



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, WA 99205-1295 • 509-329-3400

October 29, 2020

Austin Stewart
Spokane County Water Resources
1026 West Broadway Avenue
Spokane, WA 99260

Re: Decommissioning of resource protection wells at the following Site:

Site Name: Spokane County Motorsport Park
Site Address: 11900 Block W Sprague Rd, Airway Heights
Cleanup Site ID: 1479
Facility/Site ID: 7114346
VCP Project ID: EA0197

Dear Austin Stewart:

The Washington State Department of Ecology (Ecology) received your request to decommission four resource protection wells at the Spokane County Motorsport Park 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.

Ecology concurs that the Site resource protection wells are no longer required for groundwater monitoring purposes, and may be decommissioned in accordance with [WAC 173-160-460](#)¹. The wells referenced in this opinion include MW-4, MW-5, MW-6, and MW-7. Please note the requirements for submitting a [Notice of Intent](#)², licensing for resource protection well operators in [WAC 173-162-040\(3\)](#)³, and submitting a well report within thirty days of decommissioning in [WAC 173-160-420\(10\)](#)⁴. Under [WAC 173-160-410](#)⁵, resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grounding wells, and instrumentation wells.

¹ <http://apps.leg.wa.gov/wac/default.aspx?cite=173-160-460>

² <https://apps.wr.ecology.wa.gov/wellconstruction/Wells/NoticeOfIntentGeneralInformation.aspx>

³ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-162-040>

⁴ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-160-420>

⁵ <http://apps.leg.wa.gov/wac/default.aspx?cite=173-160-410>

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 remedial actions conducted at the Site meet the substantive requirements of MTCA. 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.180.

Contact Information

Thank you for choosing to clean up the Site under the VCP. As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our webpage⁶. If you have any questions about this opinion, please contact me by phone at (509) 342-5564 or e-mail at ted.uecker@ecy.wa.gov.

Sincerely,



⁶ <https://www.ecy.wa.gov/vcp>

Austin Stewart
October 28, 2020
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Ted M. Uecker
ERO Toxics Cleanup Program

tmu: hg

cc: Debra Geiger, Spokane County