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Farallon Consulting, L.L.C.

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

February 5, 2014

Javan Ruark  
Farallon Consulting, L.L.C.  
975 5<sup>th</sup> Avenue Northwest  
Issaquah, WA 98027

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

- **Site Name:** Coleman Oil Company 1
- **Site Address:** 3 E. Chehalis St., Wenatchee\
- **Facility/Site No.:** 83844381
- **VCP Project No.:** CE0328

Dear Mr. Ruark:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Coleman Oil Company 1 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 that 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:

- Gasoline-range petroleum hydrocarbons into the soil and groundwater and
- Benzene, toluene, ethylbenzene and xylenes into the soil and groundwater.



**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 that 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. Table 2, Soil and Groundwater Analytical Results, Coleman Oil, Wenatchee, Washington, Farallon PN :1001-001, Coleman tbls.xlsx, July 22, 2010, Farallon Consulting, L.L.C..
2. Final Groundwater Monitoring Status Report and Request for No Further Action Determination, Coleman Oil Wenatchee Facility, 3 E. Chehalis Street, Wenatchee, Washington, January 2014, Farallon Consulting, L.L.C.

Those documents are kept at the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO resource contact, 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**

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Ecology has concluded that **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.

2. **Establishment of cleanup standards.**

**Substance-specific standards.**

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

Table 2 (cited above) establishes MTCA Method A Cleanup Standards for soil and groundwater and unrestricted land use with a point of compliance throughout the site standard points of compliance.

Cleanup Standards identified are:

<u>Contaminant</u>	<u>Medium</u>	<u>Cleanup Standard</u>
GRO (NWT PH-Gx)	Soil	30 mg/kg
	Groundwater	800 ug/l
Benzene	Soil	0.03 mg/kg
	Groundwater	5.0 ug/l
Toluene	Soil	7.0 mg/kg
	Groundwater	1,000 ug/l
Ethylbenzene	Soil	6.0 mg/kg
	Groundwater	700 ug/l
Xylenes	Soil	9 mg/kg
	Groundwater	1,000 ug/l

These cleanup standards and standard points of compliance are sufficient to protect human health and the environment.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA.

The cleanup action selected at the site consisted of limited soil removal and monitored natural attenuation of groundwater contamination.

**4. Cleanup.**

Ecology has determined the cleanup you performed does not meet soil cleanup standards at the Site.

The last soil analytical results submitted to Ecology were above the Method A Soil Cleanup Standards for unrestricted land use at the bottom and sidewall of the excavation when the limited removal of contaminated soil ended. No further soil sampling results have been submitted to verify that soil cleanup standards have been met throughout the site.

Alternatives that would meet soil cleanup requirements include:

- a. Removal of additional soil until soil samples at the limits of excavation meet MTCA Soil Method A Cleanup Standards for unrestricted land use.
- b. Conduct appropriate sampling and accompanying analysis to make a determination as to whether or not the cleanup levels achieved now meet MTCA Method A or Method B Soil Cleanup Standards.
- c. Enact institutional controls (i.e. an Environmental Covenant) stipulating appropriate conditions and limitations allowing contamination above MTCA Cleanup Standards to remain at the site without posing a threat to human health or the environment.

### **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 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).

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Javan Ruark  
February 5, 2014  
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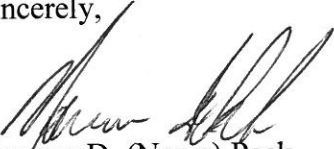
### Contact Information

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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) 454-7837 or e-mail at [nope461@ecy.wa.gov](mailto:nope461@ecy.wa.gov).

Sincerely,



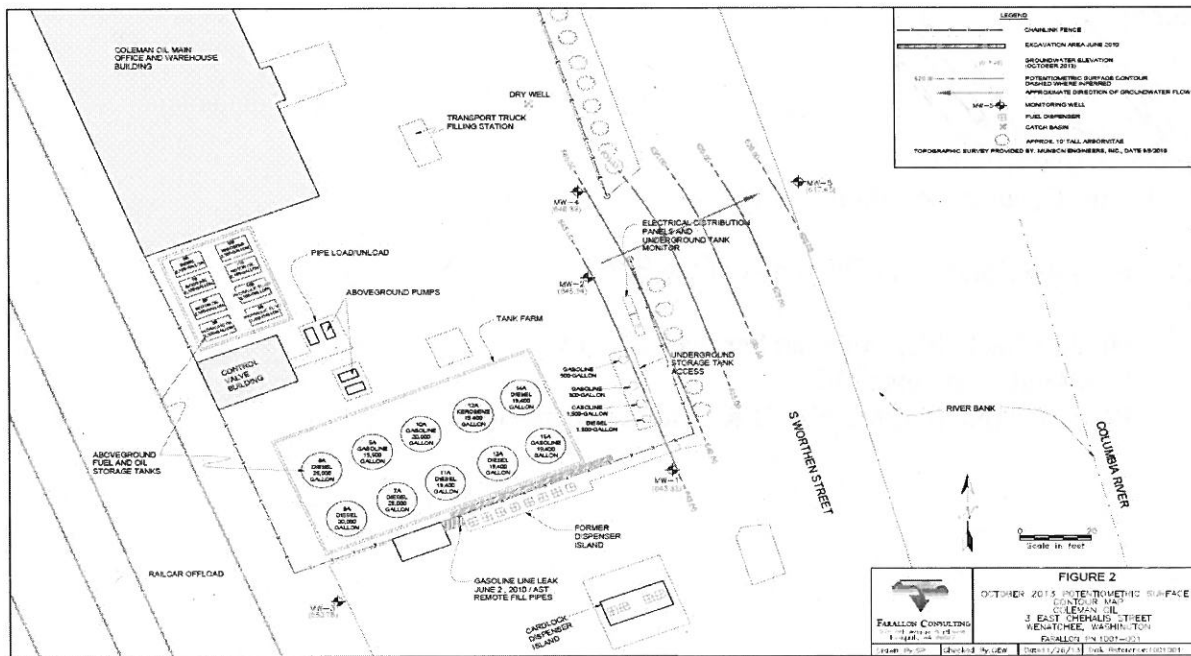
Norman D. (Norm) Peck  
CRO Toxics Cleanup Program

Enclosure: Description and Diagrams of the Site

cc: Mr. Jim Cach, PE, Coleman Services IV LLC  
Tom Graff, Coleman Oil  
VCP FINANCIAL MANAGER (without enclosures)

# Enclosure A

## Description and Diagrams of the Site



### Site Description

The Coleman Oil Company Site is located approximately 200 ft. west of the Columbia River in Wenatchee, Washington. Chelan County Tax Parcel (Property ID) is 55798, Geographic ID (Chelan County Assessor’s website) is 222011693005, Manufacturers Amended Block 4, Lots 1-9, 1.27 acres listed as 600 S. Worthen Street, Wenatchee Washington. Ownership is listed as Coleman Services IV LLC, P.O. Box 1308, Lewiston, ID, 83501. That portion of the property affected by the release of gasoline-range hydrocarbons from the AST remote fill pipes as indicated on the above diagram and in cited reports on June 2, 2010 is the MTCA Site.