



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

October 20, 2021

Pedro and Maribel Gutierrez
Iglesia Pentecostes Monte de Sion
81 Cron Road
Buena, WA 98921

RE: No Further Action at the following Site (Groundwater Model Remedy No. 1):

- **Site Name:** Monte de Sion Church
- **Site Address:** 30 Burr Street, Buena
- **Facility Site ID No.:** 20838
- **Cleanup Site ID No.:** 11948

Dear Pedro and Maribel Gutierrez:

The Washington State Department of Ecology (Ecology) has performed further investigations at the Monte de Sion Church site (Site). This letter provides our opinion based on those further investigations. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Ecology has determined that no 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.

The cleanup of this Site was conducted consistent with the requirements of Model Remedy No. 1 from Ecology's "*Model Remedies for Sites with Petroleum Impacts to Groundwater*"¹ dated December 2017.

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/1609057.html>



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 (gasoline and diesel) into the Soil and Groundwater

Enclosure A includes a diagram of the Site, as currently known to Ecology. Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcels associated with this Site are affected by other sites.

The Site is located south of the intersection of Buena Road and Burr Street. The Site is located on a currently vacant property that previously was occupied with a church that was destroyed by a fire between 2015 and 2017.

The Site is surrounded by commercial and residential land uses. An X-mart convenience store is located about 500 feet north-northwest of the Site. A release of petroleum to soil and groundwater at the X-mart store (aka Buena Labor Camp site, CSID 5800) is hydraulically upgradient of the Monte de Sion Church site, based on investigations performed in 2010 (GeoEngineers 2010). However, no contamination impacts to the Monte de Sion Church site from the X-mart site have been identified to date.

Soil contamination was discovered by Ecology at the Monte de Sion Church site in 2012, subsequent to the removal of heating oil tank on the property, sometime prior to 2012. In 2012, Ecology had been conducting investigations in the vicinity of the Site in Buena. A petroleum release had also occurred at the Robys Services site (CSID 1937), located across Burr Street to the northwest of the Site. An interim remedial action was performed at the Robys Services Site on behalf of Ecology in November 2012.

An interim remedial action was conducted at the Monte de Sion Church in late 2012 concurrent with interim remedial action work performed at Robys Services, and was documented in the Remedial Action Report prepared for the Robys Services site. The interim remedial action at the Monte de Sion Church consisted of the excavation and offsite disposal of 127 tons of contaminated soil. Some gasoline in soil above MTCA cleanup levels remained after the excavation was complete, and further excavation could not be done due to the presence of the onsite church structure. Subsequent to the removal of the onsite structure, additional investigation of soil and groundwater was performed on behalf of Ecology in 2021.

Basis for the Opinion

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

1. *"Site Characterization Report, Buena LUST Site, Buena, Washington."* GeoEngineers. October 21, 2010.
2. *"Work Plan, Interim Action (Source Removal), Roby's Station, Buena, Washington."* GeoEngineers. January 11, 2012.
3. *"Remedial Action Report, Roby's Station, Buena, Washington."* GeoEngineers. September 18, 2015.
4. *"Soil and Groundwater Assessment, Monte de Sion Church, Buena, Washington."* GeoEngineers. September 27, 2021.

A number of these documents are accessible in electronic form from the Monte de Sion Church Site webpage². The complete records are stored in the Central Files of the Headquarters Office of Ecology, for review by appointment only. Visit our Public Records Request webpage³, to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at PublicRecordsOfficer@ecy.wa.gov or 360-407-6040.

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 **no further remedial action** is necessary to clean up contamination at the Site.

That conclusion that no further remedial action is necessary is based on the following analysis:

1. Characterization of the Site.

Ecology began investigations of petroleum in soil and groundwater in Buena in 2008. Several monitoring wells were installed in the vicinity of the Site, including monitoring wells to the north, west, and southwest of the Site (MW-6, MW-7, and MW-15, respectively). Diesel was found in groundwater from MW-15, located southwest of the Site at 2080 µg/L, above the Method A cleanup level of 500 µg/L.

Characterization of the Monte de Sion site was done as part of the 2012 interim remedial action remedial excavation work.

