



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

December 30, 2024

Travis Trent  
Fulcrum Environmental Consulting  
207 W Boone Ave  
Spokane, WA 99201  
ttrent@efulcrum.net

**Re: Technical Assistance for the Following Contaminated Site:**

**Site Name:** Lone Dollar General  
**Site Address:** 4392 WA-31, Lone  
**Facility/Site No.:** 100001836  
**Cleanup Site No.:** 17087  
**VCP Project No.:** EA0385

Dear Travis Trent:

The Washington State Department of Ecology (Ecology) received your request for technical consultation pursuant to WAC 173-340-515(5) on your proposed cleanup of the Lone Dollar General facility (Site) under the Voluntary Cleanup Program (VCP)<sup>1</sup>. This letter provides our technical assistance and guidance. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter [70A.305](#)<sup>2</sup> RCW.

**Issues Presented and Opinion**

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Ecology has determined that additional characterization is necessary to establish cleanup standards and select and cleanup action for 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 WAC (collectively “substantive requirements of MTCA”). The analysis is provided below.

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

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

## Description of the Site

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

- Heavy metals into the soil.

**Enclosure A** includes the description, history, 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 Property is affected by other sites.

## Basis for the Opinion

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

1. Fulcrum Environmental Consulting, Dollar General Soil Incident Investigation, November 21, 2024.
2. Fulcrum Environmental Consulting, Lone Dollar General Store Soil Remediation Plan, October 11, 2024.
3. GN Northern, Inc., Geotechnical Site Investigation Report- Proposed Dollar General Store, September 14, 2023.

You can request these documents by filing a [records request](#).<sup>3</sup> For help making a request, contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or call (360) 407-6040. Before making a request, check whether the documents are available on the [Site webpage](#).<sup>4</sup>

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

## Analysis and Technical Assistance

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Ecology has concluded that further remedial action is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

### Characterizing the Site.

Ecology has determined that your characterization is not sufficient to establish cleanup standards and select a cleanup action for the Site. The Site is described above and in **Enclosure A**.

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<sup>3</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>4</sup> <https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=17087>

During redevelopment activities at the Site in September 2023, suspected mine tailings were observed in five test pits. In June 2024, five soil samples were collected from the Site and analyzed for total lead and zinc. Two of the five samples exceeded the MTCA Method A soil cleanup level for lead. In July 2024, potentially contaminated soils were delineated in-situ using a portable x-ray fluorescence (XRF) device. Approximately 1,000 cubic yards of suspected soils were excavated and stockpiled onsite. The suspected soils were confined to the upper 2-3 feet of the property. Two discrete in-situ soil samples were collected from the excavation area and analyzed for leachable lead and arsenic using the Toxicity Characteristic Leaching Procedure (TCLP). Both samples exceeded Washington State dangerous waste (DW) toxicity criteria for lead.

On July 17, 2024, Ecology received a report through our Environmental Reports Tracking System (ERTS) that approximately 40-50 cubic yards, or 10 truckloads of waste material with reported heavy metal contamination were removed from the Site and disposed at two separate locations in Pend Oreille County in July 2024.

In October 2024, additional discrete soil samples were collected from the stockpile and analyzed for total lead, and two composite samples were collected and analyzed using TCLP. Four out of five discrete stockpile samples exceeded the Method A cleanup level, while neither of the composite samples exceeded the DW criteria.

#### **Establishing cleanup standards.**

Ecology has determined the cleanup levels and points of compliance you proposed for the Site do not meet the substantive requirements of MTCA. Ecology has proposed the cleanup levels below that will likely be appropriate for the Site once the full nature and extent of contamination have been defined.

For soil, the cleanup levels were established using MTCA Methods A and B and are based on direct contact, protection of groundwater for drinking water use, and preventing unacceptable blood lead levels. If multiple metals are detected in samples exceeding the cleanup levels listed below, site-specific Method B cleanup levels should be developed to account for additive risk. The land use is classified as unrestricted. The point of compliance for soils is throughout the lateral and vertical extent of the Site. This is the standard point of compliance. The cleanup levels are as follows.

<b>Contaminant</b>	<b>Cleanup Level (mg/kg)</b>
Arsenic	20
Barium	16,000*
Cadmium	2
Chromium (+6/+3)	19/2000
Lead	250
Mercury	2

Contaminant	Cleanup Level (mg/kg)
Selenium	400*
Silver	400*

mg/kg = milligrams per kilogram

“\*” indicates a Method B cleanup level

### Technical assistance.

Ecology recommends the following actions are implemented to meet the substantive requirements of MTCA.

