



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, Washington 98504-7600 • 360-407-6300

January 3, 2024

Andy Carpinito
Carpinito Farms, Inc.
1148 Central Avenue N
Kent, WA 98032
andyc@carpinito.com

Re: No Further Action opinion for the following contaminated Site

Site name: Carpinito Farms
Site address: 27441 68th Avenue S, Kent, King County, WA 98032
Facility/Site ID: 37576215
Cleanup Site ID: 12680
VCP Project No.: NW3363

Dear Andy Carpinito:

The Washington State Department of Ecology (Ecology) received your request on July 28, 2023, for an opinion regarding the sufficiency of your independent cleanup of the Carpinito Farms facility (Site) under the Voluntary Cleanup Program (VCP).¹ We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), chapter [70A.305](#) RCW.²

Opinion

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](#) WAC³ (collectively called “MTCA”).

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

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

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

Site Description

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(s):

- Diesel in soil and groundwater

Enclosure A includes a Site description, and diagrams.

Please note that releases from multiple sites can affect a parcel of real property. At this time, Ecology has no information that other sites affect the parcel(s) associated with this Site.

Basis for the Opinion

Ecology bases this opinion on information in the documents listed in **Enclosure B**.

You can request these documents by filing a [records request](#).⁴ For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on [Ecology's Cleanup Site Search web page](#).⁵

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. Ecology bases its conclusion on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards and selecting a cleanup action. Enclosure A describes the Site and Enclosure C describes earlier site characterization.

In March, June, August, and November of 2018, four groundwater monitoring wells were sampled, and the samples analyzed for diesel and oil.

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

⁵ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=12680>

Oil was not detected in any of the four samples. Diesel was not detected in monitoring wells MW-1, MW-2, and MW-3 but was detected in MW-4 in three of four samples, with all three concentrations exceeding the MTCA Method A cleanup level.

In July of 2020, MW-4 was abandoned during excavation of contaminated soil. A replacement monitoring well (MW-5) was installed in September of 2020 following completion of the excavation.

In November of 2020 and March, June, and September of 2021, all four monitoring wells (MW-1, MW-2, MW-3, and MW-5) were sampled, and the samples analyzed for diesel and oil. Diesel and oil were not detected in any of the fifteen groundwater samples. (No sample was collected from MW-1 in September.)

In December of 2022, the same four groundwater wells were sampled, and the samples analyzed for diesel and oil. Oil was not detected in any of the four samples. Diesel was detected in three of the four groundwater samples, with all concentrations below the MTCA Method A cleanup level.

Based on the results from 2020 through 2022, Ecology concludes that the Site groundwater is not contaminated by diesel above site cleanup levels.

Setting cleanup standards

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

Hazardous Substance	Method A Soil (mg/kg)	Method A Groundwater (µg/l)
Gasoline	1,000	100
Diesel	2,000	500
Oil	2,000	500

A standard horizontal point of compliance, throughout the Site, was used for soil contamination.

A standard vertical point of compliance, fifteen feet, for soils was established in the soils throughout the Site from the ground surface to fifteen feet below the ground surface for the direct contact pathway. Fifteen feet is protective for direct contact with the contaminated soil.

Selecting the cleanup action

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

Ecology's Model Remedy 1 for Petroleum-Contaminated Sites was selected as the cleanup action. Contaminated soil was excavated, mixed with manure and straw, and land-farmed on-site. When the concentrations of contaminants were below the site cleanup level, the soil was re-used on the property.

Implementing the cleanup action

Ecology has determined your cleanup meets the standards set for the Site.

In 2011, an underground storage tank (UST), used to store gasoline, was excavated, and taken off-site. Initial sampling of the soil revealed gasoline contamination. 245 tons of gasoline-contaminated soil were taken off-site to a permitted facility. Following the soil excavation, three confirmational soil samples were collected and analyzed for gasoline and benzene, ethylbenzene, toluene, and xylene (BTEX). All concentrations were non-detectable for all analytes. A groundwater grab sample was collected and analyzed for the same analytes. All concentrations were non-detectable for all analytes. (Report not available.)

In June of 2013, the ten thousand gallon above ground storage tank (AST) was removed and stored elsewhere on the property. The area where the tank had been located was excavated to a depth of five feet and nine confirmational soil samples were collected and analyzed for diesel. Diesel was detected in all nine samples with eight of nine concentrations exceeding the MTCA Method A cleanup level.

Additional soil was excavated. Ten additional samples were collected and analyzed for diesel, and BTEX. BTEX were not detected in any of the ten samples. Diesel was detected in five of ten samples, with two of five concentrations exceeding the MTCA Method A cleanup level.

Additional soil was excavated, five additional soil samples were collected, and analyzed for diesel. Diesel was detected in all five samples, with all five concentrations below the MTCA Method A cleanup level. The excavated soil was mixed with straw and manure and placed in a lined treatment cell. Although groundwater was found in the excavation, no groundwater samples were collected.

In June of 2017, seven test pits were excavated on-site. A concrete pad that had supported two ASTs containing diesel and heating oil was found and the soil beneath the pad was found to be contaminated. The contaminated soil was excavated (725 cubic yards) and treated on-site as earlier soil treatment. Fifteen confirmational samples were collected and analyzed for diesel. Diesel was detected in three of fifteen samples, with all three concentrations below the MTCA Method A cleanup level. Four samples were also analyzed for BTEX. BTEX were not detected in any of the four samples.

In August of 2018, additional Site investigation revealed another area of diesel contamination. Three hundred cubic yards of diesel-contaminated soil were excavated and treated on-site as earlier contaminated soil had been. Ten confirmational soil samples were collected and analyzed for diesel and oil. Oil was not detected in any of the soil samples. Diesel was detected in five of ten soil samples, with all five concentrations below the MTCA Method A cleanup level.

In July of 2020, eighty-nine cubic yards of contaminated soil were excavated from around monitoring well MW-4 and the contaminated soil was treated on-site as the earlier soil had been. A grab sample of the groundwater in the excavation was collected and analyzed for diesel. Diesel was not detected in the groundwater sample.

In September of 2020, two soil borings were installed next to the excavation. Six soil samples were collected and analyzed for diesel. Diesel was detected in one of six soil samples, with a concentration below the MTCA Method A cleanup level. One soil boring was converted to a monitoring well, replacing MW-4.

From the confirmational soil sampling results, Ecology concludes that the known soil contamination has been remediated.

Resource Protection Wells

You must decommission [resource protection wells](#)⁶ installed as part of the remedial action that are not needed for any other purpose at the Site. Wells must be decommissioned in accordance with WAC [173-160-460](#).⁷

⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-410>

⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-460>

Listing of the Site

Based on this opinion, Ecology will update the Site status on the Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

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 [70A.305.040](#)(4).⁸

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 if the action you performed is substantially equivalent. Courts make that determination. See RCW [70A.305.080](#)⁹ and WAC [173-340-545](#).¹⁰

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 [70A.305.170](#)(6).¹¹

⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. NW3363.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact at 360-407-7223 or christopher.maurer@ecy.wa.gov.

