



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 14, 2012

Paul Bauer
Stevens Pass Ski Area
PO Box 609
Leavenworth, WA 98826

RE: No Further Action at the following site:

- **Site Name:** Steven's Pass Former Mini Mart Station
- **Site Address:** US Highway 2, Chelan
- **Facility/Site ID No.:** 56
- **VCP Project No.:** CE0338
- **Cleanup Site ID No.:** 11421

Dear Mr. Bauer:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup for the above-referenced Site. We appreciate your initiative. 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

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

NO. Ecology has determined that no 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

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

- Total Petroleum Hydrocarbons (TPH) and constituents (BTEX) into soil and groundwater

A detailed diagram of the Site as currently known to Ecology was included as Figures 3 in the SLR International Corp December 7, 2011 report titled: *Remedial Action Report: Stevens Pass Ski Area, Skykomish, WA.*



Please note that a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

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

1. *Remedial Investigation Report, Stevens Pass Ski Resort, 93001 Northeast Stevens Pass Highway, Skykomish, Washington*, SLR International Corp, August 26, 2010.
2. *Draft Remedial Action Work Plan, Stevens Pass Ski Resort, 93001 Northeast Stevens Pass Highway, Skykomish, Washington*, SLR International Corp, February 8, 2011.
3. *Remedial Action Report: Stevens Pass Ski Area, Skykomish, Washington*, SLR International Corp, December 7, 2011
4. Quarterly Groundwater Monitoring Reports by SLR International Corp, May – October 2012.
5. Contents of file, CRO central files.

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling Roger Johnson at (509) 454-7658.

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

Analysis of the Cleanup

Ecology has concluded that **no 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 that your characterization of the Site is sufficient to select a cleanup action.

2. **Establishment of cleanup standards.**

Ecology has determined the cleanup levels you established for the Site meet the substantive requirements of MTCA.

a. **Cleanup levels.**

The MTCA Method A soil and groundwater cleanup levels for Unrestricted Land Uses shall be used throughout the Site for TPH-G, TPH-D, TPH-O and constituents (BTEX).

b. Terrestrial Ecological Evaluation (TEE).

The Simplified Terrestrial Ecological Evaluation procedures of WAC 173-340-7492 were used. Cleanup levels listed in Table 749-2 [specifically TPH-D=460 mg/kg] were used with concrete or asphalt caps constructed and institutional controls established where TEE cleanup values could not be met due to proximity of structures.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. The Cleanup Action selected is appropriate for site conditions and is described as excavation and off-site disposal of impacted soils above MTCA Method A cleanup levels; construction of concrete or asphalt caps and establishment of institutional controls in areas where soil could not be removed due to proximity of structures; groundwater treatment, and groundwater monitoring after soil removal has been completed to demonstrate groundwater is below MTCA Method A cleanup levels.

4. Cleanup.

A remedial action was conducted at this site from August thru November 2011. Approximately 17,000 tons of soil were removed from both the southern and northern excavations. Over 400,000 gallons of groundwater within the excavation were treated using carbon adsorption and reinfiltreated onsite. Contaminated soil remains at several locations adjacent to and underneath structures at this site; these sites have been capped with either 8" concrete or 6" of asphalt. Groundwater monitoring was performed from November 2011 thru August 2012 to confirm cleanup. An environmental covenant in the form of amendment #1 to USFS Special Use Permit Authorization ID SKY129 has been placed on the property identifying locations on the property impacted with TPH above cleanup levels.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from the Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

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:

Paul Bauer
Stevens Pass Ski Area
March 14, 2012
Page 4

- 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 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 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).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (CE0322).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me at (509) 457-7127.

Sincerely,



Norman Hepner, P.E.
CRO Toxics Cleanup Program

cc: Dolores Mitchell, VCP FINANCIAL MANAGER
Mike Staton, SLR International Corp
Kay Redlich, CNL Financial Group
Harry Grant, Riddell Williams P.S.