



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

October 18, 2010

Mr. W. D. Purnell
PO Box 32178
Bellingham, WA 98228

Re: No Further Action at the following Site:

- **Site Name:** Meenderinck Molasses Company
- **Site Address:** 506 Nooksack Avenue, Nooksack, WA 98276
- **Facility/Site No.:** 13413417
- **VCP Project No.:** NW2106

Dear Mr. Purnell:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Meenderinck Molasses Company 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

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 release:

- Diesel-range petroleum hydrocarbons (TPH-DRO) into the Soil

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

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

1. Geotest, *Letter Re: Environmental Sampling Summary Report, Verizon Cell Tower Foundation, 506 Nooksack Avenue, Nooksack, Washington, October 28, 2009*
2. W.D. Purnell & Associates, Inc., *Letter, December 26, 2008*
3. Ken Koenig, *Underground Storage Tank Temporary/Permanent Closure and Site Assessment Notice, received by Ecology February 23, 1995*
4. W.D. Purnell & Associates, Inc., *Letter Re: Remediation of Hydrocarbon Contaminated Soils, Meenderinck Molasses Company, 506 Nooksack Avenue, Nooksack, Washington, April 28, 1994*

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment 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 **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.

Since future land use could include residential use or businesses to which the public has access, it is appropriate to use unrestricted land use as the basis for developing soil cleanup levels. Appropriate soil cleanup levels are 2,000 mg/kg for heavy oils (the value

from WAC 173-340 Method A Table 740-1) and 200 mg/kg for diesel range organics (the value from WAC 173-340 Table 749-3). Table 749-3 was used to develop the cleanup level for diesel-range organics because the applicant has not demonstrated that an exemption from the Terrestrial Ecological Evaluation process is appropriate.

The point of compliance for soil is throughout the site, which is a 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 cleanup selected consisted of removal of two underground storage tanks and treatment of associated contaminated soil on-site by aeration and biodegradation.

4. Cleanup.

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

The cleanup performed consisted of removal of two underground tanks in 1994 and treatment by aeration and biodegradation of approximately 15 cubic yards of contaminated soil.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank 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**:

- 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.

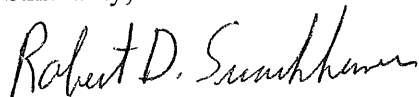
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (#NW2106).

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 by phone at (425) 649-7233 or e-mail at rswa461@ecy.wa.gov.

Sincerely,



Robert D. Swackhamer, PE
NWRO Toxics Cleanup Program

rs/kp

By certified mail 7009 2820 0001 7154 5188

Enclosure: A – Description and Diagrams of the Site

cc: Curt Meenderinck, Meenderinck Molasses Co.
Dolores Mitchell, Ecology VCP Financial Manager

Enclosure A

Description and Diagrams of the Site

Site Description

The Site is defined by the extent of petroleum releases associated with operation of two diesel underground storage tanks (USTs) providing truck fuel and from remediation of petroleum contaminated soil subsequent to removal of the two tanks at 506 Nooksack Avenue, Nooksack, Washington.

The Site is located in the Nooksack River Valley and is generally flat. Land use is commercial and residential in this area. A railroad siding is located immediately adjacent to the Site. The Site is located approximately 0.4 mile west of the Sumas River and approximately 1.5 miles northeast of the Nooksack River.

Soils encountered beneath the Site consisted of two feet of dense, brown, moist, sandy gravel fill with cobbles overlying medium stiff, brown and gray, mottled, moist, sandy, native clay to a depth of 9 feet. Underlying the clay, dense, brown, silty, sandy gravel was encountered.

Ground water infiltration into the boring at 9 feet below ground surface was rapid.