Sincerely,



Christopher Maurer, P.E.
Headquarters Section
Toxics Cleanup Program

Enclosures (3): A – Site Description and Diagrams
 B – Basis for the Opinion: Documents List
 C – Previous Site Characterization

cc by email: Daryla Collodi, Carpinito Farms Inc., darylac@carpinito.com
 Alexander H. Koch, Blue Sage Environmental Inc., akoch1967@yahoo.com
 Amy Hargrove, Ecology, amy.hargrove@ecy.wa.gov
 TCP, Operating Budget Analyst, tra.thai@ecy.wa.gov
 Fiscal, VCP Fiscal Analyst, ecyrevcp@ecy.wa.gov
 Ecology Site File

Enclosure A

Site Description and Diagrams

Site Description

PP ACT 39962048 MOBILE HOME E 1040.07 FT OF PORTION OF NE QTR STR 35-22-04 LYING NORTH OF S 277TH ST EXC PORTION LYING WITHIN SECONDARY ST HWY NO 5-M; & EXC PORTION THEREOF CONVEYED TO STATE OF WA BY DEED UNDER RECORDING NO 8703231078; & EXC PORTION THEREOF CONVEYED TO KING CO BY DEED UNDER RECORDING NO 20030303001018 (CLASSIFIED AS "OPEN SPACE" FARM & AGRICULTURE PURSUANT TO RCW 84.34.050)

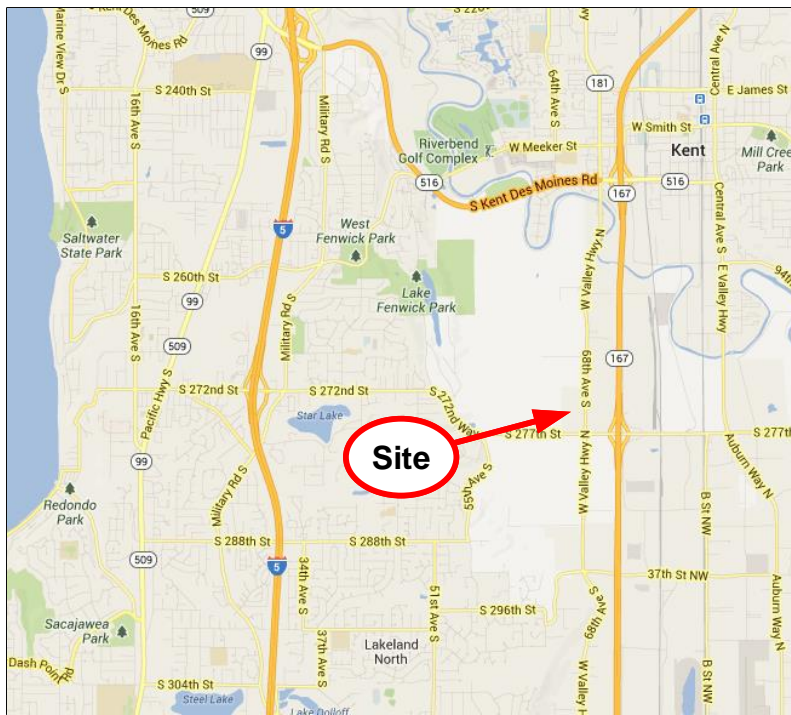
Plat Block:

Plat Lot:

Site Diagrams

All figures are taken from the December 2022 *Remedial Investigation, Interim Remedial Cleanup Action, and Groundwater Report* by Blue Sage Environmental

Figure 1	Site Location Maps
Figure 2	Parcel Overview
Figure 3	Above-ground Storage Tank (AST) Location
Figure 4	DLH Sample Locations, 2011 Underground Storage Tank (UST) Decommissioning
Figure 5	October 2012 Site Plan Overview
Figure 6	Site Diagram, Sample Locations
Figure 10	2013 Excavations, Soil Samples, & Monitoring Wells
Figure 11	2014 Excavations & Soil Samples
Figure 12	2018 Excavations & Soil Samples
Figure 13	2020 Excavations & Soil Samples
Figure 15	Cross Section A-A'



Mapping Reference: Google Maps

**BLUE SAGE
ENVIRONMENTAL INC
KENNEWICK, WA**

Project File: 01-0876-A-F1.vsd

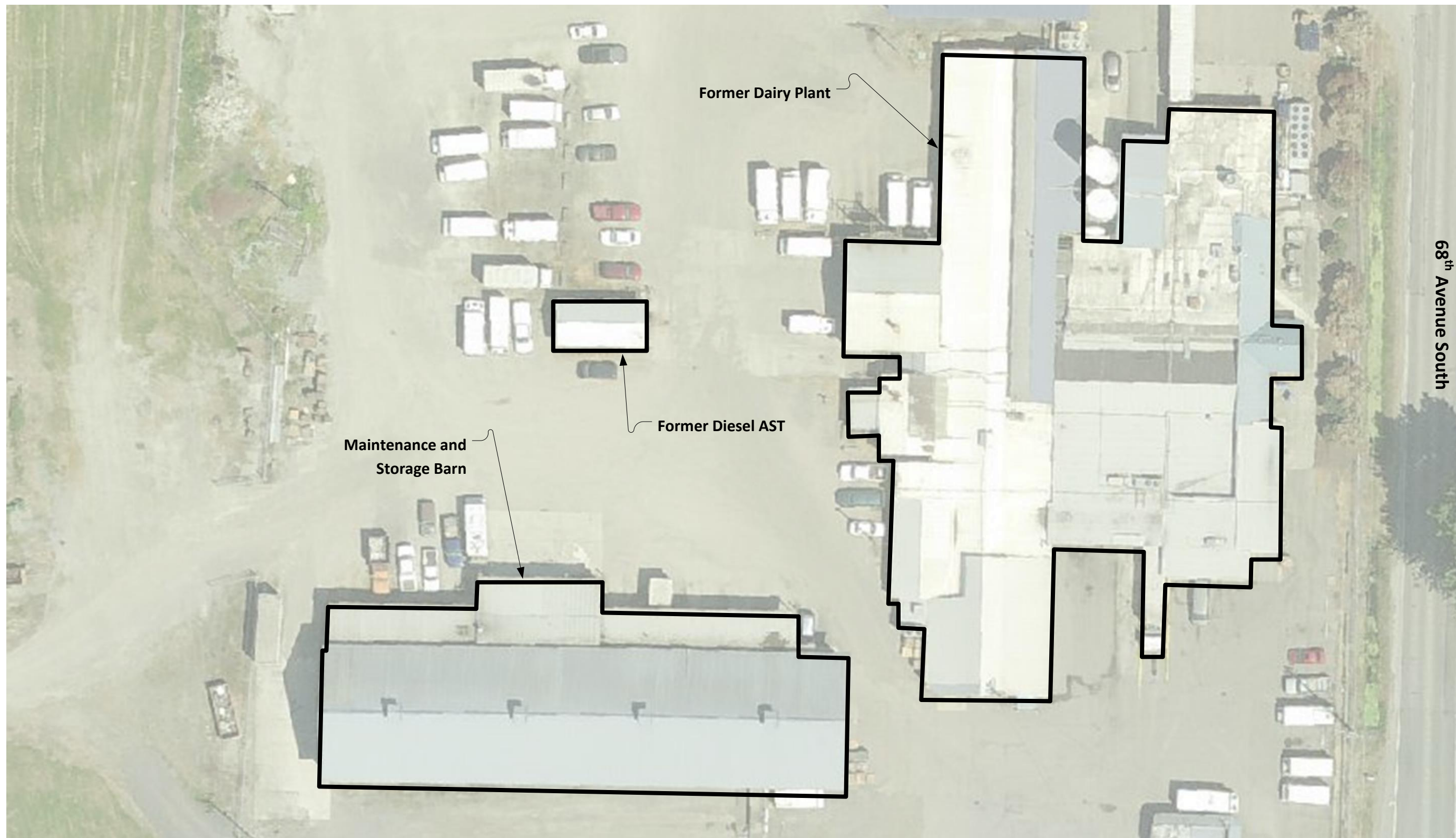
**Site Location Maps
Smith Brothers Farm
27441 68th Avenue South
Kent, Washington 98032**

