Avenue, Anacortes, Washington, January 4, 2008.*

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5. GeoTest Services, Inc., *Phase II Environmental Site Assessment Report, Proposed Property Purchase, 1808 Commercial Avenue, Anacortes, Washington, January 4, 2008.*
6. GeoEngineers, *Groundwater Monitoring Report (April 2004) Time Oil Co. Property 01-150, May 28, 2004.*

Those 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 calling the NWRO resource contact at (425 649-7190).

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

1. **Cleanup of the Property located within the Site.**

Ecology has concluded that **no further remedial action** is necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. **Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property. The Site is described above and in **Enclosure B**.

b. **Establishment of cleanup standards for the Site.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

i. **Cleanup levels.**

Future site plans include businesses to which the public has access, so unrestricted land use is the appropriate basis for development of soil cleanup levels. The following potential exposure/risk pathways were appropriate to consider:

- Human health protection from direct soil contact pathway exposure
- Human health protection from soil-to-groundwater pathway exposure
- Human health protection from soil-to-air pathway exposure

- Human health protection from soil-to-surface water pathway exposure
- Terrestrial ecological protection

Because the site has relatively few contaminants in any given area, Method A can be used to develop cleanup levels for the Site contaminants of concern.

The WAC 173-340 Method A Table 740-1 values of 30 mg/kg for Gasoline-Range Organics, 0.03 mg/kg for Benzene, 7 mg/kg for Toluene, 6 mg/kg for Ethylbenzene, 9 mg/kg for Xylenes, 5 mg/kg for Naphthalene, 2,000 mg/kg for Diesel-Range Organics, 2,000 mg/kg for Oil-Range Organics, and 250 mg/kg for lead are appropriate for soil cleanup levels at this Site.

The WAC 173-340 Method A Table 720-1 values of 800 ug/l for Gasoline Range Organics, 500 ug/l for Diesel-Range Organics, 500 ug/l for Oil-Range Organics, 5 ug/l for Benzene, 1,000 ug/l for Toluene, 700 ug/l for Ethylbenzene, 1,000 ug/l for Xylenes, 15 ug/l for lead, and 160 ug/l for Naphthalene are appropriate for groundwater cleanup levels at this Site.

ii. Points of compliance.

The point of compliance for soil is throughout the site, which is a standard point of compliance.

The point of compliance for groundwater is throughout the site, which is a standard point of compliance.

c. Selection of cleanup for the Property.

Ecology has determined the cleanup you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

The selected cleanup consisted of removal of the five remaining USTs and one hydraulic hoist, then excavation and transport off-site of approximately 1,167 tons of contaminated soil for thermal treatment.

d. Cleanup of the Property.

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards within the Property.

2. Cleanup of the Site as a whole.

Ecology has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for the Property, it constitutes only an **"interim action"** for the Site as a whole.

Listing of the Site

Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Property will remain listed as part of the Site because the cleanup of the Property does not change the boundaries of the Site.

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**:

- Change the boundaries of the Site.
- 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).

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Termination of Agreement

Thank you for cleaning up your Property under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (# NW2007). If you should decide to clean up the remainder of the Site, please do not hesitate to reapply and request additional services under the VCP.

For more information about the VCP and the cleanup process, please visit our web site: www.ecv.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me at (425) 649-7233.

Sincerely,



Robert D. Swackhamer, PE
NWRO Toxics Cleanup Program

rs/kp

By certified mail 7009 2820 0001 7154 8301

Enclosure: A – Description of the Site

cc: Dan Sorenson, GeoTest Services, Inc.
 Fred Buckenmeyer, City of Anacortes

Enclosure A

Legal Description of the Property

Skagit County Parcel No. P55164

Within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19

Township 35 North Range 2 East W.M.

Enclosure B

Description and Diagram of the Site

Site Description

Petroleum releases from underground storage tanks (USTs) and spills to the surface and a storm drain define the extent of the Site. Six USTs were buried on a roughly square 0.2-acre Property now owned by Banner Bank at 1808 Commercial Avenue in Anacortes.

