



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

June 5, 2023

Ashwani Sharma  
Sharma Group, LLC  
4421 Prichard Road  
Moses Lake, WA 98837

**Re: No Further Action at the following Site:**

**Site Name:** Country Store  
**Site Address:** 4421 Prichard Road, Moses Lake  
**Facility/Site ID.:** 72858424  
**Cleanup Site ID:** 1065  
**VCP Project ID.:** EA0338

Dear Ashwani Sharma:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Country Store facility (Site) under the Voluntary Cleanup Program (VCP)<sup>1</sup>. This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter [70A.305](#)<sup>2</sup> Revised Code of Washington (RCW).

### **Issue Presented and Opinion**

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Ecology has determined that **no further remedial action** is necessary to clean up contamination at the Site.

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in Chapter 70A.305 RCW and Chapter [173-340](#)<sup>3</sup> Washington Administrative Code (WAC) (collectively called "MTCA"). The analysis is provided below.

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<sup>1</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>3</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

## **Description of the Site**

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This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Petroleum hydrocarbons and volatile organic compounds (VOCs) into the soil.
- Petroleum hydrocarbons and VOCs into the groundwater.

**Enclosure A** includes a Site description, history, and diagram.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

## **Basis for the Opinion**

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Ecology bases this opinion on information in the documents listed in **Enclosure B**. You can request these documents by filing a records request.<sup>4</sup> For help making a request, contact the Public Records Officer at [recordsofficer@ecy.wa.gov](mailto:recordsofficer@ecy.wa.gov) or 360-407-6040. Before making a request, check if the documents are available on the Site webpage.<sup>5</sup>

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

## **Analysis of the Cleanup**

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Ecology has concluded that no further remedial action is necessary to clean up contamination at the Site. Ecology bases its conclusion on the following analysis:

### **Characterizing the Site.**

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

### **Setting cleanup standards.**

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

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<sup>4</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>5</sup> <https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=1065>

For soil, the cleanup levels were established using MTCA Method A and are based on protection of groundwater. The land use is classified as unrestricted. The cleanup levels are as follows:

Contaminant	Cleanup Level (mg/kg)
Benzene	0.3
Total petroleum hydrocarbons (TPH)	80
Toluene	7.0
Ethylbenzene	6.0
Total xylenes	9.0

mg/kg = milligrams per kilogram

The point of compliance for soil is throughout the lateral and vertical extent of the Site. This is the standard point of compliance.

For groundwater, the cleanup levels were established using MTCA Method A and are based on the protection of drinking water beneficial uses. The cleanup levels are as follows:

Contaminant	Cleanup Level (µg/L)
Benzene	5.0
Gasoline-range petroleum hydrocarbons (GRPH)	800
Toluene	1,000
Ethylbenzene	700
Total xylenes	1,000

µg/L=micrograms per liter

For groundwater, the point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site. This is the standard point of compliance.

### Selecting the cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

- Removal of all underground storage tanks (USTs) and petroleum-contaminated soil (PCS).
- Offsite bioremediation of excavated PCS with sufficient confirmation sampling to determine compliance with MTCA cleanup levels.

- Backfilling of excavation with remediated soil.
- Installation of groundwater monitoring wells and quarterly sampling until samples from all wells are below MTCA cleanup levels for all contaminants for a minimum of four consecutive quarters.

### **Implementing the cleanup action.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

- Seven USTs and approximately 700 cubic yards of PCS were excavated in 1990. The soil was transported offsite for bioremediation and returned to the site upon confirmation that all contaminants were below cleanup levels. Soil samples were also collected from the excavation pit prior to backfilling. One sample contained gasoline-range petroleum hydrocarbons that exceeded the MTCA Method A soil cleanup level. This sample is below the residual saturation screening levels defined in WAC 173-340-747(10)(b), and Ecology determined that groundwater monitoring would be sufficient evidence to empirically demonstrate that soil concentrations are protective of groundwater.
- Four groundwater monitoring wells were installed between 1992 and 1993 and monitored intermittently from 1994 to 2009. At this time, three of the four wells were below cleanup levels for four consecutive quarters. Monitoring resumed in 2018, and all four wells were demonstrated to be in compliance with Method A groundwater cleanup levels.