- The extent of contaminated soil and excavation boundaries have not been delineated in any reports submitted to Ecology. Please provide plan view and cross-section diagrams illustrating the lithology and pre- and post-excavation extent of contaminated soil using discrete soil sampling data. Please also include any confirmation soil sampling data available.
- Soil samples collected to date were analyzed for arsenic, lead, and zinc. Future sampling for site characterization, confirmational monitoring, or waste designation should include analyses for all Resource Conservation and Recovery Act (RCRA) metals including barium, cadmium, chromium, mercury, selenium, and silver. This includes analyses of both total metals and TCLP.
- The mine tailing material is considered DW based on the initial TCLP analyses conducted on in-situ soils in July 2024. Subsequent samples for DW characterization in October 2024 were collected from the upper three inches of the stockpiled soil and composited prior to analysis. Results from TCLP analyses of these samples may not be representative of the stockpile and therefore not sufficient to characterize the stockpile for disposal. Ecology recommends collecting core samples from the entire vertical profile of the stockpiled soil and analyzing each core sample individually. A minimum of one core should be collected from each quadrant of the stockpiled soil. Please see Ecology’s [Chemical Test Methods for Designating Dangerous Waste](https://apps.ecology.wa.gov/publications/documents/97407.pdf)<sup>5</sup> and the United States Environmental Protection Agency’s [RCRA Waste Sampling Draft Technical Guidance](https://www.epa.gov/sites/default/files/2015-10/documents/rwsdtg_0.pdf)<sup>6</sup> for more information.
- Prior to conducting further waste characterization sampling, please submit a sampling and analysis plan for review by Ecology’s Hazardous Waste and Toxics Reduction (HWTR) Program.
- If the material designates as DW, it is subject to the land disposal restrictions described in WAC [173-303-140](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-140).<sup>7</sup> These restrictions preclude the use of onsite consolidation and capping as proposed in the Soil Remediation Plan. A feasibility

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<sup>5</sup> <https://apps.ecology.wa.gov/publications/documents/97407.pdf>

<sup>6</sup> [https://www.epa.gov/sites/default/files/2015-10/documents/rwsdtg\\_0.pdf](https://www.epa.gov/sites/default/files/2015-10/documents/rwsdtg_0.pdf)

<sup>7</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-140>

study and disproportionate cost analysis will be required to evaluate cleanup action alternatives at the Site as described in WAC [173-340-351](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-351).<sup>8</sup> The final cleanup action shall meet both the substantive requirements of MTCA and the procedures for designating, storing, transporting, and disposing of DW in Ecology's Dangerous Waste Regulations, WAC 173-303.

- Regional well logs indicate a static groundwater level of approximately 15-18 feet bgs. It is unknown if this represents the water table or potentiometric surface. Further investigation is needed to characterize groundwater and determine if Site contaminants are potentially impacting groundwater quality.
- It was reported to Ecology that 10 truckloads of waste material were removed from the Site and disposed at two locations in Pend Oreille County in July 2024. Ecology has not received analytical data confirming that the material did not exceed MTCA Method A cleanup levels prior to removal from the Site. Based on the initial DW designation, this material is not permitted for offsite disposal except at a facility permitted to accept Subtitle C waste. Ecology may conduct or require further investigation into this incident to determine if enforcement is warranted for illegal disposal of DW.
- In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for Independent Remedial Actions shall be submitted in both a written and electronic format. For additional information regarding electronic format requirements, see the Environmental Information Management database (EIM) [website](#).<sup>9</sup>

According to the policy, any reports containing sampling data that are submitted for Ecology review are considered incomplete until the electronic data has been accepted. Please ensure that data generated during on-Site activities is submitted pursuant to this policy. Data must be entered into EIM at the time any report is submitted requesting an opinion on the sufficiency of the action under the VCP. Be sure to submit all data collected to date, as well as any future data, in this format. To avoid any delays in future requests for Ecology to review your Site, it is recommended that you submit your data as soon as possible.

## Limitations of the Opinion

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### 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**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.

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<sup>8</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-351>

<sup>9</sup> <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>

- 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).

