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- Potential release of Diesel-range Total Petroleum Hydrocarbon (TPHd) into the Soil and Ground Water.
- Benzene, toluene, ethylbenzene, and xylene (BTEX) into the Soil and Ground Water.

Enclosure A includes a detailed description 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

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

1. Northwest HydroGeo Consultants. Hydrogeologic Investigation Report, Conway Feed Site, 18700 Main Street, Conway, WA, UST # 10865, LUST # 2746. October 20, 2008.
2. Materials Testing & Consulting Inc. Site Assessment, Conway Feed, 2110 Jones Street, Conway, WA. March 25, 1992.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425-649-7190.

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 **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 not sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The Site has not been adequately characterized. The extent of soil contaminated with TPHg and TPHd underneath the canopy, west of the removed USTs is not known.

Ground water at the Site has not been adequately characterized. The construction of the well is not known which compromises the integrity of the ground water data collected from the well. In addition, the location of the well does not appear to be down gradient

of the area where the USTs were removed. Impacts of the Site on ground water needs to be characterized, therefore, a properly constructed monitoring well needs to be installed down gradient of the USTs to determine if ground water has been impacted.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site do not meet the substantive requirements of MTCA.

a. Cleanup levels.

Soil

A terrestrial ecologic evaluation (TEE) has not been completed. Soil cleanup standards protective of terrestrial species may be required.

The Site does not meet the MTCA definition of an industrial property; therefore soil cleanup levels suitable for unrestricted land use are appropriate. For unrestricted land use, direct contact, either Method A or Method B cleanup levels can be used.

If ground water at this site has been impacted by the identified releases, soil cleanup levels based on leaching (protection of ground water) may be appropriate. To establish soil concentrations protective of ground water, either MTCA Method A cleanup levels (Table 740-1) or one or more of the methods described in WAC 173-340-747 may be used.

Ground Water

If ground water at the Site has been impacted by releases; either MTCA Method A or Method B cleanup levels could be used.

b. Points of compliance.

Soil

The point of compliance based on the protection of ground water is Site wide throughout the soil profile and may extend below the water table. This is the appropriate point of compliance for the Site.

Ground Water

The standard point of compliance for ground water is throughout the site from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA. Excavation and removal of contaminated soil around the removed USTS was the selected cleanup action.

4. Cleanup.

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

Remediation efforts at the site consisted of removal of the USTs and over-excavation of soil around the tanks. Performance samples collected at the time the USTs were removed, indicated soil contaminated with TPHg and BTEX (above MTCA Method A cleanup levels) remained along the western edge of the excavated pit. Excavation along the western boundary was stopped due to the canopy and associated concrete foundation.

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**:

- 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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Contact Information

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. If you have any questions about this opinion, please contact me by phone at 425-649-7242 or e-mail at ligo461@ecy.wa.gov.

Sincerely,



Libby S. Goldstein
NWRO Toxics Cleanup Program

lg/kp

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

cc: Dolores Mitchell, Ecology (without enclosures)

Enclosure A

Description and Diagrams of the Site

Site Description

- **Site Name:** Conway Foods
- **Site Address:** 18700 Main Street, Conway (formerly 2110 Jones Street)
- **Facility/Site No.:** 3194825
- **VCP Project No.:** NW2185
- **Parcel No.:** P16852, Skagit

The Site consists of soil and ground water contamination associated with the release of gasoline-range petroleum hydrocarbons (TPHg) and diesel-range petroleum hydrocarbons (TPHd) from two underground storage tanks (USTs) that were located on the Property. The 1,000 gallon UST which stored gasoline and the 2,000 gallon tank which stored diesel oil were removed in 1991.

The Property is at the Southwest corner of Main Street and Jones Road in Conway, Washington. It is located within a 100-year flood plain of the Skagit River and floods every few years. Railroad tracks run along the entire western boundary of the property. A gasoline station is located at the northeast corner of the intersection. The area surrounding the Property appears to be agriculture/lumber related businesses. The nearest residential properties are approximately 1,200 feet west of the Property. The South Fork of the Skagit River is approximately 2,000 feet west of the Property. Interstate 5 is approximately 1,500 feet east of the property.

The Property is relatively flat at an elevation of approximately 10 feet above mean sea level. Soils at the Site are classified as Sumas silt loam. Ground water was observed at approximately four feet below ground surface (bgs). Based on topography, the presumed flow of ground water and surface water is towards the southwest to the South Fork of the Skagit River.

In 1991, two USTs (2,000 gallon containing diesel and 1,000 containing gasoline) were removed from the Site. The tanks were pitted and had numerous holes up to 1-inch in diameter. Approximately 15 cubic yards of petroleum contaminated soil was removed from the tank nest area and disposed of off-site. The tank nest area was over excavated to remove TPHd and TPHg contaminated soil. Confirmation samples collected in 1992 indicated that contaminated soil along the north, east, and south walls was removed. Levels of TPHg, TPHd and benzene toluene, ethylbenzene, and xylene above MTCA cleanup levels in place in 1992 remained along the west wall. In 2007, the MTCA Method A cleanup level for TPHd was modified from 200 mg/kg to 2,000 mg/kg. As a result TPHd is no longer a chemical of concern for soils at the Site. It should be noted that TPHg and BTEX are chemicals of concern for soil and TPHg, TPHd, and BTEX are chemicals of concern for ground water. Additional soil confirmation samples need to be collected along the west wall of the former tank nest and the area underneath the concrete floor of the canopy to determine if TPHg and BTEX have naturally attenuated at the Site and remediated to levels below MTCA Method A cleanup levels.

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In 1992, a monitoring well was installed at the Site. The construction of the well was not documented in the 1992 site assessment and the well log is not available from the Ecology database. Because the depth of the well and the screen type is not known, the integrity of ground water collected from the well cannot be determined. The ground water at the Site needs to be evaluated to determine if TPHd, TPHg, and BTEX are still present at levels above MTCA Method A cleanup levels. In order to determine this, a minimum of one down gradient monitoring well in compliance with State of Washington well construction regulations needs to be installed and sampled to evaluate ground water conditions at the Site.