

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2013-2

APPROVING NOTIFICATION TO THE CITY COUNCIL OF INTENTION TO ACQUIRE THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY 1-9-6-004:006 BY EMINENT DOMAIN AND PUBLICATION OF A RESOLUTION AUTHORIZING ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART "to acquire by eminent domain ... all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;" and

WHEREAS, prior to such acquisition the Charter directs HART to submit a list of real property to be acquired by eminent domain to the City Council; and

WHEREAS, the City Council may approve the acquisition by eminent domain or may object by adoption of a resolution within 45 days of the notification to acquire the real property; and

WHEREAS, the acquisition by eminent domain in fee simple of the real property identified as Tax Map Key (TMK) 1-9-6-004:006 and more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That written notification to the City Council is approved, for the acquisition by eminent domain in fee simple of the real property identified as TMK 1-9-6-004:006; and
2. That in the event the City Council approves or does not object to the acquisition within 45 days of notification, then HART is authorized to publish in a daily newspaper at least three days prior to Board action, the attached resolution marked as Exhibit B, authorizing acquisition by eminent domain in fee simple of the above-identified real property.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on
JAN 24 2013.

Exhibit A – Legal description of TMK 1-9-6-004:006
Exhibit B – Resolution No. 2013-___, Authorizing the Acquisition of the Real
Property Identified as Tax Map Key 1-9-6-004:006 by Eminent Domain.



Board Chair

ATTEST:



Board Administrator

HONOLULU RAIL TRANSIT PROJECT

GUIDEWAY SYSTEM

PARCEL 15
(Fee Simple)

All of that certain Parcel 15 of land (being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu) situated at Waiawa, District of Ewa, City and County of Honolulu, State of Hawaii identified as Tax Map Key: 9-6-004:006 containing an area of 9.69 acres, more or less, of the Waiawa Subdivision as shown on the sketch attached hereto and made a part hereof:

Beginning at the South corner of Parcel 15, the East corner of Civil No. 23,805 and on the North side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Ewa Church" being 158.40 feet North and 1123.18 feet West and running thence by azimuths measured clockwise from true South:

1.	126°	25'	1084.70	feet along Civil No.23,805;
2.	247°	3'	48.97	feet along the Southernly side of Waiawa cutt off;
3.	266°	20'	272.76	feet along same;
4.	266°	39' 55"	16.13	feet along the same;
5.	46°	6'	98.70	feet along L.C. Aw. 4213, Ap.2. to Kauhi and L.C. Aw. 4529 & 2685, Ap. 3 to Ohia;
6.	310°	21'	254.20	feet along L.C. Aw. 4213, Ap.2 to Kauhi and L.C. Aw. 4529 & 2685, Ap. 3 to Ohia;
7.	240°	53'	250.0	feet along L.C. Aw. 4529 & 2685, Ap. 3 to Ohia;

8.	118°	29'	45"		feet along L.C. Aw. 4529 & 2685, Ap.3 to Ohia & L.C. Aw. 4213, Ap. 2 to Kauhi; Thence along Waiawa cut-off on a curve to the right with a radius of 1392.40 feet, the chord azimuth and distance being;
9.	279°	59'		360.28	feet;
10.	287°	25'		262.53	feet along the Southerly side of Waiawa cut-off;
11.	34°	26'		269.26	feet along L.C. Aw. 5591 & 9357 to Kekua;
12.	327°	27'		120.20	feet along same;
13.	220°	00'		86.00	feet along same;
14.	289°	16'		191.00	feet along Lot "C";
15.	36°	00'		42.50	feet along remainder of R.P. 4475, L.C. Aw. 7713, Ap. 46 to V. Kamamalu; Thence along same, the direct Azimuth and distance being;
16.	277°	38'		776.30	feet;
17.	86°	29'		127.38	feet along the North side of Kamehameha Highway;
18.	92°	12'		201.00	feet along same;
19.	86°	29'		100.00	feet along same;
20.	356°	29'		35.00	feet along same;
21.	86°	29'		669.66	feet along same to the point of beginning.