Land use in the vicinity of the Site is mixed. Commercial businesses line Commercial Avenue, which is a four-lane arterial at this point, but residences front on side streets like 18th Street.

The Property itself slopes slightly down to its northeast corner. Surrounding topography rises gradually to the west. The Property currently has no structures and is covered with a lawn maintained by an underground sprinkler system.

Padilla Bay, an arm of Puget Sound, is located approximately ¼ mile east of the Site. Surface runoff from the property would enter the City of Anacortes storm drain system via a catch basin on the south side of 18th Street near its intersection with Commercial Avenue.

Prior to the excavation of contaminated soil in 2008, soils generally consisted of approximately 2 to 4 inches of asphalt overlying 2 feet of sandy gravel fill. Underlying the gravel fill was a stiff to very stiff silty clay interpreted to be glaciomarine clay common in the Anacortes area. (GeoTest Services, Inc., *Phase III Independent Site Cleanup Work, 1808 Commercial Avenue, Anacortes, Washington*, August 11, 2008.)

At the time of drilling, groundwater was encountered in small quantities between approximately 6.5 feet and 12.5 feet below ground surface. At the time of sampling, static water elevation measured within the installed monitoring wells was between approximately 1.3 feet and 2.5 feet below ground surface. Based on two measuring events of the three monitoring wells, groundwater flows either toward the northeast (September 10, 2007) or toward the southeast (November 30, 2007.) We interpret this data to mean groundwater occurs seasonally perched within the gravel fill and throughout the year in thin, discontinuous, confined water-bearing zones within the glaciomarine clay. The water levels measured in the wells may represent a combination of perched water drainage into the wells and artesian pressures within the confined zones. Groundwater flow directions therefore are not completely certain. However, the measured flow directions are consistent with what would be expected for this location.

Site History

This Property reportedly was the location of a gas station (dates of operation unknown), which ceased operation sometime prior to the May 1986 deadline for registering USTs. More recently the Property was used by a motorcycle repair shop, which ceased operated in 2006.

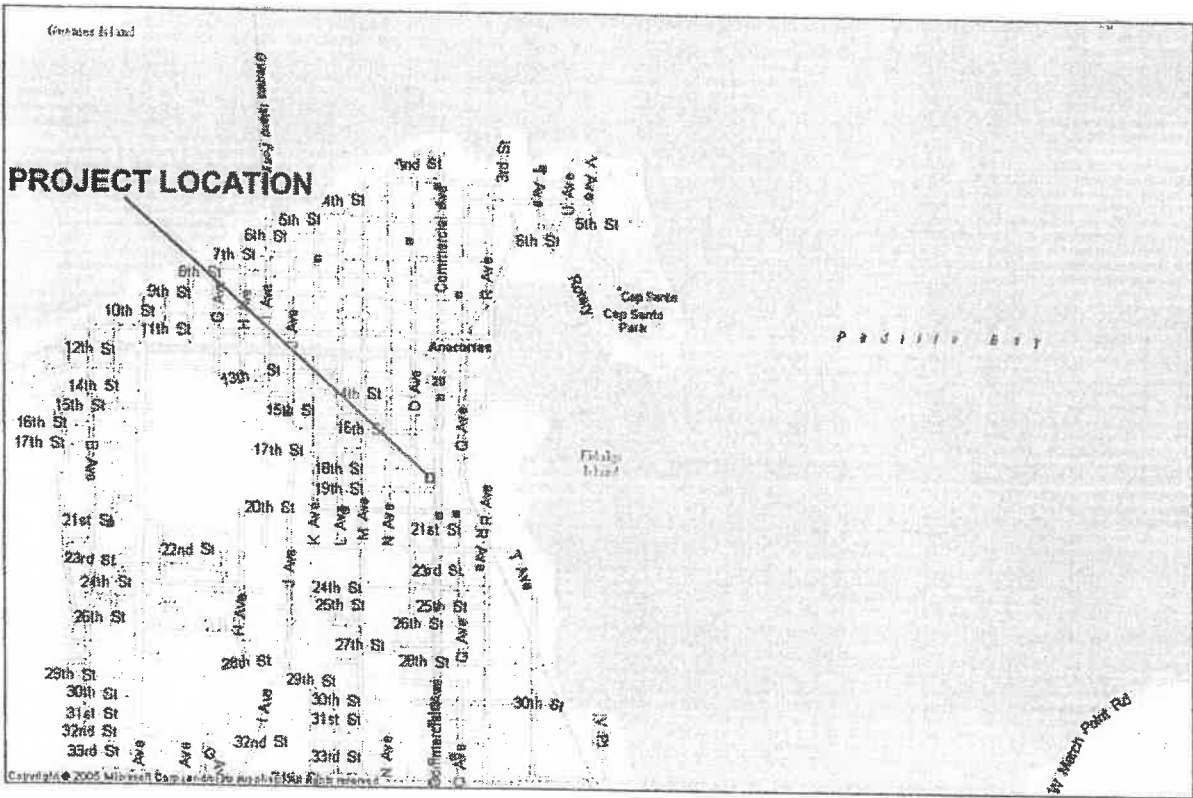
In 2008, the five remaining USTs and one hydraulic hoist were removed and approximately 1,167 tons of contaminated soil was excavated and transported off-site for thermal treatment. As shown on an enclosed figure, the excavation took place in five locations with the following approximate dimensions:

- (1) 40 feet by 16 feet by 8 feet deep
- (2) 12 feet by 12 feet by 4 feet deep
- (3) 38 feet by 16 feet by 10 feet deep
- (4) 32 feet by 14 feet by 8 feet deep
- (5) 110 feet by 25 feet, ranging in depth from 2 to 7 feet

Following the excavation, soil sampling showed no exceedances of cleanup levels within the Property, but did show an exceedance of the soil cleanup level for Gasoline Range Organics on the adjacent City of Anacortes property to the east.

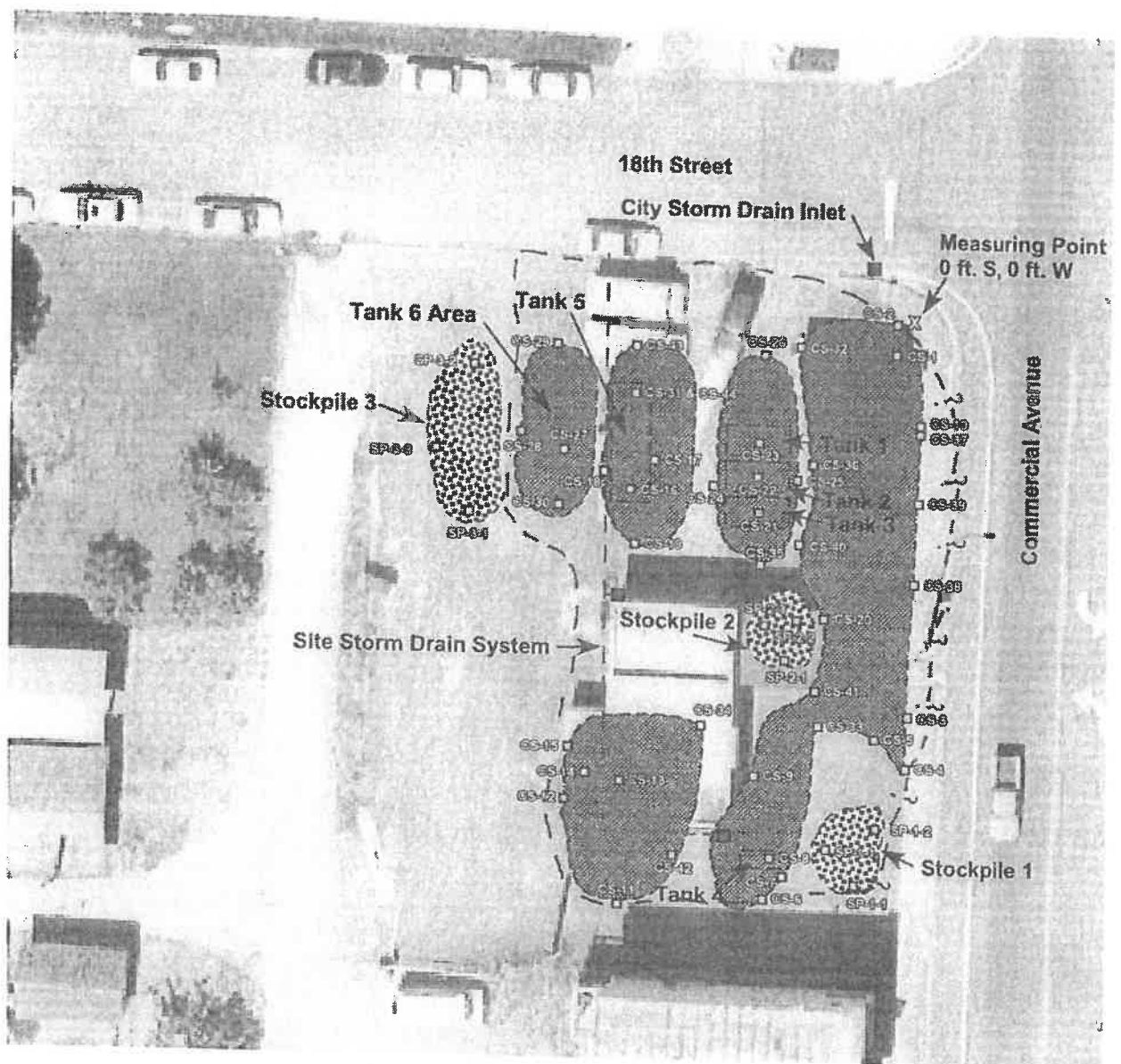
Farther east, across Commercial Avenue, a retail gasoline station formerly was located at 1801 Commercial Avenue. Three USTs and the fuel dispensers were removed in August 2003. Three monitoring wells were installed. In two monitoring events in January and April of 2004, gasoline constituents were not detected in groundwater. Inferred groundwater flow was toward the southeast. Depth to groundwater ranged from zero to approximately 23 feet with a large seasonal variation of over 16 feet in two of the wells.

