



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 22, 2009

Mr. Craig Bunney  
2602 Everett Avenue, Apt. #1  
Everett, Washington 98201

**Re: No Further Action at the following Site:**

- **Site Name:** Train Station Mini Mart
- **Site Address:** 900 East Methow Valley Highway, Twisp, WA
- **Facility/Site No.:** 44615567
- **VCP Project No.:** CE0299

Dear Mr. Bunney:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Train Station Mini Mart site (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?

**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**

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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 hydrocarbons and associated constituents into the soil.

**Enclosure A** includes a map of the Site, as currently known to Ecology.

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**

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

1. *Site Assessment Report, Blackbird Country Store AKA Train Station Minimart, Twisp, WA*, Forsgren Associates, Inc., February 01, 2006.
2. *Train Station Mini Mart (Blackbird Country Store) Soil Sampling Report*, Alpine Environmental, September 22, 2008.

Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) 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 **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 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.**

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

- a. **Cleanup levels.**

For gasoline-range hydrocarbons and associated constituents in soil, MTCA Method A soil cleanup levels for unrestricted land use were used. These cleanup levels are based on a soil leaching pathway.

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 consisted of contaminated soil removal and

disposal at an approved facility. A small amount of residual contaminated soil was left in place, and recent sampling suggests that contaminant levels are below applicable cleanup levels.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

**Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List
- Confirmed and Suspected Contaminated Sites List
- Leaking Underground Storage Tank List

That process includes public notice and opportunity to comment. After the public comment period has ended, Ecology will remove the Site from the applicable lists.

**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

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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**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (CE0299).

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 or the termination of the Agreement, please contact me at (509) 454-7835.

Sincerely,



Brianne Plath  
CRO Toxics Cleanup Program

Enclosures:      A – Map of the Site

cc:      Doug Hale, Alpine Environmental  
         Dolores Mitchell, VCP Financial Manager

Blackbird Country Store  
Twisp, Washington

TWISP-WINTHROP EASTSIDE RD

park area

bandshell

overflow  
parking

parking

WAGNER ST

commercial

residential

vacant land

flow of ground water

Blackbird Store

prior tank location

residential

parking

HIGHWAY 20

dispenser island  
saw cut

Methow River

Legend

Sampling location

Highways

Secondary Roads

Parcels

Surface Water