### **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.305.080 and WAC 173-340-545.

### **Opinion is limited to proposed cleanup**

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

### **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.

### **Contact Information**

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Thank you for choosing to clean up your Property under the Voluntary Cleanup Program (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 web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at 509-342-5564 or by e-mail at [ted.uecker@ecy.wa.gov](mailto:ted.uecker@ecy.wa.gov).

Sincerely,




Ted M. Uecker  
Toxics Cleanup Program, Eastern Regional Office

tmu:hg

Enclosures (1): A – Description, History, and Diagram of the Site

Travis Trent  
December 30, 2024  
Page 7

cc: James Farrelly, Capital Growth Buchalter  
Nicholas Acklam, Ecology   
Forrest Thorniley, Ecology

# Enclosure A

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Site Description, History, and Diagrams



## Site Description

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The Site is located at 4392 Highway 31 in Lone, WA north of the intersection of Highway 31 and Bockman Rd. The Site is approximately 1.5 acres and consists of Pend Oreille County parcel 433831430009. It was previously occupied by the I-Own Auto Parts store. During redevelopment activities beginning in September 2023, suspected mine tailings were identified from approximately 2-3 feet below ground surface (bgs) in a test pit on the west end of the Site. These tailings may be associated with lead and zinc ore occurring at the Pend Oreille Mine facility in Metaline Falls to the north.

Regional geology in the Pend Oreille River Valley includes glaciolacustrine deposits over dolomite bedrock. Test pit observations at the Site indicate approximately 0.5-1 feet of topsoil, with lean clay occurring from approximately 1-6 feet bgs and silty sands and gravels occurring from 6-17 feet bgs. Undocumented fill was encountered in five of the test pits from 1-6 feet bgs. Groundwater was not encountered from 10-17 feet bgs during the geotechnical investigation, but regional well logs indicate a static water level of approximately 15 feet bgs which may include the potentiometric elevation.

## Site History

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GN Northern identified the suspected mine tailings during a geotechnical investigation in September 2023. Five soil samples were collected from the western half of the Site in June 2024. The samples were analyzed for total lead and zinc, with two of the five samples exceeding the MTCA Method A unrestricted soil cleanup level for lead at 1,460 and 2,010 mg/kg.

In July 2024, the extent of impacted soil was delineated using a portable x-ray fluorescence (XRF) device to screen materials with elevated metals concentrations. The XRF identified lead concentrations exceeding MTCA Method A in 13 of 15 readings ranging from 121 to 4,645 mg/kg, and approximately 1,000 cubic yards of impacted material were excavated and stockpiled onsite. GN Northern collected two samples for waste characterization using Toxicity Characteristic Leaching Procedure (TCLP) analysis for leachable lead and arsenic. Both samples exceeded WA State Dangerous Waste criteria at 9.64 and 6.65 mg/L lead.

In October 2024, Fulcrum Environmental Consulting conducted supplemental soil sampling to characterize the stockpiled material. Fulcrum collected 10 discrete stockpile samples for total lead analysis, 2 composite stockpile samples for TCLP analysis, 8 discrete samples from remaining in-situ soils, and 2 discrete samples from the “clean” stockpile. Only half of the discrete samples were analyzed, for a total of 10 analytical results for total lead. Four out of five discrete stockpile samples exceeded the MTCA Method A cleanup level with a maximum concentration of 700 mg/kg. None of the in-situ or clean stockpile samples exceeded the cleanup level. The two four-part composite samples were analyzed for TCLP lead and did not exceed the DW criteria.

Sources: GN Northern, 2023; Fulcrum, 2024

## Site Diagrams

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FIGURE 1: VICINITY MAP

PROJECT NO. 223-1674



## LEGEND

- June 24, 2024 Soil Samples
- July 7, 2024 XRF Samples
- July 7, 2024 TCLP Samples

Soil Sample/ XRF Parameters (mg/Kg)

\* Concentration Above Cleanup Threshold

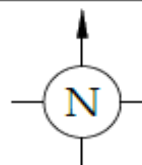


Figure 2: GN Northern Preliminary Site Characterization Sampling Results Map

Lone Dollar General Store  
4392 Highway 31  
Lone, Washington 99139



FULCRUM ENVIRONMENTAL CONSULTING, INC.  
207 W. BOONE AVENUE  
SPOKANE, WASHINGTON 99201  
(509) 459-9220 [www.efulcrum.net](http://www.efulcrum.net)

MAP BY: Abby Whitmore

DATE: October 7, 2024

PROJECT NUMBER: 244267.00

REVIEWED BY: Travis Trent