### **Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Confirmed and Suspected Contaminated Sites List.
- Leaking Underground Storage Tank List.

Ecology also provided public notice to remove the Site from the Hazardous Sites List (HSL) and held a public comment period from August 12 through September 11, 2019. Ecology received no public comments and the Site will be removed from the HSL following this opinion.

## **Limitations of the Opinion**

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### **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).

### **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.

### **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).

## **Termination of Agreement**

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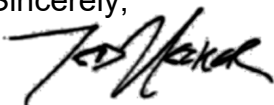
Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing VCP Project No. EA0338.

## **Questions**

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If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 342-5564 or e-mail at [ted.uecker@ecy.wa.gov](mailto:ted.uecker@ecy.wa.gov).

Sincerely,



Ted M. Uecker  
ERO Toxics Cleanup Program


Ashwani Sharma

June 5, 2023

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Enclosures (2): A – Site Description, History, and Diagram  
B – Basis for the Opinion: List of Documents

cc: Kyle Bair, SoilTest Farm Consultants  
Christer Loftenius, Ecology   
Fiscal, VCP Fiscal (w/o encl)  
TCP, Operating Budget Analyst (w/o encl)

## **Enclosure A**

### **Description and Diagrams of the Site**

## Site Description

The Site is located in the Southwest  $\frac{1}{4}$  of Section 29, Township 19 N, Range 28 E, south of Interstate-90 in Moses Lake (Grant County tax parcel 090188002). It has been in service as a gas station since the early 1980s. There are currently two buildings on the site, the Country Store and a small restaurant. The Site contained seven USTs in total: two 4,000-gallon diesel, a 6,000-gallon gasoline, an 8,000-gallon gasoline, and three 10,000-gallon gasoline tanks.

The Site geology consists of well-sorted sand to 11 feet below ground surface (bgs), followed by gravels and presumably basalt bedrock. Groundwater can be found 12 feet bgs at the Site, though the water table fluctuates seasonally with the controlled lake level. The groundwater flow gradient is generally south toward Potholes Reservoir.

## Site History

Independent cleanup began in 1990, when PCS was discovered during a Site assessment. Remedial activities during this time consisted of decommissioning and removing the seven USTs and excavating approximately 700 cubic yards of PCS. The PCS was treated offsite using bioremediation, and confirmation samples were analyzed to ensure that all contaminants of concern were below cleanup levels. The excavation pit was backfilled with the treated soil once the new USTs were installed. However, in 1992 soil within the tank cavity was analyzed and exceeded MTCA Method A cleanup levels for gasoline-range petroleum hydrocarbons.

Four groundwater monitoring wells were installed in 1992–1993 and sampled quarterly until 2009. At this time, three of the four wells were below cleanup levels for four consecutive quarters and were removed from the sampling regime. As of August 2011, only one well exceeded MTCA cleanup levels for gasoline, with all other contaminants either below cleanup levels or non-detect.

