



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 30, 2015

Ms. Michelle Connor  
Forterra  
901 Fifth Avenue, Suite 2200  
Seattle, WA 98164

**Re: Opinion Pursuant to WAC 173-340-515(5) on Sampling and Analysis Plan:**

- **Site Name:** Riverbend Investment Co
- **Site Address:** 4304 State Route 530 NE, Arlington, WA
- **Facility/Site No.:** 4864
- **Cleanup Site No:** 11772
- **VCP Project No.:** NW2999

Dear Ms. Connor:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your Sampling Analysis Plan for the Riverbend Investment Co 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.

This letter constitutes an advisory opinion regarding a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release at the Site:

- Gasoline range petroleum hydrocarbons (tph-g) and diesel range petroleum hydrocarbons (tph-d) into the Soil.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



Ms. Michelle Connor  
September 30, 2015  
Page 2

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial actions:

1. Phase I Environmental Site Assessment, dated March 29, 2004, prepared by Environmental Associates, Inc.
2. Tank Closure Assessment & Remedial Actions, dated June 9, 2004, prepared by Environmental Associates, Inc.
3. Union Bank Log No. 10-1137 Phase I Environmental Site Assessment, dated November 9, 2010, prepared by Krazan & Associates, Inc.
4. Limited Site Investigation, dated June 29, 2011, prepared by Terracon.
5. Sampling and Analysis Plan, dated February 19, 2015, prepared by Terracon.

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) 649-7235 or sending an email to [nwro\\_public\\_request@ecy.wa.gov](mailto:nwro_public_request@ecy.wa.gov).

The Site is defined by the extent of contamination caused by the following release:

- Tph-g and tph-d into the Soil.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following releases at the Site, Ecology has determined:**

- The Sampling and Analysis Plan is sufficient in scope to determine if any contamination remains on the Property.
- In July 1992 an accident involving a truck towing a tractor occurred on the stretch of Highway 530 near the Site. As a result of the accident, the tractor ended up on its side on-site near the driveway to the residence on Lot 1 and approximately 100-gallons of diesel fuel from the tractor was released to site soils. Approximately 20 cubic yards of impacted soil was stockpiled on the Property for future disposal; however, no documentation exists that these soils were removed from the Site.
- In June 2004 two USTs were removed from the site. The USTs consisted of a 1,500-gallon diesel tank and a 500-gallon gasoline tank. Soil impacts extended to

approximately nine feet below the ground surface (bgs). Approximately 40 tons of impacted soil was removed from the gasoline UST cavity and stockpiled on-Site for future off-Site disposal; however, again no documentation exists that these soils were removed from the Site.

- Since no documentation can be found detailing the off-Site disposal of the stockpiled contaminated soil, it is Ecology's opinion that these soils were likely land-farmed on the Property.
- Ground water was not observed during any excavation activities. Ground water is encountered at a depth of 20 feet bgs. There are three domestic drinking water wells which pull from this water bearing zone. Analytical results from samples taken from these wells show that the releases of tph-g and tph-d have not impacted groundwater at this Site.
- The Site does not qualify for the Terrestrial Ecological Evaluation Exclusion. Therefore, the Terrestrial ecological evaluation procedures as defined in WAC 173-340-7490 need to be performed.
- Once the confirmational sampling as documented in the Sampling Analysis Plan is completed, the Final Cleanup Report should be a "Stand Alone" document that includes the following: Site discovery and regulatory status; Site and property location and neighborhood setting; all environmental investigations and interim actions; property development and history; natural conditions; brief description of the surface water system; description of geological conditions; ground water description and occurrence; natural resources and ecological receptors; contaminant occurrence and movement; conceptual Site model; and applicable cleanup standards.

**This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action.** To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or

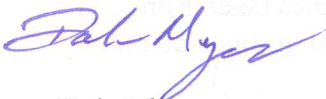


Ms. Michelle Connor  
September 30, 2015  
Page 4

employees may arise from any act or omission in providing this opinion. Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-4446, or email at [damy461@ecy.wa.gov](mailto:damy461@ecy.wa.gov).

Sincerely,



Dale Myers  
Site Manager  
Toxics Cleanup Program

cc: Lucas Swart, Terracon Consultants, Inc.  
Sonia Fernandez, VCP Coordinator, Ecology