



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 30, 2024

Myles Morris
West Central Environmental Consultants
1030 South Avenue W
Missoula, MT 59801

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** North Central Petroleum Spill
- **Site Address:** SR 17 near Milepost 123, Bridgeport
- **Cleanup Site ID:** 2088
- **Facility/Site ID:** 25378742
- **VCP Project ID:** CE0431

Dear Myles Morris:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the North Central Petroleum Spill Site (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.¹

Issue Presented and Opinion

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

NO. Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC² (collectively "substantive requirements of MTCA"). The analysis is provided as follows.

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

² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

Description of the Site

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

- Gas, Benzene, Toluene, Ethylbenzene, and Xylenes into the Soil.
- Gas, Benzene, and MTBE into the Groundwater.

Document 1, listed below includes a detailed description and diagram of the Site, as currently known to Ecology.

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

This opinion is based on the information contained in the following documents:

1. West Central Environmental Consulting, North Central Petroleum Spill – June 2024 Groundwater Monitoring Report, August 2, 2024.³
2. West Central Environmental Consulting, Petrofix Injection Work Plan, April 12, 2024.⁴
3. West Central Environmental Consulting, September 2023 Groundwater Monitoring Report, December 19, 2023.⁵
4. West Central Environmental Consulting, North Central Petroleum Spill – Site Hazard Assessment, August 9, 2006.⁶

A number of these documents are accessible in electronic form from the Site webpage.⁷ The complete records are stored in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Visit our Public Records Request page.⁸ to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or 360-407-6040.

³ <http://ecyaptcp/cleanupsearch/document/144535>

⁴ <http://ecyaptcp/cleanupsearch/document/144492>

⁵ <http://ecyaptcp/cleanupsearch/document/134362>

⁶ <http://ecyaptcp/cleanupsearch/document/9636>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/2088>

⁸ <https://ecology.wa.gov/publicrecords>

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, upon completion of your proposed cleanup, **no further remedial action will likely** be necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action.

2. Establishment of cleanup standards.

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

The MTCA Method A soil and groundwater cleanup levels for unrestricted land uses shall be used throughout the site for gas, benzene, toluene, ethylbenzene, xylene, and MTBE.

The Simplified Terrestrial Ecological Evaluation Form was completed by WCEC and submitted to Ecology on April 12, 2024. Further evaluation was not necessary, the area of contamination is not more than 350 square feet and there are no potential exposure pathways from soil contamination to ecological receptors.

3. **Selection of cleanup action.**

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

If the post-injection monitoring reports indicate the levels of contamination are decreasing following the injection, the NCP Spill Site is likely to receive a No Further Action through an environmental covenant with WSDOT addressing the soil contamination that is still present at the site. The soil contamination is located below ground surface in the steep-sloped ROW and under SR17.

The proposed remedial action is found to be compliant with the threshold requirements set forth in WAC 173-340-360(2)⁹ by:

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 70A.305.040(4).¹⁰

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 action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70A.305.080¹¹ and WAC 173-340-545.¹²

3. Opinion is limited to proposed cleanup.

This letter is an opinion of the planned cleanup actions and not a final opinion of the cleanup. To obtain a final opinion of the cleanup, a final report must be submitted to Ecology upon completion of your cleanup a request for a final opinion under the Voluntary Cleanup Program (VCP).

4. 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.305.170.¹³

⁹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-360>

¹⁰ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.040>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹² <https://apps.leg.wa.gov/Wac/default.aspx?cite=173-340-545>

¹³ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.170>

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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 webpage.¹⁴ If you have any questions about this opinion, please contact me by phone at 509-406-6959 or e-mail at tavi.wise@ecy.wa.gov.

Sincerely,



Tavi Wise
Toxics Cleanup Program
Central Regional Office

cc: Allen Miller, Property Owner

¹⁴ <https://www.ecy.wa.gov/vcp>