**Figure
1**

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Mapping Reference: King County Assessor Imap, Environmental Associates, Inc. "Phase II Soil & Groundwater Exploration"

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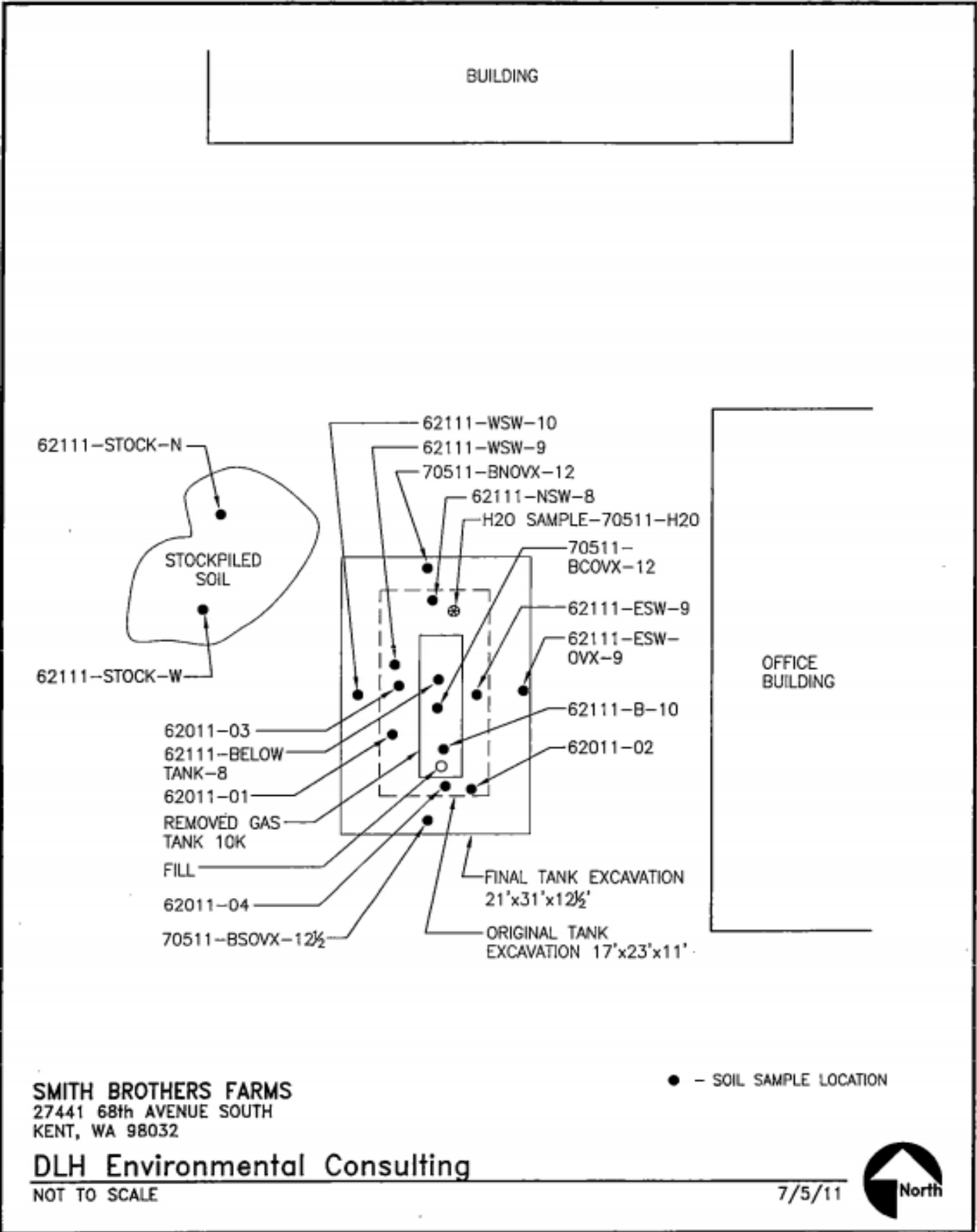
Approximate Drawing Scale: 1" = 40'
0 ft. 24 ft. 40 ft. 80 ft.

Figure is prepared in color, black and white copies may not be suitable for viewing.

