



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 26, 2024

Tory Wulf
J&J Enterprises
PO Box 368
Brewster, WA 98812

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

- **Site Name:** Bobs Triangle Texaco
- **Site Address:** 26048 Hwy 97, Brewster
- **Facility/Site ID:** 51159227
- **Cleanup Site ID:** 6185

Dear Tory Wulf:

The Washington State Department of Ecology (Ecology) is 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

Bobs Triangle Texaco (Site) is located at 26048 Highway 97 in Brewster. The Site has been listed since 1992 following the decommissioning and removal of five underground storage tanks (USTs), four gasoline tanks, and one waste oil tank. Although all of the tanks were reported to be in good shape and had no indications of release, testing of the soil around the waste oil tank was deemed by Ecology to be incomplete. Soil was tested for benzene, toluene, ethylbenzene, xylene, lead, and gasoline range petroleum hydrocarbons (GRPH). The site was listed on Ecology's "Confirmed and Suspected Contaminated Sites List" due to inadequate soil testing.

2024 Investigation

In November 2024, soil samples were taken in the former tank basin. A concrete pad was encountered where the former waste oil tank had been located. Two soil samples were collected from the soil just above the concrete pad and tested for diesel-range petroleum hydrocarbons (DRPH) and oil-range petroleum hydrocarbons (ORPH).

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

A third soil sample was collected from the native soil below the southern edge of the concrete pad and tested for DPRH, ORPH, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), naphthalene, polychlorinated biphenyls (PCBs), cadmium, chromium, nickel, and zinc. Contaminants were either not detected or were detected at concentrations less than their respective MTCA cleanup levels (See Table I). Contamination is not suspected to be in groundwater.

Table 1: Method A Cleanup Levels for Soil

| Contaminant | Method A CUL (mg/kg) |
|-------------------------|----------------------|
| Diesel + Heavy Oil | 2000 |
| Naphthalenes | 5 |
| PCB Mixtures | 1 |
| Cadmium | 2 |
| Chromium III | 2000 |
| Nickel | - |
| Zinc | - |
| Gasoline Range Organics | 100 |
| Benzene | 0.03 |
| Toluene | 7 |
| Ethylbenzene | 6 |
| Xylenes | 9 |

Terrestrial Ecological Evaluation (TEE): It was not confirmed that a release of a hazardous substance occurred at this site. Therefore, as per WAC 173-340-7490(2)² A Terrestrial Ecological Evaluation is not required at this site.

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-7490>

Opinion

Ecology has determined that no further remedial action is necessary to assess for 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:

- No indications of contamination were observed during the 1992 decommissioning and removal of the original, on-site USTs. Confirmational soil sampling indicated that contamination did not exist in concentrations above MTCA cleanup levels for all analytes that were tested for.
- No indications of contamination were observed during the 2024 investigation and confirmational soil sampling indicates that contamination does not exist in concentrations above MTCA cleanup levels.

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

- Landau Associates, 2024. "Environmental Investigation Summary and No Further Action Determination Request Bob's Triangle Texaco Brewster Washington." December 19, 2024.³
- Blue Ridge. 1992. "Decommissioning and Site Assessment. Bob's Triangle Texaco." Blue Ridge Associates, Inc. June 22, 1992.⁴
- Washington State Department of Ecology. 1995. "Model Toxics Control Act Regulation and Statute Chapter 173-340 WAC and 70.105D RCW." Publication 94-06. Revised January 2024.⁵

You can request these documents by filing a records request.⁶ 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.⁷

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.

³ <https://apps.ecology.wa.gov/cleanupsearch/document/150018>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/document/10039>

⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

⁶ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁷ <http://apps.ecology.wa.gov/cleanupsearch/site/6185>

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).⁸

2.) Opinion does not constitute a determination of substantial equivalence

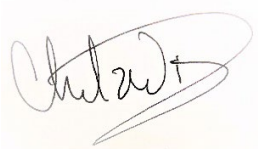
To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080⁹ and WAC 173-340-545.¹⁰

3.) 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

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

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>