



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

March 13, 2013

Mr. James M. Whitman  
Consolidated Grange Supply CO-OP  
2946 East Ralston-Benge Road  
Benge, WA 99105

**Re: Further Action at the following Site:**

- **Site Name:** Washtucna Fertilizer Plant
- **Site Address:** Hwy 261 and North Street Junction, Washtucna
- **Facility/Site No.:** 567
- **VCP Project No.:** EA0215

Dear Mr. Whitman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Washtucna Fertilizer Plant facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issue Presented and Opinion**

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Is further remedial action necessary to clean up contamination at the Site?

**YES. Ecology has determined further remedial action is necessary to clean up contamination at the Site.**

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

**Description of the Site**

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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:

- Petroleum hydrocarbons and metals into the Soil.



**Enclosure A** includes a detailed description 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 the parcel(s) associated with this Site are 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. Remedial Investigation Report, Former Washtucna Fertilizer Plant: URS, September 18, 2012.

The document is kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling Kari Johnson resource contact at 509-329-3415.

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

### **Analysis of the Cleanup**

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

1. **Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

**The extent of and magnitude of contamination was defined in the report listed above. Information gathered is sufficient to develop a cleanup action plan.**

### **Limitations of the Opinion**

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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 70.105D.040(4).

**2. Opinion does not 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. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.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 opinion. *See* RCW 70.105D.030(1)(i).

**Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. 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 509-329-3522 or e-mail at [paca461@ecy.wa.gov](mailto:paca461@ecy.wa.gov).

Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

PC:eh

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

cc: Galen Schweitzer  
Jeff Leppo, URS  
Dolores Mitchell, VCP Financial Manager (without enclosures)