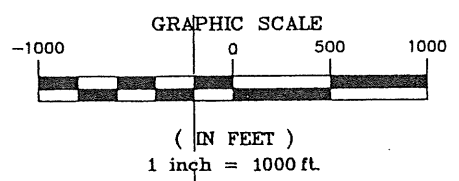
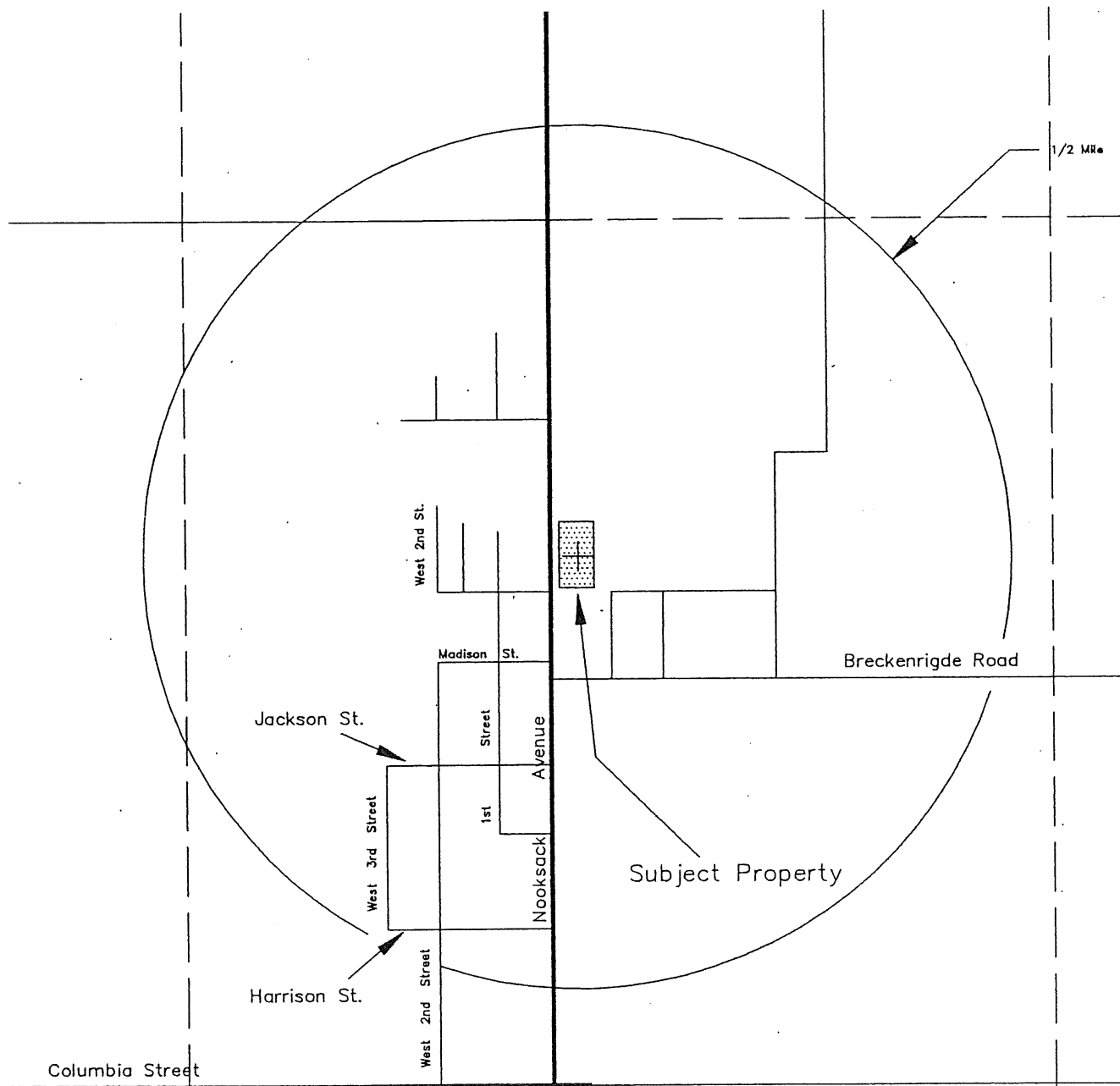
Site History

Two diesel USTs (reportedly installed in the 1980's) were removed March 4, 1994. A final report from on the cleanup from this era has not been found. The business owner (Curt Meenderinck) and consultant (Willard D. Purnell) both recall that a final report was written and submitted to Ecology.

What does exist is a letter written April 28, 1994, from the consulting firm to Mr. Meenderinck giving an overview of the tank removal and recommending on-site bioremediation for 15 cubic yards of contaminated soil excavated from near the fill port of one of the tanks. The letter indicates that diesel contamination in this soil ranged from 374 mg/kg to 2,900 mg/kg, compared to the cleanup level of 200 mg/kg. (Note: The 4/28/94 letter confuses units of measure. Soil sampling results actually are reported in the letter as "mg/l" rather than "mg/kg," but the context, particularly the comparison with the cleanup level, indicates the most reasonable reading is the one presented here.) The letter states the contaminated soil was spread out in an 18-inch thick lift on plastic sheeting, and was covered by plastic sheeting. The 4/28/94 letter also states that soil samples from most of the UST pit contained hydrocarbon concentrations below cleanup standards.

Additional soil sampling conducted in 2009 did not detect petroleum contamination in the area where the contaminated soil was treated.

Site Diagrams



JOB NO.:	93101B
DESIGNED BY:	jme
DRAWN BY:	jme
CHECKED BY:	



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Site Vicinity Map Meenderinck Molasses Nooksack, WA		
DATE:	SCALE:	V: n/a
12/95	H: 1:12,000	