



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 6, 2014

Mr. Jim Rolle  
West Central Environmental Consultants  
1030 South Avenue West  
Missoula, MT 59801

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

- **Site Name:** Cenex Bulk Plant Harvest States Moses Lake
- **Site Address:** 1015 E. Broadway, Moses Lake, WA
- **Facility/Site No.:** 607
- **VCP Project No.:** EA0261

Dear Mr. Rolle:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Cenex Bulk Plant Harvest States Moses Lake 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?

**NO. Ecology has determined 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:

- Petroleum Hydrocarbons into the Soil and Groundwater.



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**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 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:

- Monitoring Well Installation and Quarterly Groundwater Monitoring Report: WCEC, January 31, 2005.
- Monitoring Well Installation and Quarterly Groundwater Monitoring Report: WCEC, March 31, 2005.
- Quarterly Groundwater Monitoring reports: WCEC, August 2005 – April 2012.

Those documents are 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 at 509-329-3415.

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 **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**.

The extent of petroleum hydrocarbons in the soil and groundwater was defined in the reports listed above.

#### **2. Establishment of cleanup standards.**

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

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For soil, the cleanup levels were established using MTCA Method A and are based on protection of groundwater. The land use is classified as Unrestricted. The cleanup levels are as follows:

Gasoline Range Organics:	30 mg/kg
Diesel Range Organics:	2,000 mg/kg
Benzene:	0.03 mg/kg
Toluene:	7 mg/kg
Ethylbenzene:	6 mg/kg
Xylenes:	9 mg/kg

The point of compliance for soil is throughout the soils at the Site. This is the standard point of compliance.

For groundwater, the cleanup levels were established using MTCA Method A and are based on the protection of drinking water beneficial uses. The groundwater is classified as potable. The cleanup levels are as follows:

Diesel Range Organics:	500 ug/l
Heavy Oil Range Organics:	500 ug/l
Benzene:	5 ug/l
Naphthalene:	160 ug/l

For groundwater, the point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. This is the standard point of compliance.

### **3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The selected cleanup includes the following:

- Excavation and removal of contaminated soil.
- Installation of groundwater monitoring wells.
- Groundwater monitoring.

**4. Cleanup.**

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

Contaminated soil was excavated and removed from the Site. Groundwater monitoring wells were installed and sampled until results from four consecutive quarters were below cleanup levels.

**Listing of the Site**

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.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

**Limitations of the Opinion**

**1. Opinion does not settle liability with the state.**

Liabe 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.

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**3. State is immune from liability.**

The state, Ecology, 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 (#EA0261).

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 by phone at 509-329-3522 or e-mail at [patti.carter@ecy.wa.gov](mailto:patti.carter@ecy.wa.gov).

Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

PC:ew

Enclosure: Description and Diagram of the Site

cc: Cenex Inc.  
Dolores Mitchell, VCP Financial Manager (without enclosures)



## Site Description

The facility was built in the 1950s and operated at a Phillips Petroleum facility. It was bought by Western Farmers Association in 1978 and Cenex acquired the property in 1989. The site is currently a bulk fuel and lubricant facility with aboveground storage tanks, product piping, and retail fuel dispensers. Drums of bulk lubricants are also stored in a warehouse.

In 1991, petroleum contaminated soil was encountered during upgrade activities involving trench excavation for lines that ran from the bulk plant to the pump island. Contaminated soil was removed from the trench area. Results from soil samples collected from the excavation indicated concentrations of total petroleum hydrocarbons, benzene, toluene, ethylbenzene, and xylenes (BTEX) exceeded cleanup levels.

Additional soil contamination was discovered during upgrades to the fuel storage and dispensing equipment in July 2004. Approximately 783 tons of soil was excavated and removed from the area north of the bulk ASTs, including the truck loading rack area, piping run, and load in area. Soil sample results were all non-detect or below cleanup levels.

Five groundwater monitoring wells were installed in November 2004; two additional wells were installed in March 2005. Initial results indicated concentrations of benzene, diesel- and heavy oil-range hydrocarbons, and naphthalene exceeded cleanup levels. Results from the final four consecutive quarters were below cleanup levels.

(WCEC, 2004 – 2012).





# Site Diagram