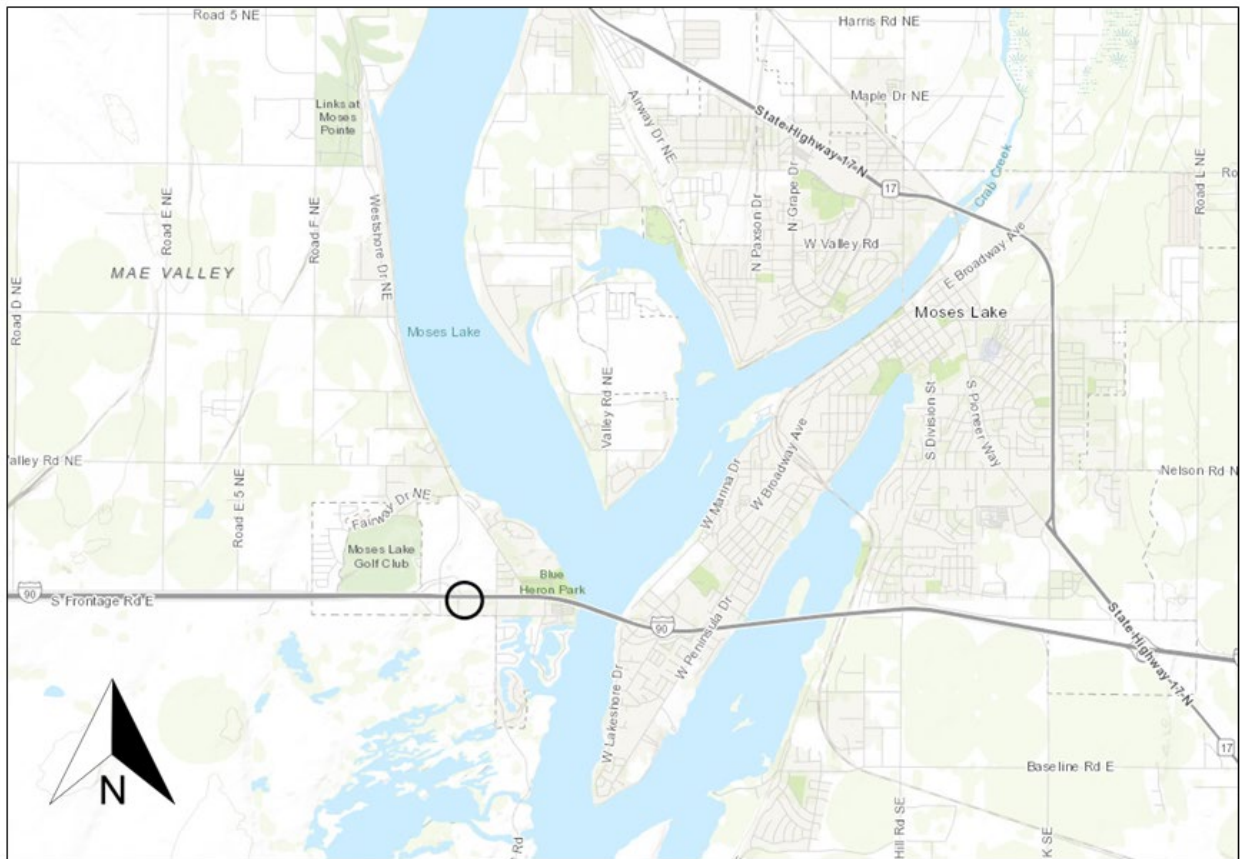
In May 2010, a Site Hazard Assessment was conducted, and the Site was ranked 4 on the Hazardous Sites List.

