



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 7, 2025

Gary Panther
Spokane Environmental Solutions, LLC
2020 E. Springfield Avenue
Spokane, WA 99202

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

- **Site Name:** Jadwin Multifamily Development
- **Site Address:** 1866 Jadwin Avenue, Richland
- **Facility/Site ID:** 99998003
- **Cleanup Site ID:** 17129

Dear Gary Panther:

The Washington State Department of Ecology¹ received your request for an opinion regarding the sufficiency of your independent cleanup of the Jadwin Multifamily Development facility (Site). 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. Please move forward to decommission the monitoring wells on the property.

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").

This conclusion is based on the following:

- No indications of contamination were observed in the soil in the Limited Phase II Environmental Assessment or the Supplemental Site Assessment.

¹ <https://ecology.wa.gov/>

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

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

Soil samples collected at the site indicate that contamination does not exist in concentrations above MTCA cleanup levels.

- No indications of contamination were observed in the groundwater in the Limited Phase II Environmental Assessment or the Supplemental Site Assessment. Groundwater samples collected at the site indicate that contamination does not exist in concentrations above MTCA cleanup levels.
- Previous vapor intrusion sampling detected elevated benzene concentrations. However, follow-up groundwater sampling did not identify a pathway or source for the elevated soil gas values.

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).

- Benzene in soil gas.

The Site consists of approximately 3.95 acres of undeveloped land with one storage building constructed in 1976. The site will be developed into four multi-family apartment complexes and one accessory building. The site is bound by commercial, residential properties, and a middle school. Phase I and Phase II Environmental Site Assessments were completed to identify the Recognized Environmental Conditions and determine if there has been a release of hazardous substances.

The nature and distribution of contamination in the soil, groundwater, and soil gas were established to evaluate whether these media had been adversely affected by petroleum-related products. The samples were analyzed for contaminants typically associated with petroleum hydrocarbons and related volatile organic compounds (VOCs). However, groundwater samples were not initially analyzed for xylenes, and at the request of the Department of Ecology, an additional groundwater sampling event was conducted, during which the samples were analyzed for petroleum hydrocarbons, including xylenes.

Please note that releases from multiple sites can affect a parcel of real property. Currently, 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:

- Jadwin Multifamily Development – Supplemental Site Assessment and Temporary Monitoring Well Installation and Sampling, Spokane Environmental Solutions, March 26, 2025
- Jadwin Multifamily Development – Limited Phase II ESA, Dominion Due Diligence Group, January 2, 2025

You can request these documents by filing a records request.⁴ 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 Jadwin Multifamily Development cleanup site website.⁵

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

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from the Contaminated Sites List. The Site will be added to the No Further Action sites list.

Limitations of the opinion

Opinion doesn't 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 doesn't resolve or alter a person's liability to the state or 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).⁶

Opinion doesn't constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action.

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/site/17129>

⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080⁷ and WAC 173-340-545.⁸

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).⁹

Questions

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

Sincerely,



Tavi Wise
Toxics Cleanup Program
Central Region Office

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

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>