Honolulu Authority for Rapid Transportation

RESOLUTION NO. 2013-__

**AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY IDENTIFIED
AS TAX MAP KEY 1-9-6-004:006 BY EMINENT DOMAIN**

WHEREAS, the Honolulu Authority for Rapid Transportation (HART) has been established pursuant to Article XVII of the Revised Charter of the City and County of Honolulu 1973, as amended (Charter); and

WHEREAS, Section 17-103.2(b) of the Charter empowers HART “to acquire by eminent domain . . . all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the fixed guideway system;” and

WHEREAS, the City Council approved or did not object to the acquisition of the real property identified as Tax Map Key (TMK) 1-9-6-004:006 by eminent domain in fee simple after written notification by HART; and

WHEREAS, the acquisition by eminent domain in fee simple of the above-identified real property, which is more particularly described in the attached legal description marked as Exhibit A, is necessary for the Honolulu Rail Transit Project fixed guideway system, a valid public use and purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of HART as follows:

1. That acquisition by eminent domain in fee simple of the real property identified as TMK 1-9-6-004:006 is hereby authorized and the Corporation Counsel of the City and County of Honolulu is empowered to institute eminent domain proceedings as provided by law for the acquisition thereof; and
2. That the acquisition of the above-identified property by eminent domain is determined and declared to be for a valid public use and purpose as aforesaid; and
3. That the acquisition of the above-identified property by eminent domain is determined and declared to be necessary for the aforesaid public use and purpose; and
4. That in the process of said proceedings in eminent domain, the Corporation Counsel is authorized and empowered to negotiate terms of settlement, subject to the approval of HART and/or the Court before which such proceedings are commenced; and

Exhibit B

5. That the Board Administrator be directed to transmit copies of this resolution to HART and the Department of the Corporation Counsel.

ADOPTED by the Board of the Honolulu Authority for Rapid Transportation on _____.

Board Chair

ATTEST:

Board Administrator

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DRAFT

Honolulu Authority for Rapid Transportation

STAFF SUMMARY

TITLE: Review of Notification to City Council seeking authorization for condemnation of land identified as TMK 1-9-6-004:006, and situated at 96-136 Farrington Highway.	STAFF CONTACT: Jerry Iwata	DATE: November 15, 2012
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Type:	Goal	Focus Area	Reference Notes
<input type="checkbox"/> Action/Approval	<input type="checkbox"/> Project Delivery	<input type="checkbox"/> Livability/Land Use	
<input type="checkbox"/> Information	<input type="checkbox"/> Service Delivery	<input type="checkbox"/> Partnerships	
<input type="checkbox"/> Follow-up	<input type="checkbox"/> Resource Stewardship	<input type="checkbox"/> Agency Admin.	

1. Purpose:

Review of Notification to City Council for condemnation of land for public use, identified as Parcel 15, and bearing TMK 1-9-6-004:006, and situated at 96-136 Farrington Highway, Pearl City, HI, which is required for the West Oahu Farrington Highway guideway section and for the Pearl Highland Station Complex. After discussions with the owners and their representatives, HART is unable to negotiate a settlement with the owners. This property is on the critical path for successful completion of the West Oahu Farrington Highway Section. It is zoned Agricultural 2, and is owned by Mr. and Mrs. Richard Lee.

2. Background/Justification

This property (TMK 1-9-6-004:006) was designated as a full take in the Final Environmental Impact Statement (FEIS). As required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and FTA C5010.1D, the owners were notified of HART's intent to acquire the property and agreed to allow HART on to the property in order to conduct an appraisal of the property by a certified local appraiser. This appraisal follows URA guidelines and took into consideration all environmental impacts as well as best and highest use. The appraisal review, as required by the URA was done by the Department of Design and Construction-Land Division (DDC-LD) of the City and County of Honolulu.

Since the FEIS noted possible environmental issues, HART was required to conduct an environmental assessment and the results incorporated into the appraisal. An Environmental Site Assessment Phase I (ESA), which included document review, site inspection and discussions with the owners or tenants, resulted in finding possible environmental contamination within the property and determined a Phase II ESA was needed to assess the extent of hazardous material found on the property as well as what remediation would be required.