**AST Location
Smith Brothers Farms
27441 68th Avenue South
Kent, WA 98032**

**Figure
3**

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SMITH BROTHERS FARMS
 27441 68th AVENUE SOUTH
 KENT, WA 98032

● - SOIL SAMPLE LOCATION

DLH Environmental Consulting

NOT TO SCALE

7/5/11



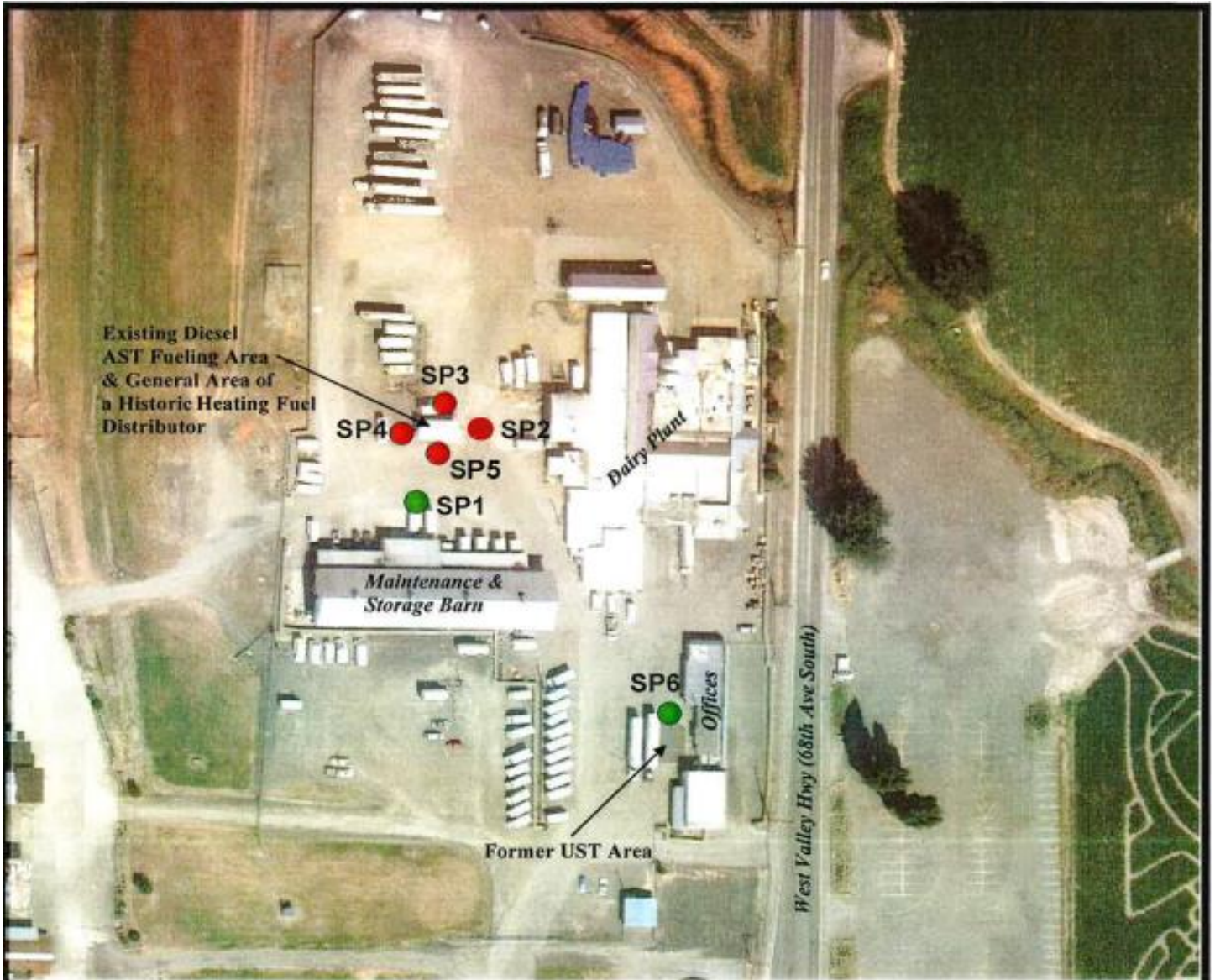
BLUE SAGE
 ENVIRONMENTAL, INC.
 KENNEWICK, WA

TITLE DLH Sample Locations
 2011 UST Decommissioning
 Smith Brothers Farms, Kent

SCALE: as shown
 DWN: ahk
 DATE: 9.20.22

Dwg No. **Figure 4**

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- Approximate location of soil borings made by EAI in October 2012
- Red denotes locations where soil and/or groundwater contained diesel at concentrations above the WDOE's target compliance levels for unrestricted land use.



ENVIRONMENTAL ASSOCIATES, INC.

1380 - 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004



SITE PLAN OVERVIEW

Smith Brothers Farm
27441 - 68th Avenue South
Kent, Washington

Job Number: JN 32115-1	Date: October 2012	Plate: 2
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BLUE SAGE ENVIRONMENTAL, INC. KENNEWICK, WA

