



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 18, 2011

Mr. John Gifford
General Manager
Stevens Pass Ski Area
PO Box 98
Skykomish, WA 98288

Re: Opinion pursuant to WAC 173-340-515(5) on Draft Remedial Action Work Plan at the following two Sites:

- Name: Steven's Pass Vehicle Maintenance and Former Mini Mart
- Address: 93001 Northeast Stevens Pass Highway, Skykomish
- Facility/Site ID No.: 56 and 19775
- VCP No.: CE0338 & CE0339

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Stevens Pass Ski Area (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?

YES. Ecology has determined that further remedial action is necessary to clean up contamination at the Site. Based on a review of your Draft Remedial Action Work Plan, Ecology has determined that the proposed Work Plan is likely to be sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for remediating the extent of contaminants in soil and ground water 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 Sites described below. The Sites are defined by the nature and extent of contamination associated with the following release(s):

Stevens Pass Former Mini Mart Station:

- Petroleum hydrocarbon (gas, diesel, heavy oil) contaminants and constituents (benzene and xylene) into the Soil and Ground Water.

Stevens Pass Vehicle Maintenance Facility:

- Petroleum hydrocarbon (gas, diesel, heavy oil) contaminants and constituents (benzene, xylene, toluene, and ethylbenzene) into the Soil and Ground Water.

Basis for the Opinion

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

1. "Draft Phase I Environmental Site Assessment," ECS Florida, LLC, April 2010
2. "Draft Phase II Environmental Site Assessment," Sound Environmental Strategies, May 2010.
3. "Remedial Investigation Report," SLR International Corp., August 2010
4. "Draft Remedial Action Work Plan," SLR International Corp., February 2011
5. "Proposed Revision to Draft Remedial Action Work Plan," SLR International Corp., August 15, 2011

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling 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

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 sufficient to establish cleanup standards and select a cleanup action.

2. Establishment of cleanup standards.

a. Substance-specific standards.

Ecology has determined the cleanup levels and points of compliance (throughout the Site soils and groundwater below the Site soils) you established for the Site meet the substantive requirements of MTCA. The cleanup levels selected are protective of human health and the environment.

MTCA METHOD A Soil Cleanup Levels:

Gasoline Range Organics (GRO): 30 mg/kg
Diesel Range Organics (DRO) and Heavy Oil: 2,000 mg/kg (total combined)
Benzene: 0.03 mg/kg
Toluene: 7 mg/kg
Ethylbenzene: 6 mg/kg
Xylenes: 9 mg/kg
PAHs (carcinogenic): 0.1 mg/kg as benzo(a)pyrene
MTBE: 0.1 mg/kg (if indicated)
EDB: 0.005 mg/kg (if indicated)
EDC: 11 mg/kg [Method B cleanup level] (if indicated)

MTCA METHOD A Groundwater Cleanup Levels:

Gasoline Range Organics (GRO): 800 ug/liter
Diesel Range Organics (DRO): 500 ug/liter
Heavy Oil: 500 ug/liter
Benzene: 5 ug/liter
Toluene: 1,000 ug/liter
Ethylbenzene: 700 ug/liter
Xylenes: 1,000 ug/liter
PAHs (carcinogenic): 0.1 ug/liter as benzo(a)pyrene
MTBE: 20 ug/l
EDB: 0.01 ug/l
EDC: 5 ug/l

Terrestrial Ecological Cleanup Levels:

GRO: 200 mg/kg

DRO: 460 mg/kg
Lead: 220 mg/kg

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 consists of removal and treatment/disposal of contaminated soil; treatment and re-infiltration of groundwater; asphalt and concrete cap structures placed over inaccessible contamination, and a protective environmental covenant for contaminated soils remaining onsite. NOTE: Contaminants underlying structures (buildings and pavements) may not require an environmental covenant if adequate analytic results demonstrate that the soil is below Terrestrial Ecological and MTCA method B cleanup levels for direct contact.

4. Cleanup.

Ecology looks forward to reviewing the final cleanup action report for the site to determine if the remedial action qualifies for a No Further Action under MTCA.

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.

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3. State is immune from liability.

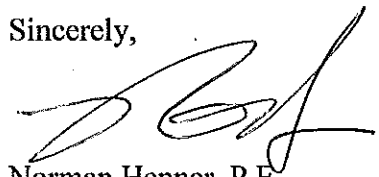
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). You are authorized to proceed with the cleanup action. After you have completed the cleanup action, you may request another review. 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 509-457-7127 or e-mail at norm.hepner@ecy.wa.gov.

Sincerely,



Norman Hepner, P.E.
CRO Toxics Cleanup Program

cc: Sean Wetterberg, USFS
Mike Staton, SLR
Harry Grant, Riddell Williams P.S.