The Phase II ESA, which included soil sampling and drilling and monitoring test wells in areas that appear to have suspected environmental pollution, was conducted with the property owners' permission. From this analysis it was concluded that the property would require remediation as a result of oil contamination from the storage and maintenance of construction equipment on the property. To remediate the environmentally hazardous condition, the removal and disposal of the top 4 inches of contaminated soil located at several sites within the property is required.

The remedial cost information was forwarded to the appraiser for his consideration in determining the value of

property. The appraiser and the review appraiser from DDC-LD in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) determined that the just compensation for the property resulted in a negative value since the remediation cost exceeded the market value of the property if it were clean.

Given this determination, HART staff met numerous times with the property owners and/or their representatives about the results of the appraisal and presented the option of the property owners cleaning the sites prior to HART acquiring the property. If remediation is done prior to acquisition then HART would be permitted to offer the owners just compensation based on a clean site. However, the property owners and HART have failed to come to an agreement concerning remediation or the value of the property.

HART staff is now requesting the HART Board to review this Notification to City Council for authorization to institute condemnation proceedings for this property. Any further delay in the acquisition would negatively impact the progress of the design and construction of the West Oahu Farrington Highway (WOFH) guideway.

3. Procurement Background

N/A

4. Financial/Budget Impact

The project budget includes an estimated cost for legal action associated with the condemnation of the property.

5. Policy Impact

There is no policy impact since this action conforms to the requirement of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, FTA 1050.1D and Article XVII of the Charter of the City and County of Honolulu.

6. Public Involvement

N/A

7. Alternatives

There is no alternative given the proposed project schedule and the need to acquire the property as soon as possible in order to not delay the WOFH contractor in constructing the guideway.

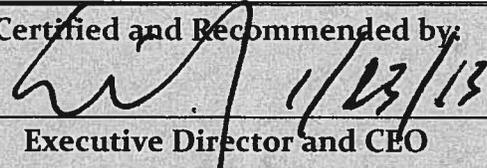
7. Exhibits

Offer Letter to property owner.

Environmental Site Assessment Phase I Executive Summary

Environmental Site Assessment Phase II Executive Summary

Certified and Recommended by:


1/23/13
Executive Director and CEO



IN REPLY REFER TO:
CMS-AP00ROW-00007

HONOLULU AUTHORITY for RAPID TRANSPORTATION

Kenneth Toru Hamayasu, P.E.
INTERIM EXECUTIVE DIRECTOR AND CEO

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

December 9, 2011

BOARD OF DIRECTORS
Carrie K.S. Okinaga, Esq.
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Ivan M. Lui-Kwan, Esq.
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David K. Tanoue
Wayne Y. Yoshioka

Mr. Richard and Mrs. Karen Lee
96-1414 Waihona Place
Pearl City, Hawaii 96782

Dear Mr. and Mrs. Lee:

Subject: Honolulu High-Capacity Transit Corridor Project
Kamehameha Highway Segment
Property Address: 96-136 Farrington Highway
Tax Map Key No. 9-6-004-006

This is a follow-up to previous correspondence regarding the appraisal and acquisition of the subject property. An appraisal of your property has been completed. Based on our findings as contained in the enclosed Statement of Just Compensation, Honolulu Authority for Rapid Transportation (HART) offers to purchase your property, identified as Tax Map Key No. 9-6-004-006 (shown colored in blue on the enclosed tax map), in fee simple, free and clear of all liens and encumbrances, for the total consideration of \$1.00 (One Dollar). This offer takes into account that your property requires substantial expense for environmental remediation.

If this offer is acceptable, please sign the duplicate of this letter and the Consent to Enter and return them in the enclosed envelope by January 30, 2012. The remaining copies are for your files.

Also enclosed for your information are the Appraisal Summary Statement and the General Acquisition & Relocation Information Brochure.

In accordance with federal regulations affecting real property transactions, we request your cooperation in providing us with your Taxpayer Identification Number. Please execute and return the enclosed IRS Form W-9 at the same time. The W-9 is required by our Department of Budget and Fiscal Services to release the check.

received 12/13/11

Richard and Karen Lee
9-6-004-006
Offer Letter
Page 2

Please call Jerry Iwata at 768-6192 if you have any questions regarding this matter.