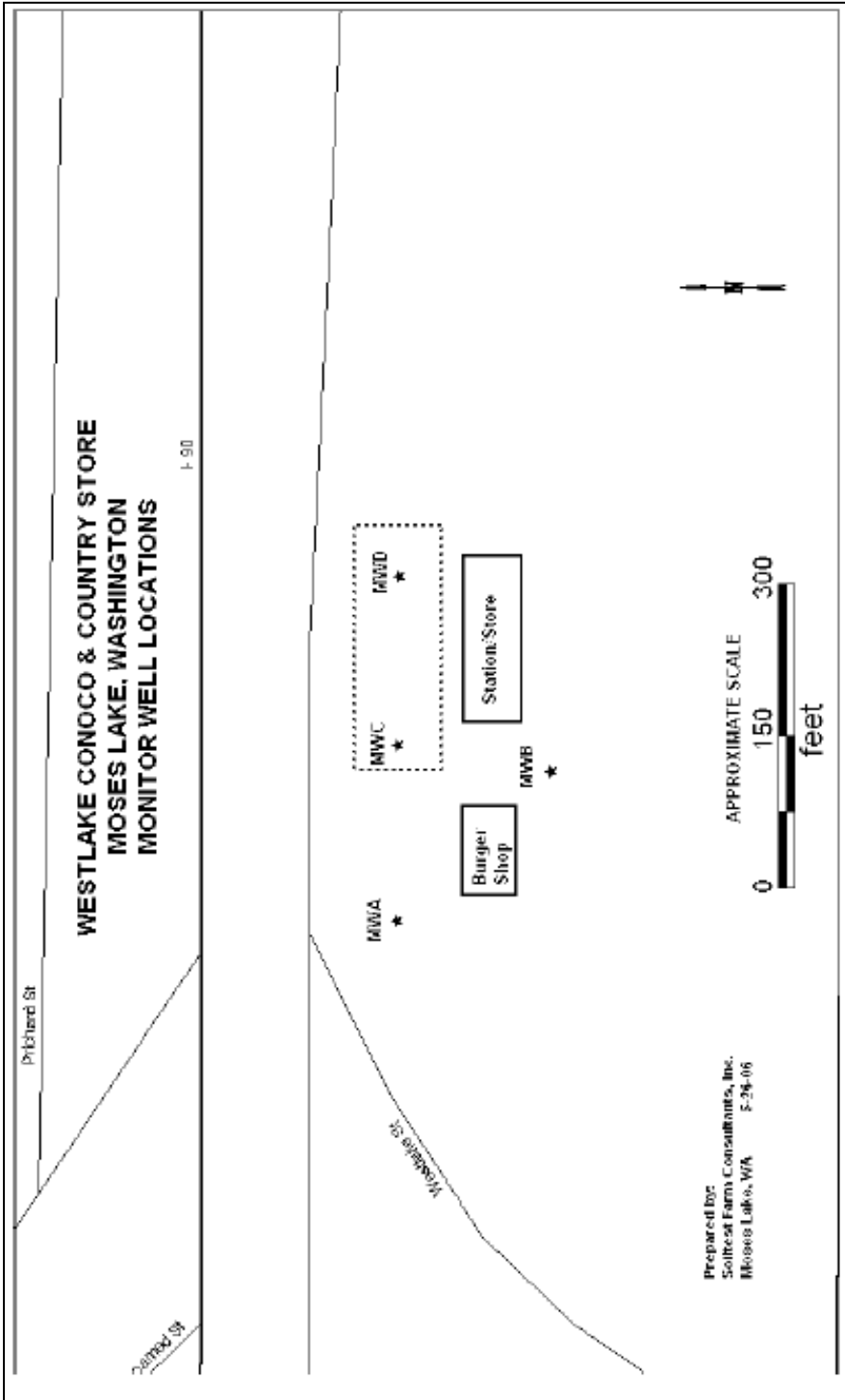
In 2017, the Site entered the VCP with the intent to resume groundwater monitoring, and compliance with MTCA cleanup levels was achieved in June 2019. Since the remaining soil contamination from 1992 is minimal in extent and severity, and sufficient time has elapsed to ensure that any natural attenuation or partitioning of petroleum from soil to groundwater has occurred, Ecology determined that soil is below residual saturation levels and protective of groundwater by empirical demonstration.

(Sources: White Shield, Inc., 1990; EP Johnson Construction, Inc., 1992; P-D Consultants, 1992–1995; DWR Consultants, 1997–2005; SoilTest Farm Consultants, 2006–2019)



# Site Diagrams





## **Enclosure B**

### **Basis for the Opinion: List of Site Documents**

SoilTest Farm Consultants, *Rains Food, Moses Lake, WA, Monitoring Well Report*, 2006–2019.

DWR Consultants, *Continued Monitoring Report*, 1997–2005.

P-D Consultants, *Continued Monitoring Report*, 1994–1995.

P-D Consultants, *Remedial Investigation/Feasibility Study*, August 26, 1993.

P-D Consultants, *Groundwater Contamination Plume Characterization Plan and Preliminary Remediation Alternative Analysis*, November 1992.

EP Johnson Construction, Inc., *Interim Letter Report- Petroleum Contamination Report*, April 27, 1992.

White Shield, Inc., *Draft Interim Status Report*, December 1990.