



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

January 12, 2024

Ross LaGrandeur
Arcadis
1420 5th Avenue, Suite 2400
Seattle WA, 98101

Re: No Further Action Opinion for the Following Site:

- **Site Name:** Liberty Tank Lines Spill
- **Site Address:** State Hwy 17 MP 127, Bridgeport
- **Facility/Site ID:** 82565711
- **Cleanup Site ID:** 2629
- **VCP Project No.:** CE0524

Dear Ross LaGrandeur:

The Washington State Department of Ecology (Ecology) received your request on August 8, 2021 for an opinion regarding the sufficiency of your independent cleanup of the Liberty Tank Lines facility (Site) under the Voluntary Cleanup Program (VCP).¹ 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 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):

- Gasoline in soil and groundwater.
- Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX) in soil and groundwater.

The site description, history and diagrams can be found in the Arcadis document titled '*Closure Request*' of August 10, 2021.

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 the information contained in the following documents:

- Arcadis; Closure Request; dated August 10, 2021⁴
- Farallon; October 2008 Groundwater Monitoring and Sampling Event; dated December 5, 2008⁵
- Farallon; Summary of Meeting; dated April 9, 2003⁶
- Olympus Environmental, Inc.; Emergency Response to Gasoline Spill-Excavation and Soil Treatment; dated November 11, 1998⁷
- State of Washington Department of Ecology; Voluntary Cleanup Program Review Letter; dated May 14, 2002⁸

You can request these documents by filing a records request.⁹ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check if the documents are available on the Liberty Tank Lines Spill webpage.¹⁰

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

⁴ <https://apps.ecology.wa.gov/cleanupsearch/document/104411>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/21273>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/21277>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/document/21276>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/21274>

⁹ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

¹⁰ <https://apps.ecology.wa.gov/cleanupsearch/site/2629>

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 that your Site characterization is sufficient for setting cleanup standards and for selecting a cleanup action.

Setting cleanup standards

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

Your selected cleanup standards meet the requirements of Model Remedy 5 from the Model Remedies for Sites with Petroleum Impacts to Groundwater.

Soil cleanup levels were selected to be protective of groundwater and direct contact with standard points of compliance. This means that soils throughout the Site from ground surface to 15 feet below ground surface are to meet the Site cleanup levels. The established cleanup levels meet MTCA requirements for current and future unrestricted land use, meaning the location can be zoned for any type of land (e.g., residential).

Groundwater cleanup levels were based on estimates of the highest beneficial use with standard points of compliance. This means that groundwater from the uppermost level of the saturated zone extending vertically to the lowermost depth that could be affected at the site.

Cleanup Standards for surface water and sediment were not established because there was no evidence of contamination reaching these media. The vapor pathway is considered incomplete as there are no structures within the vicinity of the Site.

The selected Site Cleanup Levels were:

Contaminant	Soil Cleanup Level (mg/kg)	Groundwater Cleanup Level (µg/L)	MTCA Cleanup Method
Gasoline	Not Applicable (see TPH)	800/1000 (depending on presence of Benzene)	Method A
Total Petroleum Hydrocarbons (TPH)	1500	Not Applicable (see Gasoline)	Method B
Benzene	0.03	5	Method A
Ethylbenzene	6	700	Method A
Toluene	7	1000	Method A
Xylenes	9	1000	Method A

Selecting the Cleanup Action

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

The primary cleanup action was soil excavation and removal. Soil excavation and removal is considered protective of human health and the environment. It is also considered a permanent solution, meaning it is an action in which cleanup standards are met without need for further action. Air sparging tests indicated that the remedial technology would not be feasible, so groundwater was monitored until samples indicated the media was clean.

Implementing the Cleanup Action

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

Soil was excavated until confirmational samples confirmed that cleanup standards were met or until excavation threatened the structural integrity of the roadway. Soil samples taken in 1998 didn't meet the established cleanup standards. Our only knowledge of the sample location and depth are that they were taken from the excavation. Samples taken in 2002 and 2011, from locations B-1 and B6, were also taken from the excavated area and are considered indicative of current soil conditions. Groundwater was monitored until samples met cleanup standards for four consecutive quarters.

You must decommission resource protection wells¹¹ 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 173-160-460.¹²

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).¹³

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.305.080¹⁴ and WAC 173-340-545.¹⁵

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).¹⁶

¹¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-410>

¹² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-460>

¹³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

¹⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

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Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. CE0524.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me at 509-406-6959 or Kyle.Parker@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Parker", with a long horizontal flourish extending to the right.

Kyle Parker
Toxics Cleanup Program
Central Regional Office

cc: Fiscal, VCP Fiscal Analyst
TCP, Operating Budget Analyst