Sincerely,


Kenneth Toru Hayamasu
Interim Executive Director and CEO

Enclosures

ACCEPTED:

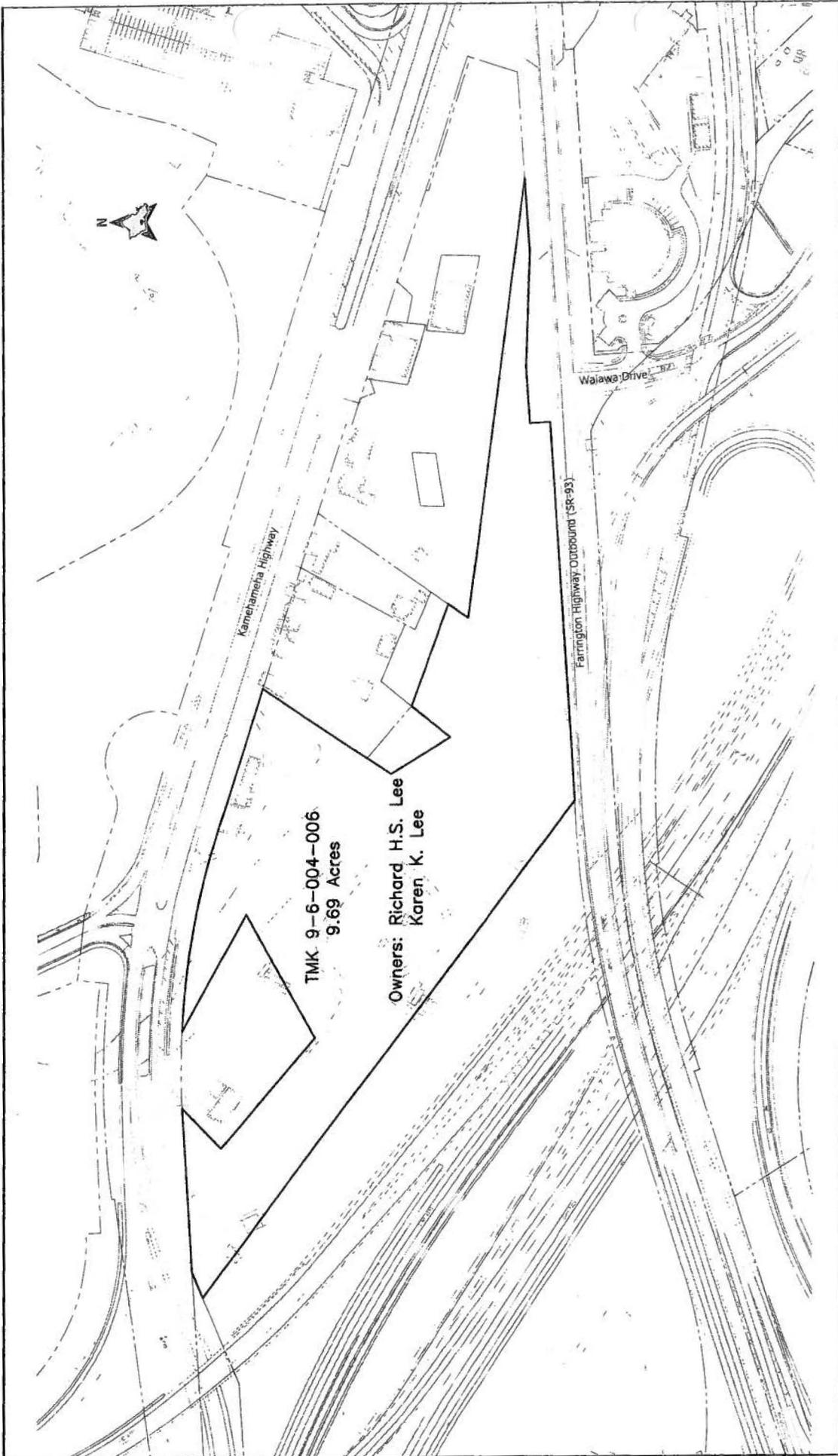
Richard Lee

Karen Lee

Dated: _____

Dated: _____

Phone _____



TMK 9-6-004-006
9.69 Acres

Owners: Richard H.S. Lee
Karen K. Lee

TMK 9-6-004:006
Lee Property



HONOLULU RAIL TRANSIT PROJECT



STATEMENT OF JUST COMPENSATION

PROJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT (HHCTCP)
LOCATION: 96-136 Farrington Highway
TAX MAP KEY: 9-6-004-006
OWNER(S): Richard Lee and Karen Lee
INTEREST TO BE ACQUIRED: Unencumbered fee simple
PARCEL TO BE ACQUIRED: Full taking consisting of approximately 9.69 acres; 422,096 square feet
ZONING: AG-2 General Agricultural District; State Land Use: Urban District
IMPROVEMENTS: N/A

PURPOSE: Under the United States and Hawaii Constitutions, private property cannot be taken for public use without payment of just compensation. In accordance with the Code of Federal Regulations, Honolulu Authority of Rapid Transportation submits a written statement of and summary of the basis for the amount it has established as just compensation for the above identified property.

In estimating just compensation, an appraisal was performed by a State of Hawaii licensed appraiser. The amount established as just compensation is not less than the approved appraisal of the fair market value of the property being acquired.

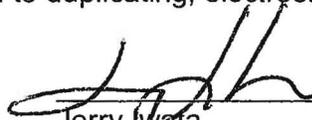
Unless otherwise stated in the attached letter of offer, the amount established as just compensation is for the real property being acquired, which includes land, buildings, structures, or improvements located on, or damaged as a result of the taking of the areas and interest described in the attached letter of offer.

The amount established as just compensation does not include items of personal property such as household furnishings, clothing and appliances.

1. **JUST COMPENSATION:** Based on the completed appraisal report and the appraisal review the just compensation amount for the property being acquired **WITHOUT REMEDIATION** is:

\$1.00 (One Dollar)

The original of this statement to be tendered to the above named owner has been signed in blue ink. If the signature is not in original ink, as opposed to duplicating, electrostatic or other media, this Statement of Just Compensation is not valid.


