



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 30, 2024

David Felman
Sunnyside Valley Irrigation District
PO Box 239
Sunnyside, WA 98944

Re: No Further Action Opinion for the following Contaminated Site:

- **Site Name:** Sunnyside Valley Irrigation District Granger Site
- **Site Address:** 391 Gurley Road, Granger
- **Facility/Site ID:** 62271358
- **Cleanup Site ID:** 6393

Dear David Felman:

We are providing an opinion on the work that was done at the above Site under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.¹

Site Description and History

The Sunnyside Valley Irrigation District site (Site) is located at 391 Gurley Road in Granger, Washington. Petroleum contamination was discovered in 1993 during the decommissioning and removal of one 550-gallon diesel underground storage tank (UST) and one 1000-gallon gasoline UST. Gasoline and diesel range petroleum hydrocarbons exceeded MTCA Method A cleanup levels (CULs) in soil. Approximately 15 cubic yards of contaminated soil was excavated and spread in a suitable area onsite to be land-farmed. Groundwater was not impacted, and no contaminated soil was left behind in the former tank basin following the excavation.

Opinion

Ecology has determined that no further remedial action is necessary to clean up petroleum hydrocarbon contamination at the Site. As a result, **Ecology is issuing a No Further Action (NFA) determination for the Site.** This conclusion is based on the following:

- Decommissioning and removal of the original, onsite USTs has removed the source of petroleum hydrocarbons and related constituents.

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

- Remedial excavation was used to remove all of the contaminated soil from the area of confirmed release.
- The 15 cubic yards of land-farmed soil has been naturally attenuating since the 1993 cleanup. Petroleum biodegradation is expected to have decreased concentrations of petroleum hydrocarbons and related constituents in the soil to below their respective MTCA Method A CULs.

Ecology bases this opinion on the information contained in the following documents:

- White Shield, Inc. 1993. "UST Closure and Assessment Report Sunnyside Valley Irrigation District 391 Gurley Road Granger, WA." March 1993.²
- Washington State Department of Ecology. 2013. "Model Toxics Control Act Regulation and Statute Chapter 173-340 WAC and 70.105D RCW." Publication 94-06. Revised January 2024.³
- Washington State Department of Ecology. 2023. "Model Remedies for Sites with Petroleum Contaminated Soils." September 2015. Publication No. 15-09-043.⁴

You can request these documents by filing a records request.⁵ 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 Ecology's Cleanup and Tank Search website.⁶

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

Based on this opinion, Ecology will update the Site status on the Contaminated Sites List to reflect the new NFA status.

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.

² <https://apps.ecology.wa.gov/cleanupsearch/document/10395>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/1509043.html>

⁵ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁶ <http://apps.ecology.wa.gov/cleanupsearch/site/6393>

David Felman
Sunnyside Valley Irrigation District
September 30, 2024
Page 3

- 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).⁷

Opinion does not constitute a determination of substantial equivalence.

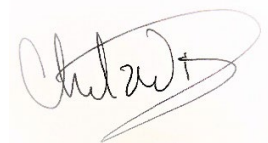
To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080⁸ and WAC 173-340-545.⁹

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).¹⁰

If you have any questions about this opinion, please contact me by phone at 509-571-4708 or email at chelsea.wisotzkey@ecy.wa.gov.

Sincerely,



Chelsea Wisotzkey
LUST Site Manager
Toxics Cleanup Program
Central Regional Office

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>