² <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=11948>

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

A total of 13 excavation confirmation samples were collected from the excavation sidewalls and base, and analyzed for gasoline, diesel, and heavy oil by NWTPH-Gx and NWTPH-Dx, and for benzene, toluene, ethylbenzene, and xylenes. Petroleum (gasoline, diesel, and heavy oil) was detected in six (6) of the confirmation samples; however, only one soil sample collected at the northwest corner of the excavation had an exceedance of a MTCA cleanup level.

Gasoline was detected in this sample at 185 mg/kg, above the Method A cleanup level of 100 mg/kg. This confirmation sample indicated that soil contamination remained beneath the church structure, and further excavation was not possible.

In 2021, Ecology was made aware that the church structure was no longer present at the Site, and soil sampling and groundwater sampling was conducted to determine if any soil or groundwater contamination remained above cleanup levels.

A total of nine (9) soil and groundwater samples were collected via direct push methods, and analyzed for the same constituents as the 2012 sampling. No petroleum was found above cleanup levels in any of the samples collected in 2021.

2. Establishment of cleanup standards.

Cleanup Levels

The following Cleanup Levels for unrestricted land use have been used for soil at the Site:

Contaminant	Maximum Concentration in Site Soils in 2021 (mg/kg)	MTCA Method A Cleanup Level (mg/kg)
Gasoline Range Organics	6.5 J	30
Diesel Range Organics	<13	2,000
Heavy Oils Range Organics	33	2000
Diesel + Heavy oil	<46	2000
Benzene	0.026	0.03

J – Estimated value. Cleanup level for Gasoline Range Organics based on benzene present.

The following Cleanup Levels for unrestricted land use have been used for groundwater at the Site:

Contaminant	Maximum Concentration in Site Groundwater in 2021 (µg/L)	MTCA Method A Cleanup Level (µg/L)
Gasoline Range Organics	<150	800
Diesel Range Organics	170	500
Heavy Oils Range Organics	<420	500
Benzene	<0.4	5

J – Estimated value. Cleanup level for Gasoline Range Organics based on benzene present.

Point of Compliance (POC): Standard, throughout the Site, extending from the surface to 15 feet below ground surface (ft bgs) for soil (direct contact pathway).

Terrestrial Ecological Evaluation (TEE): The site is located within a semi-urban setting in central Buena with open space limited to the vacant lot at the Site and residential and commercial yards. No gasoline or diesel was detected in soil samples in 2021 at concentrations above TEE-based soil concentrations. Therefore, the TEE process can be ended.

3. Cleanup.

Ecology has determined that your cleanup meets the standards set for the Site. Cleanup consisted of excavation and offsite disposal of contaminated soil in 2012. The cleanup was documented in the 2015 Remedial Action Report prepared for the Robys Services site. The cleanup constitutes Model Remedy No. 1 from Ecology's *"Model Remedies for Sites with Petroleum Impacts to Groundwater"*⁴ dated December 2017. No cleanup level exceedances were found in soil and groundwater samples collected at the Site in 2021 which would require further action.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our Confirmed and Suspected Contaminated Sites List.

⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/1609057.html>

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).

Closing

If you have any questions about this opinion, please contact me by phone at (509) 454-7835 or e-mail at Frank.Winslow@ecy.wa.gov.

Sincerely,



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

Enclosure: A – Site Diagram

Enclosure A

Site Diagram

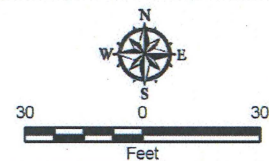


Legend

- | | |
|--|--|
| <ul style="list-style-type: none"> ✦ Boring Number and Approximate Location ○ 2012 Confirmation Soil Sample with COCs Less than MTCA Cleanup Levels ● 2012 Confirmation Sample Soil Sample with One or More COC Greater Than MTCA Cleanup Level ● Historical Groundwater Sample with One or More COC Greater Than MTCA Cleanup Level ● Power Pole | <ul style="list-style-type: none"> ▲ Approximate Location of Former Propane AST ■ Approximate Location of Former Heating Oil UST ■ Vault Approximate Location --- 2012 Monte de Sion Church Building Footprint ▭ Approximate Location of 2012 PCS Excavation Limits |
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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. cannot 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.
- Data Source: Google Earth Pro Image, Yakima County Roads.
Projection: NAD 1983 StatePlane Washington South FIPS 4602 Foot



Site Plan

Monte de Sion Church
Buena, Washington

GEOENGINEERS

Figure 3