Jerry Wata
Real Estate Acquisition Manager

APPRAISAL SUMMARY STATEMENT

PROJECT: HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR
PROJECT (HHCTCP)

ADDRESS: 9-6-004-006

TAX MAP KEY: 96-136 Farrington Highway

OWNER(S): Richard and Karen Lee

PARCEL AREA: 422,096 square feet

PROPERTY ACQUIRED: ALL: X PART:

**INTEREST TO
BE ACQUIRED:** Unencumbered fee simple

ZONING: AG-2 General Agricultural District; State Land Use: Urban
District

HIGHEST & BEST USE: Agricultural Use

ASSESSED VALUE (2010/2011):

Land	\$66,200
Improvements	N/A
TOTAL	\$66,200

The Appraisal Estimated Market Value "WITHOUT REMEDIATION" is: \$1.00

The value of the property being acquired is based upon an appraisal prepared in accordance with accepted appraisal practices. Full and careful consideration has been given to the highest and best use for development of the property and to all features inherent in your property including environmental remediation in order that the highest valuation possible can be made. The Appraisal Estimate and appraisal were developed and reported in conformity with Federal regulations, State statutes, and City ordinances.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>x Melani Tokola</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Mr. Richard & Mrs. Karen Lee 96-1414 Waiihona Pl. Pearl City, HI 96782	B. Received by (Printed Name) <i>Melani Tokola</i>	C. Date of Delivery <i>1/11/11</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>9-6-004-006</i>	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7008 1140 0001 0705 1252	

Executive Summary

This report presents the results of Environet's Phase I Environmental Site Assessment (ESA) of the RHS Lee Baseyard located on the property identified as tax map key (TMK) (1) 9-6-4, Parcel 6 (hereinafter referred to as the Site). The Site address is 96-136 Farrington Highway, which is in Pearl City, Hawai'i on the Island of O'ahu (Figure 1-1). This assessment and report has been performed in general accordance with the United States Environmental Protection Agency (EPA) "All Appropriate Inquiry" (40 Code of Federal Regulations (CFR) Part 312), as well as the American Society for Testing and Materials (ASTM) "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM Designation E 1527-05; ASTM, 2005).