TITLE: EAI Boring Locations
October 2012
Smith Brothers Farms, Kent

SCALE: as shown
DWN: ahk
DATE: 9.20.22

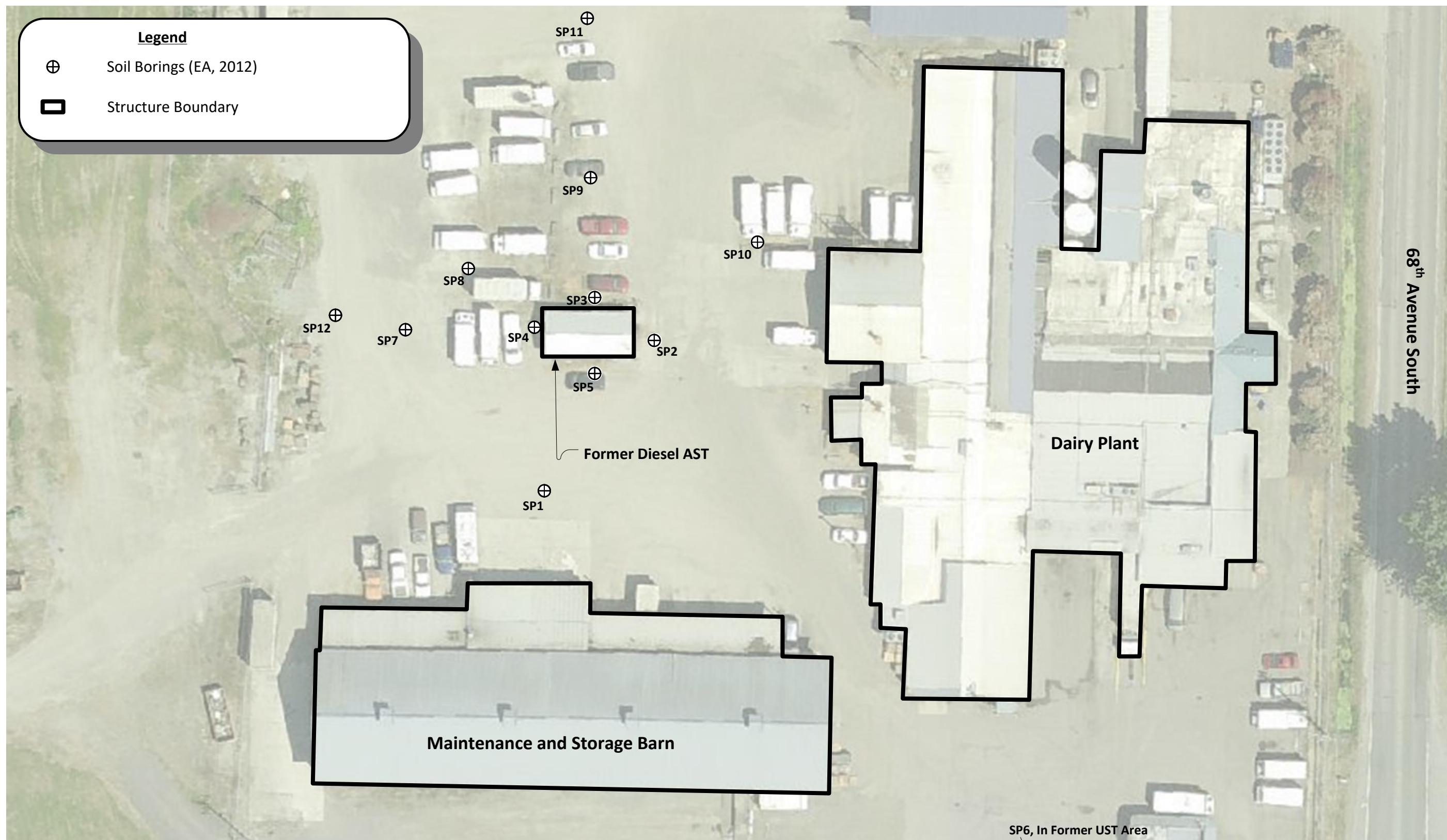
Dwg No. **Figure 5**

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Legend

- ⊕ Soil Borings (EA, 2012)
- ▭ Structure Boundary



Mapping Reference: King County Assessor IMap

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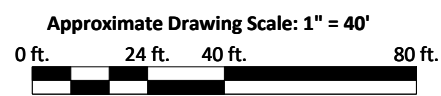


Figure is prepared in color, black and white copies may not be suitable for viewing.

Site Diagram, Sample Locations
Smith Brothers Farms
 27441 68th Avenue South
 Kent, WA 98032

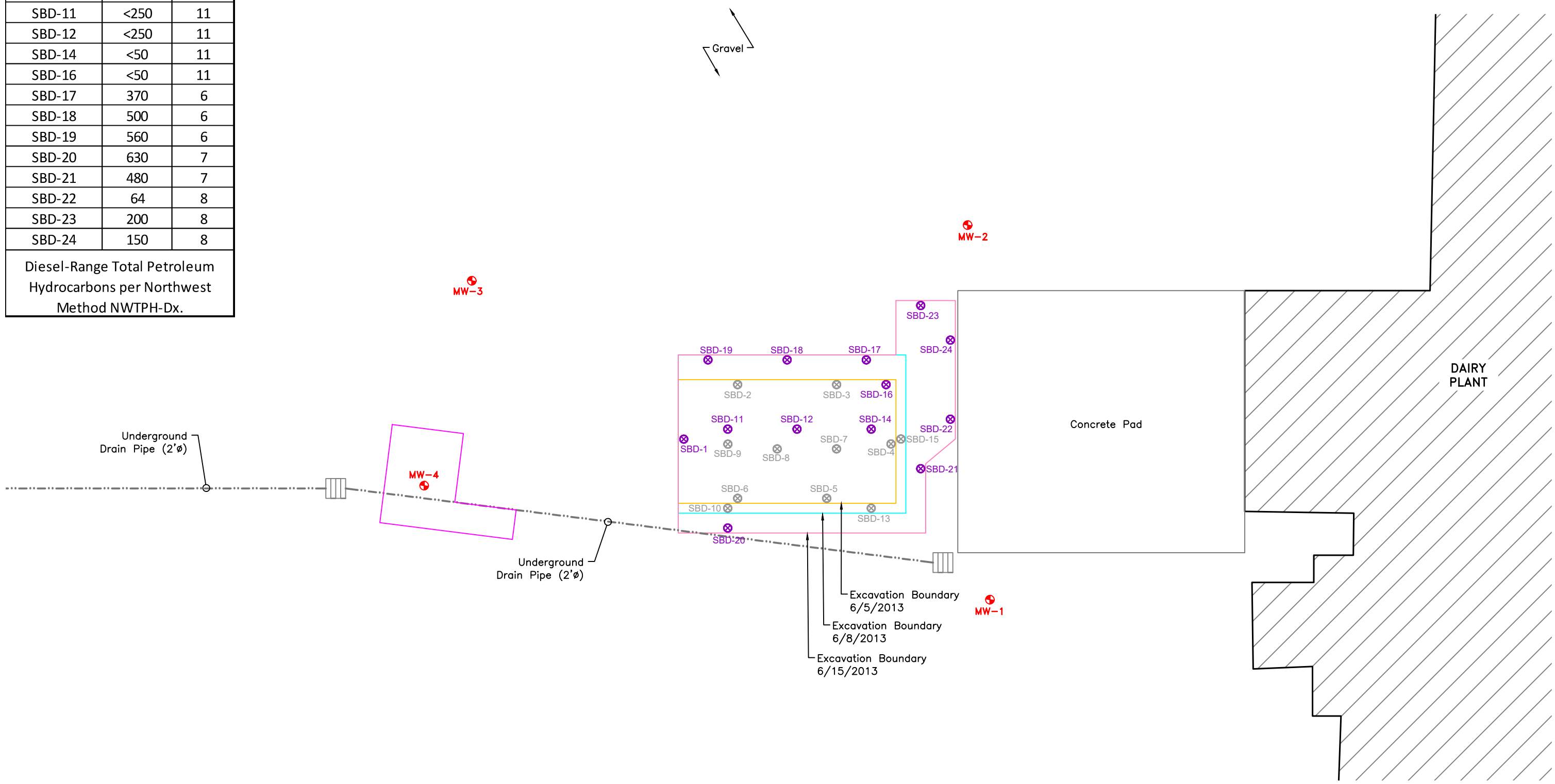
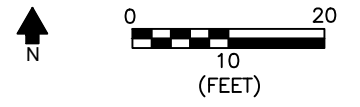
**Figure
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2013 Excavation Soil Sample Results

Sample #	mg/kg	depth
SBD-1	<250	5
SBD-11	<250	11
SBD-12	<250	11
SBD-14	<50	11
SBD-16	<50	11
SBD-17	370	6
SBD-18	500	6
SBD-19	560	6
SBD-20	630	7
SBD-21	480	7
SBD-22	64	8
SBD-23	200	8
SBD-24	150	8

Diesel-Range Total Petroleum Hydrocarbons per Northwest Method NWTPH-Dx.



