



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
*P.O. Box 47600 • Olympia, Washington 98504-7600*  
*(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

December 7, 2015

Ms. Carrie Pederson  
PLIA  
300 Desmond Drive  
Lacey, WA 98504

**Re: Opinion Pursuant to WAC 173-340-515(5) on Proposed Excavation Sampling Requirements Report for the Following Hazardous Waste Site:**

- **Name:** College Way Foods
- **Property Address:** 2120 College Way E, Mt. Vernon, WA
- **Facility/Site No.:** 55262494
- **VCP Project No.:** NW2866
- **Cleanup Site ID No.:** 6278

Dear Ms. Pederson:

Thank you for submitting documents regarding your proposed **Excavation Sampling Requirements** for the College Way Foods facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under 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(s) at the Site:

- Total gasoline-range petroleum hydrocarbon (TPH-G) and associated benzene, toluene, ethylbenzene and xylenes (BTEX) and MTBE into the soil and groundwater.

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Ecology is providing this advisory opinion under the specific authority of RCW 70.1050.030(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 70.1050.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxic Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. Conference Call Memo by Matt Miller and Annica Brown to Nnamdi Madakor;  
Excavation Sampling Requirements of 12/4/2015
2. Remedial Investigation Report, College Way Foods (VCP ID NW2866), Project No STCG-403-2 by Antea Group, dated June 23, 2015.

The report listed above will be kept in the Central Files of the Headquarters office of Ecology (HQ) for review by appointment only. Appointments can be made by calling the HQ resource contact at (360) 407-7170.

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

- Total gasoline-range petroleum hydrocarbon (TPH-G) and associated benzene, toluene, ethylbenzene and xylenes (BTEX) and MTBE into the soil and groundwater.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.1050 RCW and Chapter 173-340 WAC, for characterizing and addressing the following releases(s) at the Site, Ecology has determined:**

**Ecology hereby approves the Proposed Excavation Sampling Requirement.**

**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.**

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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 employees may arise from any act or omission in providing this opinion.

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. 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](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at 360-407-7244 or e-mail at [nmad461@ecy.wa.gov](mailto:nmad461@ecy.wa.gov).

Sincerely,

  
  
NNAMDI I. MADAKOR

Nnamdi Madakor P.HG, P.G., VCP Statewide Coordinator  
HQ – VCP Policy & Technical Manager  
Toxic Cleanup Program

cc: Annica Brown, Vertex (email only)  
Matt Miller, Antea Group (email only)  
Lisa Sweitzer, Ecy (email only)  
Sonia Fernandez, Ecy (email only)  
Frank Jr & Zona Bee Aubel, property owner