Our assessment was conducted to evaluate existing conditions, investigate the environmental history, and identify the presence of recognized environmental conditions (RECs) within and around the Site. A REC is *the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property* (ASTM E 1527-05).

This research consisted of a review of historical and regulatory records, present conditions, site geology and hydrogeology, and interviews with persons knowledgeable of the Site. Environet has separated the Site into five distinct sub-areas to better describe and locate RECs. These five areas have been labeled the Northern Area, Southern Area, Western A Area, Western B Area, and Undeveloped Area. The Northern Area and Southern Area have been used for large construction equipment storage for the past 19 years. These portions of the Site still serve the same purpose. The Western A Area is a fenced off area containing used cars, shipping containers, large quantities of paints and solvents, and multiple 55-gallon drums both empty and full of unknown product. The Western B Area is used as a storage yard for old construction equipment both large and small. The rest of the Site is undeveloped with thick vegetation and dense tree growth. Very few structures are located on the Site. Approximately 98% of the Site was bare soil or vegetation with a small portion covered by concrete in the Northern Area. The Site is approximately 9.70 acres and is zoned General Agricultural District (AG-2).

Environet interviewed the user (client) for information regarding user responsibilities associated with the Phase I ESA. None of the responses by the user indicated a REC exists at the Site.

Environet attempted to interview personnel who were familiar with the current conditions at the Site, (owner and occupants) however, all attempts were unsuccessful.

Environet personnel conducted reconnaissance of the Site on September 21, 22 and October 5, 2009. Based on the Site reconnaissance, Environet personnel determined the Site was actively used by RHS Lee as a construction baseyard for long term and temporary storage of large and small construction equipment and construction materials. This assessment has revealed evidence of RECs in connection with the Site and has not revealed evidence of RECs associated with

nearby properties. The RECs are described in detail in the body of the report and summarized below.

Current RECs

Northern Area

- Heavy soil staining around mechanic bays and in the machine shop. This indicates an existing release of a hazardous substance or petroleum product that has impacted the Site.
- Heavy soil staining around heavy and light machinery stored in the center of the Northern Area. This indicates an existing release of a hazardous substance or petroleum product that has impacted the Site.
- Improper storage of potentially hazardous chemicals ranging from 5-gallon to 55-gallon containers. This indicates a potential release of a hazardous substance or petroleum product that can impact the Site.

Southern Area

- Improper storage of potentially hazardous chemicals contained in 55-gallon drums located in the center of the Southern Area. This indicates a potential release of a hazardous substance or petroleum product that can impact the Site.

Western A Area

- Improper storage of potentially hazardous chemicals ranging from 5-gallon to 55-gallon containers. This indicates a potential release of a hazardous substance or petroleum product that can impact the Site.
- Two leaking 55-gallon drums containing a hazardous substance or petroleum product. This indicates an existing release of a hazardous substance or petroleum product that has impacted the Site.

Historic RECs

EnviroNet did not identify any historic RECs in connection with the Site.

Other Items of Environmental Concern

- Miscellaneous debris improperly stored or contained throughout the site. Items include but are not limited to used car batteries, used tires, old machine parts, fire extinguishers, hydraulic rams, and other construction debris.
- Improperly stored small quantities of paints and thinners found in various locations throughout the entire Site.

- Historical references, including aerial photographs, topographic maps, and tax records, indicated that the Site had been previously occupied by a banana patch. Based on the Environet's experience with former agricultural lands, it is possible that the application of fertilizers and pesticides applied to the patch, over time, may have accumulated in the underlying soil, both at the Site and surrounding properties.
- Chlorofluorocarbons (CFCs) may be present in the refrigeration unit on one of the shipping containers located in the southern area of the Site. CFCs require proper and specific removal and disposal if the equipment containing them is no longer needed.

Data Gaps

- During the Site reconnaissance Environet was unable to inspect the heavily vegetated portions of the Northern and Southern Areas of the Site; this represents a data gap for the Site. This data gap does not appear to impact our ability to identify RECs at the Site. It is Environet's opinion that this does not represent a significant data gap.
- During the Site history review process Environet was unable to successfully characterize the Site back to 1940. Environet was able to characterize the Site back to 1949. This data gap does not appear to impact our ability to identify RECs at the Site. It is Environet's opinion that this does not represent a significant data gap.
- During the interview process Environet was unable to successfully interview past and current owners of the property. Due to the detailed information provided by tax records, site history, and current interviews, this data gap does not appear to impact our ability to identify RECs at the Site. It is in Environet's opinion that this does not represent a significant data gap.