LEGEND

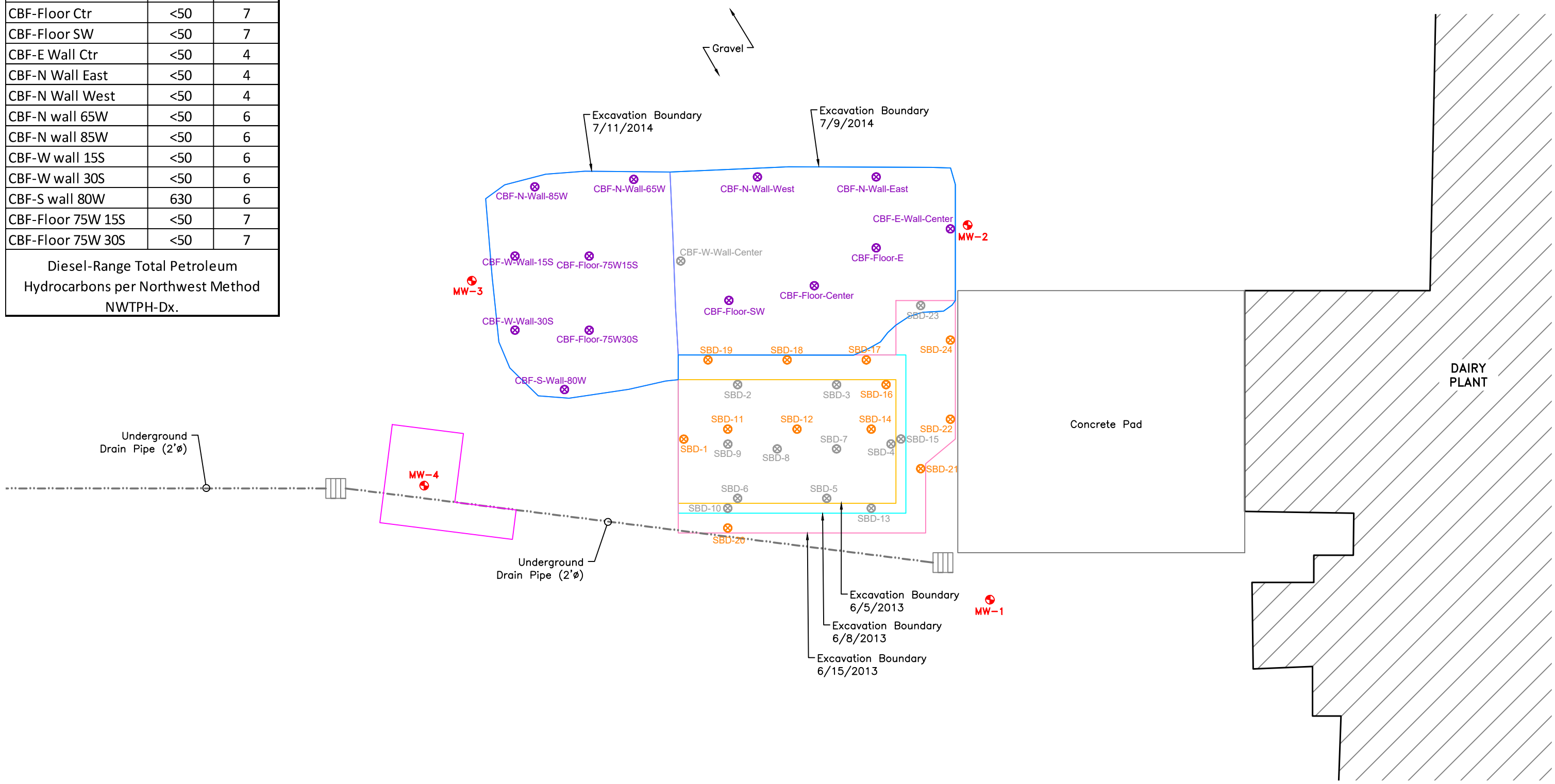
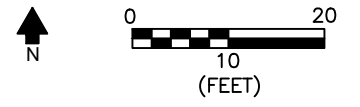
- ⊕ MW-1 Monitoring Well Location and Identification Number
- ⊗ SBD-6 Excavation Soil Sample Location and Identification Number
- ⊗ SBD-5 Soil Sample Location Removed by Excavation
- Building
- Catch Basin

<p>BLUE SAGE ENVIRONMENTAL INC KENNEWICK, WA</p>	<p>2013 EXCAVATIONS, SOIL SAMPLES, & MONITORING WELLS SMITH BROTHERS FARMS 27441 68th AVENUE SOUTH KENT, WASHINGTON</p>	<p>Date: 12/27/22</p>	<p>Figure 10</p>
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2014 Excavation Soil Sample Results		
Sample #	mg/kg	depth
CBF-Floor E	<50	7
CBF-Floor Ctr	<50	7
CBF-Floor SW	<50	7
CBF-E Wall Ctr	<50	4
CBF-N Wall East	<50	4
CBF-N Wall West	<50	4
CBF-N wall 65W	<50	6
CBF-N wall 85W	<50	6
CBF-W wall 15S	<50	6
CBF-W wall 30S	<50	6
CBF-S wall 80W	630	6
CBF-Floor 75W 15S	<50	7
CBF-Floor 75W 30S	<50	7

Diesel-Range Total Petroleum Hydrocarbons per Northwest Method NWTPH-Dx.



LEGEND

- MW-1 Monitoring Well Location and Identification Number
- ⊗ CBF-Floor-E 2014 Excavation Soil Sample Location and Identification Number
- ⊗ SBD-5 Soil Sample Location Removed by Excavation
- Building
- Catch Basin
- ⊗ SBD-6 Previous Excavation Soil Sample Location and Identification Number

