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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

August 5, 2025

Kris Newberry
Ferndale School District
6041 Vista Dr / PO Box 698
Ferndale, WA 98248
(kristin.newberry@ferndalesd.org)

Re: No further action necessary under state cleanup law for the following contaminated site based on Initial Investigation:

Site name: Ferndale HS Transformer Conduits
Property address: 5830 Golden Eagle Dr, Ferndale WA 98248
Facility/Site ID: 96535162
Cleanup Site ID: 17283
ERTS ID: 722432
County Parcel ID: 3902200752000000

Dear Kris Newberry:

The Washington State Department of Ecology (Ecology) received your report about a release of hazardous substances on April 27, 2023. We also received your report documenting your independent cleanup of the Site on May 2, 2023. We have investigated the release and reviewed your independent cleanup, as required under RCW [70A.305.030\(2\)\(d\)](#)¹ and WAC [173-340-310](#).²

Based on the investigation, Ecology has determined that a release posing a threat to human health or the environment occurred, but no further remedial action is necessary to clean up contamination at the Site due to a completed independent remedial action.

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.030>

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

Ecology bases this determination on an analysis of whether the remedial action meets the substantive requirements of the Model Toxics Control Act, chapter [70A.305](#) RCW,³ and the cleanup regulations adopted under that act, chapters [173-340](#)⁴ and [173-204](#)⁵ WAC (collectively called the “state cleanup law”).

Based on this determination, Ecology has added the Site to the [No Further Action Sites List](#)⁶ and assigned it Cleanup Site ID 17283. You can find information and electronic records for the Site on the [Ferndale HS Transformer Conduits](#)⁷ webpage.

This determination applies only to the release reported on April 27, 2023, that has a completed independent remedial action.

Ecology bases this determination on the information contained in the following document:

- Remedial Excavation Report. EHS-International, Inc. April 24, 2023.

You can request site file documents by submitting a [records request](#).⁸ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040.

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

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 determination 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).⁹

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 determination does not provide an opinion on whether the action you performed is

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/nfa>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/17283>

⁸ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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substantially equivalent. Courts make that determination. See RCW [70A.305.080](#)¹⁰ and WAC [173-340-545](#).¹¹

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 determination. See RCW [70A.305.170](#)(6).¹²

If you have any questions about this determination, please contact the regional Initial Investigation Coordinator, Donna Kirkman, at (425) 301-6080 or donna.kirkman@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Treat', is positioned above the printed name.

Nick Treat
Voluntary Cleanup Program Unit Supervisor
Toxics Cleanup Program, NWRO

cc: Viry Ferreira, Ferndale School District (viry.ferreira@ferndalesd.org)
Ken Kuiken, ESD112 Construction Services Group (ken.kuiken@esd112.org)

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>