Section 5 Summary, Conclusions, and Recommendations

5.1 Summary

The primary objective of this soil evaluation was to investigate three areas at the Site that were recognized as having RECs in a 2009 Phase I ESA to determine the need for further response actions to protect human health and the environment in preparation for future expansion and construction at the Site.

The primary field effort was conducted on December 21 through 23, 2009 and involved MI, judgmental, and composite soil sampling using a mobile direct push drill rig, as well as conducting content sampling on six unknown 55-gallon drums.

Northern Area

Multi-Increment Sampling

One primary MI sample was collected at each of the two DUs along with two MI field QC samples (one duplicate and one triplicate). Each MI sample was composed of 30 increments taken from 0.0 to 0.5 ft and at 1.5 to 2.0 ft bgs. The location of each increment was based on a systematic grid.

MI samples were analyzed for TPH, BTEX, PAHs, PCBs and eight RCRA metals. Soil samples collected from both DUs contained DRO and RRO concentrations exceeding the screening levels. Both samples collected indicated the levels of DRO and RRO decreased with depth. Analyte RLs were raised above their associated screening levels for benzene to account for a methanol dilution as required by MI sampling. RLs for two PAH analytes (benzo(a)pyrene and dibenzo(a,h)anthracene) were elevated above the screening criteria due to laboratory sample matrix effects. All metals were detected below screening levels. The RL for selenium was elevated above the screening criteria due to laboratory sample matrix effects.

The elevated RLs for benzene, benzo(a)pyrene, dibenzo(a,h)anthracene, and selenium is not a concern because the samples have exceeded screening criteria for DRO and RRO. These potentially unknown exceedences will be remediated with the remediation planed for the DRO and RRO impacted soil.

Judgmental Sampling

All judgmental samples taken at the Northern area were analyzed for TPH, BTEX, PAHs, PCBs, and the eight RCRA metals. Sixteen of the 22 primary soil samples collected contained concentrations of DRO and RRO exceeding the screening level. All samples exceeding the screening criteria indicated the levels of DRO and RRO decreased with depth. All 22 samples had concentrations of BTEX, PAHs, PCBs, and the eight RCRA metals below screening levels with the exception of soil sample DS 5-1. Sample DS 5-1 contained 2-methylnaphthalene at a concentration exceeding the screening level.

Southern Area

The two composite soil samples taken at the Southern area were analyzed for TPH, BTEX, PAHs, PCBs, eight RCRA metals, and VOCs. One sample (C-2) contained DRO at a concentration above the screening level, while sample C-1 was below screening criteria for DRO. Both soil samples collected contained concentrations of RRO exceeding the screening level. Samples C-1 and C-2 indicated the concentrations of DRO and RRO increased with depth. All composite soil samples were lower than screening levels for PAHs, PCBs, eight RCRA metals, and VOCs. The laboratory RLs for some of the VOCs were elevated above the screening criteria to account for a methanol dilution required by composite sampling of VOCs. All other laboratory RLs were detected below the screening criteria.

The elevated RLs for VOCs is not a concern because the samples have exceeded screening criteria for DRO and RRO. These potentially unknown exceedences will be remediated with the remediation planed for the DRO and RRO impacted soil.

Western A Area

All samples taken from the Western A area were analyzed for TPH, BTEX, PAHs, PCBs, and the eight RCRA metals. Four of the eight primary soil samples (W2-1, W3-1, W4-1, and W4-2) contained concentrations of DRO and RRO exceeding the screening levels. Concentrations of DRO and RRO indicated the concentrations decreased with depth. All eight samples contained concentrations of BTEX, PAHs, PCBs and the eight RCRA metals below screening levels.