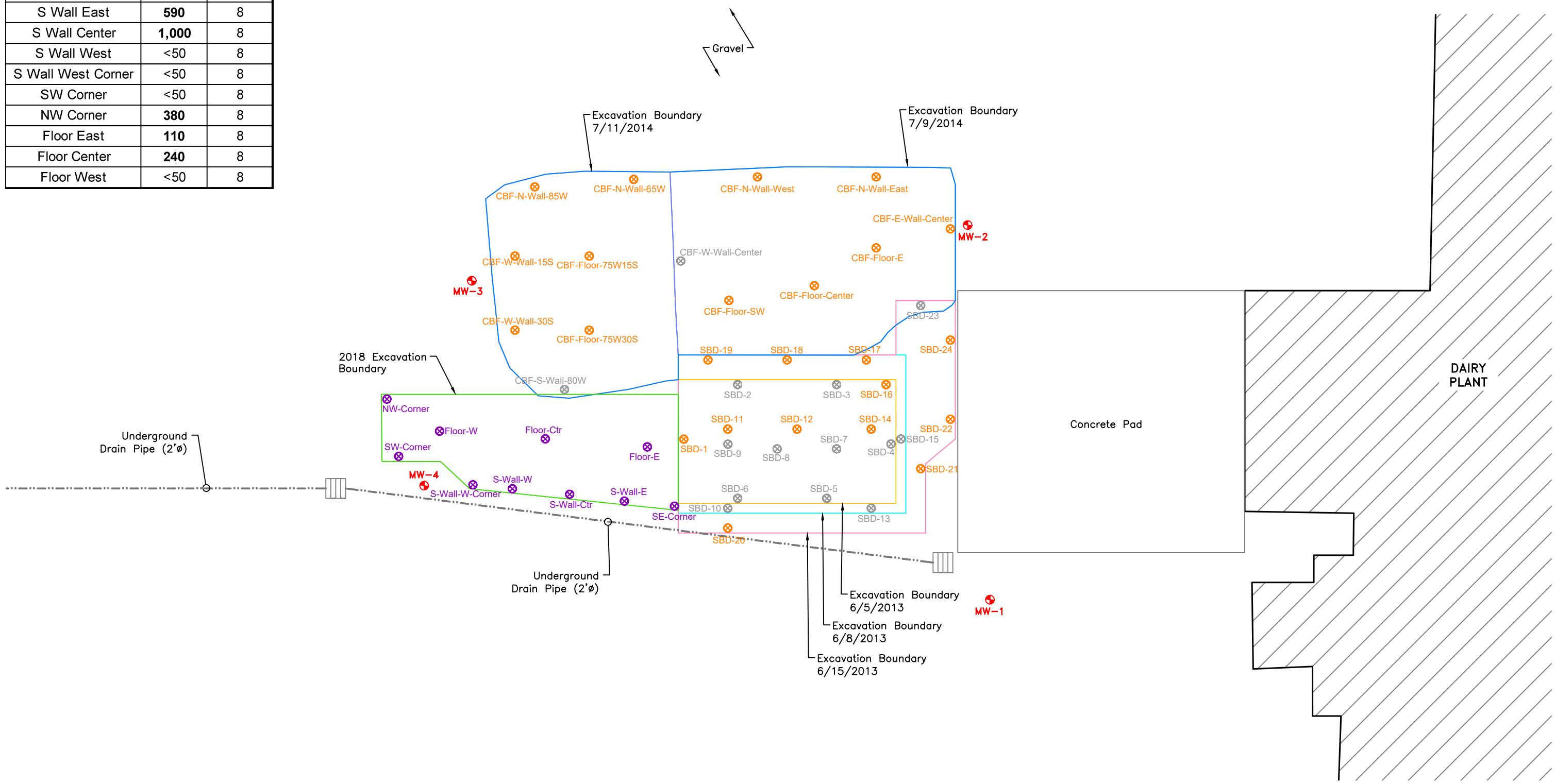
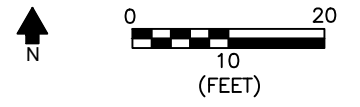
BLUE SAGE ENVIRONMENTAL INC
KENNEWICK, WA

2014 EXCAVATIONS & SOIL SAMPLES
SMITH BROTHERS FARMS
27441 68th AVENUE SOUTH
KENT, WASHINGTON

Date: 12/27/22 **Figure 11**

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2018 Excavation Soil Sample Results		
Sample #	mg/kg	depth
SE Corner	<50	8
S Wall East	590	8
S Wall Center	1,000	8
S Wall West	<50	8
S Wall West Corner	<50	8
SW Corner	<50	8
NW Corner	380	8
Floor East	110	8
Floor Center	240	8
Floor West	<50	8



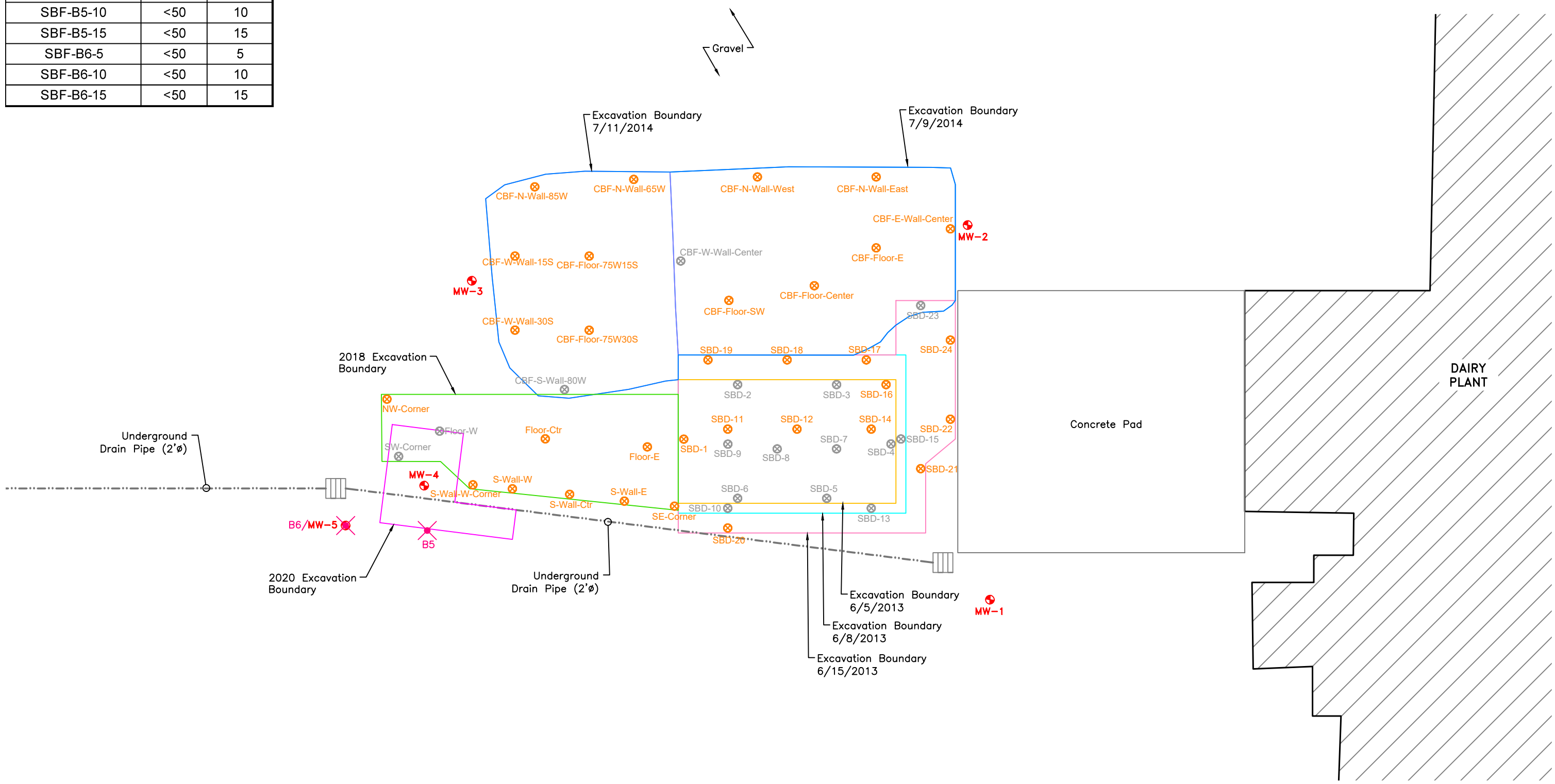
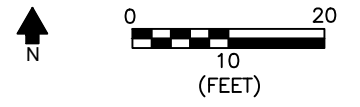
LEGEND

