



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Eastern Region Office

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

August 8, 2022

Jon Morill, CPA
First Fruits Farms
1111 Fishhook Park Road
Prescott, WA 99348

Re: No Further Action at the following Site:

- **Site Name:** Broetje Orchards (aka First Fruits Farms LLC)
- **Site Address:** 1111 Fishhook Park Rd, Prescott, Whitman Co., 99348
- **County Assessor's Parcel Number(s):** 331030220003
- **Facility Site ID number:** 74462697
- **Cleanup Site ID number:** 10371

Dear Jon Morill:

On July 28, 2021, Terracon Consultants, LLC (Terracon) completed limited soil removal and confirmation sampling at your property located at 1111 Fishhook Park Road in Prescott, Washington. The Washington Department of Ecology's (Ecology) Toxics Cleanup Program has reviewed the following information regarding the above-described facility/property:

Cleanup Action Report, First Fruits Farms, Fishhook Park Road & Granny Smith Loop, Prescott, Walla Walla County, Washington, January 19, 2022.

As a result of these recent investigation activities, Ecology has determined that **no further remedial action** is necessary to clean up residual contamination, associated with the historical release of petroleum hydrocarbons reported at the Site. Further information regarding this determination, including a Site history and summary of the recent investigation activities performed at the Site, is presented below.

Background and Results of Recent Remedial Actions

On September 30, 1995, the Department of Ecology (Ecology) was notified of a suspected petroleum release of during the removal decommissioning of two-underground storage tank (UST) system located at the Site. As a result, the Site was added to Ecology's Confirmed or Suspected Contaminated Sites List (CSCL) as an active Leaking Underground Storage Tank (LUST) Site and has been awaiting further characterization and potential cleanup before a determination of No Further Action (NFA) could be granted.

In December 2018, Farallon Consulting conducted a limited site investigation that included the advancement of multiple soil borings to a maximum depth of eight feet below ground surface (ft bgs) where bedrock was encountered. One soil sample collected at eight ft bgs, FB-12-8.0-120518, and located northeast of the former tank cavity near a concrete pad believed to be associated with former fueling activities, contained elevated benzene levels above the MTCA Method A cleanup level.

In March 2021, Terracon coordinated and directed the advancement of six soil borings at the Site to a maximum depth of nine ft bgs where bedrock was encountered. Twelve soil samples were collected in the vicinity of the former UST cavity to evaluate for the presence of residual hydrocarbons beneath this area of the Site. Laboratory analyses of all but one sample, B13-8 collected at depth, did not detect concentrations of petroleum hydrocarbons or associated constituents above their associated MTCA Method A cleanup levels (CULs). Sample B13-8 contained elevated concentrations above MTCA Method A CULs of gasoline-range hydrocarbons, benzene, toluene, ethylbenzene, total xylenes, and naphthalene.

In July 2021, Terracon conducted additional soil characterization at the Site by excavating petroleum contaminated soil (PCS) in the areas of the former UST cavity (i.e., B13-8) and the former fueling-associated concrete pad (i.e., FB-12). Samples B13-S (sidewall) and B13-BOT1 (bottom) had concentrations of gasoline-range hydrocarbons above MTCA Method A CULs and B13-S had total xylene concentrations above MTCA Method A CULs. The remaining sample results were either below CULs or not detected above laboratory detection limits. Samples collected the excavation of FB-12 were not detected above laboratory detection limits.

Discussion between Ecology and Terracon agreed that MTCA Method B CULs would be appropriate for this site and Terracon proceeded to calculate site-specific CULs. This resulted in detected concentrations at sample location B13 below MTCA Method B CULs.

A nearby water well located approximately 300 feet south of the excavation areas was sampled and sample results screened for contamination. One water sample was

collected and analyzed for gasoline-, diesel-, and heavy oil-range TPH, benzene, toluene, ethylbenzene, total xylenes, methyl t-butyl ether (MTBE), 1,2-dichloroethane (EDC), and 1,2-dibromoethane (EDB) with no concentrations detected above laboratory detection limits.

Based on the initial soil sample results collected at B13 and its proximity to an occupied office/shop building approximately 10 feet south of the excavation, vapor intrusion was a concern. In October 2021, two soil vapor samples were collected within the northeast corner building in areas actively utilized by staff. Soil-gas sample results indicated total petroleum hydrocarbons (TPH) detected at concentrations below for MTCA Method B sub-slab soil-gas CULs.

A more detailed summary of these activities is provided in the Cleanup Action Report, First Fruits Farms, Fishhook Park Road & Granny Smith Loop, Prescott, Walla Walla County, Washington report that can be found at the following link:
<https://apps.ecology.wa.gov/cleanupsearch/site/10371>.

Determination

Ecology has evaluated the results of the further characterization activities completed in October 2021 and has concluded that **no further remedial action** is necessary to clean up residual petroleum hydrocarbon contamination at the Site. That conclusion is based on the following analysis:

- Decommissioning and removal of the on-Site USTs. PCS was removed and the source of petroleum hydrocarbons and related constituents beneath the Site;
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the soil samples collected at the Site in July 2021 above their respective MTCA Method B CULs;
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the groundwater collected at the Site in July 2021 above laboratory detection limits; and
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the sub-slab soil-gas samples collected at the Site in October 2021 above their respective MTCA Method B CULs.

Remedial action at this site was completed using Soil Model Remedy number 4 as identified in Ecology's "Model Remedies for Sites with Petroleum Contaminated Soils"¹. Based upon the above-listed information, Ecology has determined that the historic release and removal of gasoline-, diesel-, and heavy oil-range TPH, benzene, toluene, ethylbenzene, and total xylenes in soil has achieved Method B CULs beneath the Site

¹ Publication No. 15-09-043, December 2017

and does not pose a substantial threat to human health or the environment. Additionally, an environmental covenant will not be necessary to ensure the continued protection of human health and the environment associated with the historical release of petroleum hydrocarbons reported from the Site UST system.

Therefore, Ecology has determined that no further remedial action (NFA) is necessary to clean up residual contamination, associated with the historical release of petroleum hydrocarbons reported at the Site. Ecology will update our site database to reflect this no further action determination.

Limitations

This determination is made under the Model Toxics Control Act (MTCA)² and only applies to Cleanup Site Number 10371 and is made only for releases identified in the independent remedial action report listed above and applies only to the areas of the property affected by those releases. The NFA does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by First Fruits Farms. Should additional information indicate that further action under MTCA is necessary, Ecology may re-evaluate the site.

1. **This determination 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 enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. **This determination 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 performed is substantially equivalent. Courts make that determination³.

² RCW 70A.305 RCW.

³ RCW 70A.305.080 and WAC 173-340-545.

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 opinion⁴.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (509) 329-3492 or email at evelyn.cummings@ecy.wa.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evelyn Cummings', with a stylized, looping flourish at the end.

Evelyn Cummings
LUST Site Manager
ERO Toxics Cleanup Program

By certified mail: 7019 0140 0000 6498 1684

cc: Eric Dubcak, Senior Project Manager, Terracon Consultants, Inc.
William Fees, P.E., Environmental Engineer, Ecology TCP-ERO ^{WJF}

⁴ RCW 70A.305.030(1)(i).