55-Gallon Drum Testing

Six 55-gallon drums located at the Site were analyzed to determine if the drums contained hazardous materials. The contents of the drums were field tested for ignitability, halogen test on petroleum-based materials, pH, cyanide, and sulfide on water-based solutions per PCS SOP #13. Three drums (Container IDs 04, 05, and 06) located at the Southern site contained petroleum based curing compounds and diluted Burke form release. These substances are considered hazardous due to their chemical composition. The remaining three drums (Container IDs 01-03) which were located at the Western A site contained diluted oil, and are not considered hazardous substances.

5.2 Conclusions and Recommendations

Northern Area

MI and judgmental soil samples taken within, and surrounding the heavy equipment storage area indicate the presence of petroleum hydrocarbons (DRO and RRO) in Site soils exceeding the Site screening criteria for leaching, gross contamination, and direct exposure. The presence of these contaminants appears to have been generated from diesel fuels that have leaked from improperly maintained heavy equipment stored at the Site.

Both MI and judgmental soil samples collected also indicated that the concentration of DRO and RRO decreased with depth (up to two orders of magnitude in some samples). Soil sample SB-1 indicated that by 4.5 ft bgs concentrations of both DRO and RRO had dropped below screening criteria and by 10 ft bgs had become ND. Soil data collected from the 14.5 to 15.0 ft interval and

the capillary fringe located at 17.0 to 17.5 ft bgs indicated a detection of DRO and RRO. Though these detections were below screening criteria they did increase with depth. Concentrations of DRO and RRO at the capillary fringe sample (D1-6) had concentrations just below screening criteria. This does not indicate a concern for the soil however this increase in concentration at depth may indicate potential groundwater contamination or leaching concerns.

Investigation of the groundwater is recommended at the Site to determine whether leaching of DRO and RRO has taken place and if groundwater has been impacted. Based on the findings, an environmental hazard evaluation or remediation of contamination should be conducted.

For surface stained areas sampled, soil excavation of impacted soil followed by confirmation soil sample should be performed. Impacted areas should be excavated down to 2.5 ft bgs or deeper based on confirmation sampling.

Southern Area

The composite samples taken at the Southern area indicate the presence of petroleum hydrocarbons (DRO and RRO) in Site soils exceeding the Site screening criteria for leaching and gross contamination. The presence of these contaminants appears to have been generated from petroleum products that have leaked from improperly stored 55-gallon drums as well as diesel fuels and oil that have leaked from improperly maintained heavy equipment stored at the Site.

Samples collected in the Southern area indicated that the concentrations of DRO and RRO increased with depth. This finding is likely due to the disturbance of the surface soils prior to sampling. To gain access to the sample locations large amounts of heavy machinery had to be moved and relocated. This machinery was not in operating condition and therefore had to be dragged and pulled out of the sampling area. It is estimated that approximately one to two inches of soil was disturbed around the sampling location.

Soil excavation of impacted soil followed by confirmation soil sampling should be performed. Impacted areas should be excavated down to 2.5 ft bgs or deeper based on confirmation sampling.

The presence of three drums containing petroleum based curing compounds and diluted Burke form release at the Western A Site represent an additional hazard to human health and the natural environment. These three drums should be labeled as hazardous waste per hazardous waste regulations and properly disposed of in accordance with hazardous waste disposal regulations.

Western A Area

Judgmental soil samples taken within, and surrounding the 55-gallon drum and paint storage area (SB-10 through SB-13) indicate the presence of petroleum hydrocarbons (DRO and RRO) in Site soils exceeding the Site screening criteria for leaching, gross contamination, and direct exposure. The presence of these analytes appears to have been generated from petroleum products that have leaked from improperly stored 55-gallon drums and heavy equipment that may have been stored at the Site. Concentrations of DRO and RRO decreased from the surface samples to the subsurface samples below Site screening criteria in three of the four borings. Concentrations at

SB-13 decreased with depth but still remained above screening criteria for leaching and gross contamination at 2 ft bgs.

Surface soil removal up to a minimum of one foot bgs should be performed within the sampling locations SB-10 through SB-12. Field guided soil excavation and disposal is recommended at SB-13 to 2.5 ft bgs followed by confirmation sampling.

The presence of three drums containing diluted oil is not considered hazardous waste. The three 55-gallon drums should be properly labeled as non-hazardous waste and be removed offsite and properly recycled at a recycling facility.