	Monitoring Well Location and Identification Number		Building
	Excavation Soil Sample Location and Identification Number		Catch Basin
	Previous Excavation Soil Sample Location and Identification Number		
	Soil Sample Location Removed by Excavation		

BLUE SAGE ENVIRONMENTAL INC KENNEWICK, WA	2018 EXCAVATIONS & SOIL SAMPLES SMITH BROTHERS FARMS 27441 68th AVENUE SOUTH KENT, WASHINGTON	Date: 12/27/22	Figure 12
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2020 Excavation Soil Sample Results		
Sample #	mg/kg	depth
SBF-B5-5	650	5
SBF-B5-10	<50	10
SBF-B5-15	<50	15
SBF-B6-5	<50	5
SBF-B6-10	<50	10
SBF-B6-15	<50	15



LEGEND

- MW-1 Monitoring Well Location and Identification Number
- Floor-E Excavation Soil Sample Location and Identification Number
- ⊗ CBF-W-Wall-Center Soil Sample Location Removed by Excavation
- Building
- Catch Basin
- SBD-6 Previous Excavation Soil Sample Location and Identification Number
- B5 7/8/2020 Soil Boring Location and Identification Number

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KENNEWICK, WA**

**2020 EXCAVATIONS & SOIL SAMPLES
SMITH BROTHERS FARMS
27441 68th AVENUE SOUTH
KENT, WASHINGTON**

Date: 12/27/22
**Figure
13**

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Enclosure B

Basis for the Opinion: Documents List

1. DLH Environmental Consulting, *Underground Storage Tank Decommissioning and Final Cleanup Report*, August 22, 2011
2. Environmental Associates, *Phase II Soil and Groundwater Exploration*, December 11, 2012
3. Blue Sage Environmental, *Site Soils Characterization and Cleanup Report*, August 27, 2013
4. Blue Sage Environmental, *Groundwater Monitoring – Smith Brothers Farm*, October 29, 2013
5. Blue Sage Environmental, *Groundwater Monitoring – Carpinito Farms LLC*, April 16, 2014
6. Blue Sage Environmental, *Groundwater Monitoring – Carpinito Farms LLC*, May 15, 2015
7. Blue Sage Environmental, *Groundwater Monitoring – Carpinito Farms LLC*, February 28, 2018
8. Blue Sage Environmental, *Remedial Investigation, Interim Remedial Action Cleanup, and Groundwater Monitoring*, December 28, 2022

Enclosure C

Previous Site Characterization

In October of 2012, six soil borings were installed on-site. A soil sample and a groundwater grab sample were collected from each boring and analyzed for gasoline, diesel, oil, and benzene, ethylbenzene, toluene, and xylene (BTEX). A second soil sample from four of six borings was analyzed only for diesel. A soil sample and a groundwater grab sample from the same well were analyzed for carcinogenic polycyclic aromatic hydrocarbons (cPAHs). cPAHs were not detected in either the soil or groundwater grab sample.

Gasoline and BTEX were not detected in any of the first six soil samples. Oil was detected in one of the six samples, with a concentration below the MTCA Method A cleanup level. Diesel was detected in four of the first six soil samples and all four of the second sample set, with two of eight concentrations exceeding the MTCA Method A cleanup level.

Regarding the six groundwater grab samples, oil, ethylbenzene, toluene, and xylene were not detected in any of the six samples. Gasoline was detected in three of six samples and benzene in one of six samples, with all four concentrations below their respective MTCA Method A cleanup levels. Diesel was detected in four of six samples, with three of four concentrations exceeding the MTCA Method A cleanup level.

In November of 2012, six additional soil borings were installed on-site. A soil sample and a groundwater grab sample were collected from each boring and analyzed for diesel and oil. Oil was not detected in any of the six soil samples and diesel was detected in one of six samples, with the concentration below the MTCA Method A cleanup level.

Regarding the grab groundwater samples, oil was not detected in any of the six samples and diesel was detected in two of six samples, with both concentrations exceeding the MTCA Method A cleanup level.

In August of 2013, four groundwater monitoring wells were installed on the property. Two or three soil samples were collected from each soil boring and analyzed for diesel, oil, and BTEX. Oil and BTEX were not detected in any of the soil samples. Diesel was detected in three of ten samples, with all three concentrations below the MTCA Method A cleanup level.

Groundwater samples were collected in August and October of 2013 and analyzed for the same analytes. Oil and BTEX were not detected in any of the eight groundwater samples. Diesel was detected in one of four wells in August and two of four wells in October, with all three concentrations exceeding the MTCA Method A cleanup level.

In March and October of 2014, all four groundwater wells were sampled, and the samples analyzed for diesel. Diesel was detected in two wells in March and one well in October, with all three concentrations exceeding the MTCA Method A cleanup level.

In May, July, and November of 2015, all four groundwater wells were sampled, and the samples analyzed for diesel. Diesel was detected in May in three of four samples, with all three concentrations below the MTCA Method A cleanup level. In July and November, diesel was not detected in three wells but was detected both times in one well (MW-4), with both concentrations exceeding the MTCA Method A cleanup level.

In March, June, September, and December of 2016 and March, June, August, and December of 2017, all four groundwater wells were sampled, with the samples being analyzed for diesel and oil. Oil was not detected in any of the thirty-two samples. Diesel was not detected in three of the wells in any sampling round but was detected in the fourth well (MW-4) in three of four rounds in 2016, with two of three concentrations exceeding the MTCA Method A cleanup level, and in June and December of 2017, with both concentrations exceeding the MTCA Method A cleanup level. Between June of 2016 and March of 2017, MW-4 samples were analyzed for nitrates. Nitrates were detected in three of four rounds, with all concentrations below the MTCA Method A cleanup level.