Site Diagrams










Reference Map Provided By
Microsoft Streets and Trips 2006

GEOTEST SERVICES, INC. 741 Marine Drive Bellingham, WA 98225 phone: (360) 733-7318 fax: (360) 733-7418	Date: 8-29-07	By: NN	Scale: NONE	Project 07-0631
	SITE VICINITY MAP 1808 COMMERCIAL AVENUE ANACORTES, WASHINGTON			Figure 1

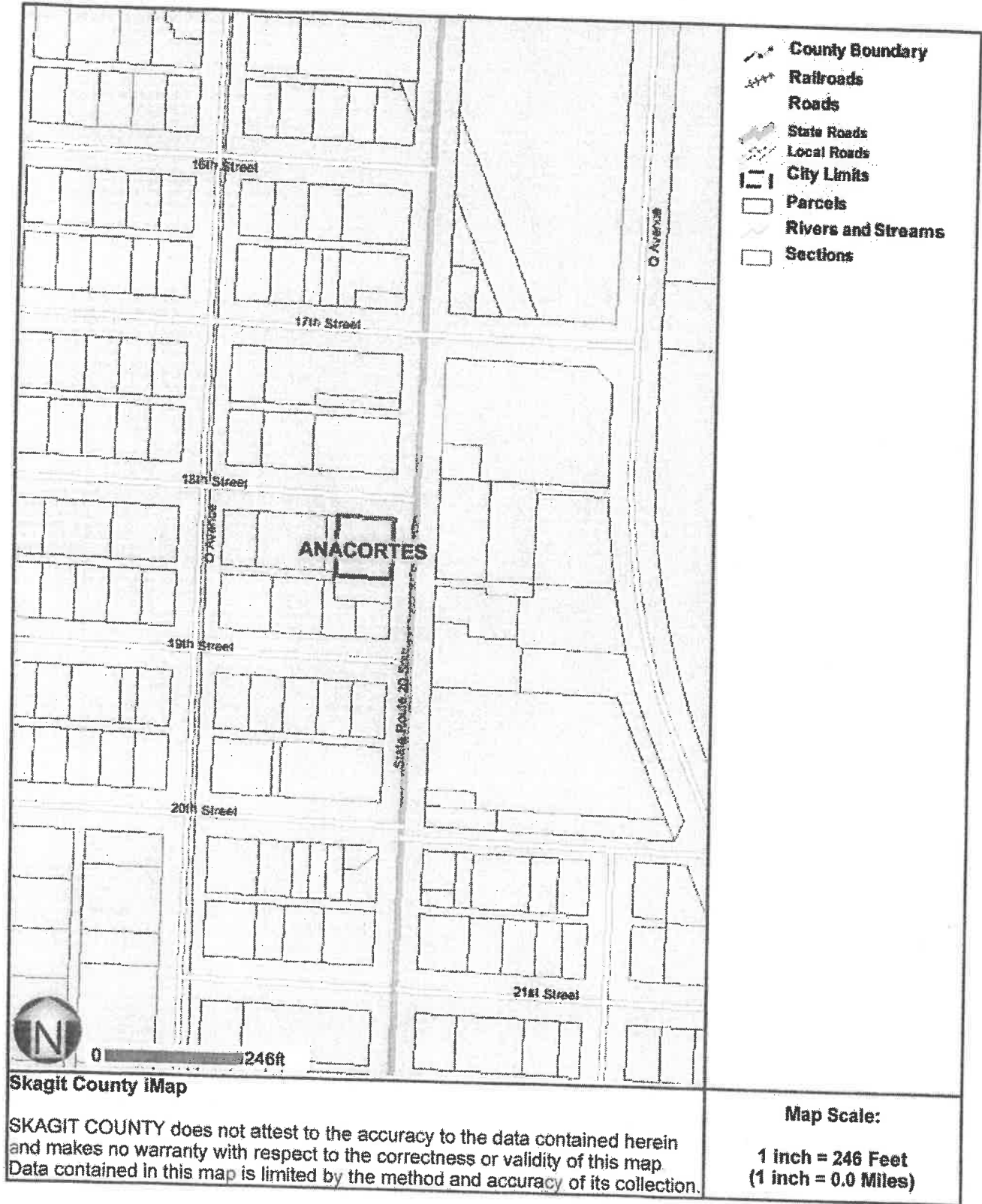


Aerial Photo Source: Skagit County iMap GIS Data

-  = Approximate Extent of Contaminated Soil Excavation
-  = Approximate Extent of Soil Stockpile
-  = Confirmation Soil Sample Location
-  = Soil Stockpile Sample Location
-  = Storm Drain Catch Basin and Drain Line
-  = Approximate Petroleum Underground Storage Tank Location
-  NORTH
- ? --- Estimated Site boundary, added by Bob Swackhamer, Dept. of Ecology, May 4, 2010*

GEOTEST SERVICES, INC. 741 Marine Drive Bellingham, WA 98225 phone: (360) 733-7318 fax: (360) 733-7418	Date: 7-20-08	By: NN	Scale: 1 in ~ 30 ft	Project
	SITE CLEANUP SOIL SAMPLE LOCATIONS 1808 COMMERCIAL AVENUE ANACORTES, WASHINGTON			07-0631
				Figure
				6

Skagit County GIS Map



P & L GENERAL CONTRACTORS, INC.
3078 N. GOLDIE ROAD STE C
OAK HARBOR, WA 98277

200-

0084

BANNER BANK
PO BOX 907
WALLA WALLA, WA 99362

INVOICE ID: 2159
DRAW ID: 2
DATE: JULY 14, 2008

CONTRACT ID: 08115
BANNER BANK-ANACORTES SITE
LOCATION: 1808 COMMERCIAL AVE
ANACORTES, WA 98221

CUSTOMER ID: BANNBA
PO #: RW-080118

AMOUNT DUE THIS INVOICE

\$294,368.34

Contract Summary	
Original contract amount	114,167.00
Approved changes	244,021.53
Revised contract amount	358,188.53
Tax 8%	28,655.08
Total Contract plus tax	386,843.61
Less Previous Billings	-92,475.27
Current Invoice	294,368.34

Percent billed

100.00%

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7-15-08