



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 12, 2016

Ryan Walters
Kiemle & Hagood Company
601 West Main Avenue, Suite #400
Spokane, WA 99201

Re: No Further Action at the following Site:

- **Site Name:** Western Power and Equipment Spokane
- **Site Address:** 7916 W Sunset Highway, Spokane, WA
- **Facility/Site No.:** 733
- **VCP Project No.:** EA0284

Dear Mr. Walters:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Western Power and Equipment 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:



- Petroleum hydrocarbons 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. Modified Phase I and Phase II Environmental Site Assessment Report: Landau Associates, May 1, 2013.
2. Limited Environmental Site Evaluation: Allwest Testing & Engineering: October 11, 2013.
3. Soil Remediation and Industrial Wastewater System Cleaning: Sandry Construction Company Inc., April 7, 2014.

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

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**.

The lateral and vertical extent of petroleum hydrocarbons in soil 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.

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

- Heavy oil range organics: 2,000 mg/kg

The point of compliance for soil is throughout the soils at 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:

SOIL

Excavation and removal of contaminated soil.

4. Cleanup.

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

Contaminated soil was excavated and transported off-site for disposal. The wastewater structures were cleaned and inspected.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites 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 (#EA0284).

For more information about the VCP and the cleanup process, please visit our web site: <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.carter461@ecy.wa.gov.

Sincerely,



Patti Carter
Toxics Cleanup Program

pc:mr
Enclosures
cc w/o enc: Dolores Mitchell, Ecology

Description and Diagrams of the Site

Site Description

Petroleum impacted soil was detected during site evaluations in 2013. Nine surface soil samples were collected in April 2013 to assess potential impacts from historical site operations. Samples were collected from the wash pad area, in the path of surface drainage from the wash down area, and the diesel refueling area. All results were non-detect or below cleanup levels.

Three test pits and shallow hand excavations were completed in October 2013. A limited amount of petroleum-contaminated soil was identified around the wash pad. Approximately 22.48 tons of contaminated soils were removed and transported off-site for disposal in February 2014. Soil samples were collected from the excavation; all results were below cleanup levels.

A drywell associated with the wash pad was inspected and cleaned. No structural flaws were observed. The liquid and solid contents removed from the drywell were transported off-site for disposal/recycling.

(Sources: Landau Associates 2013, Allwest 2013, Sandry 2014).

Site Diagrams

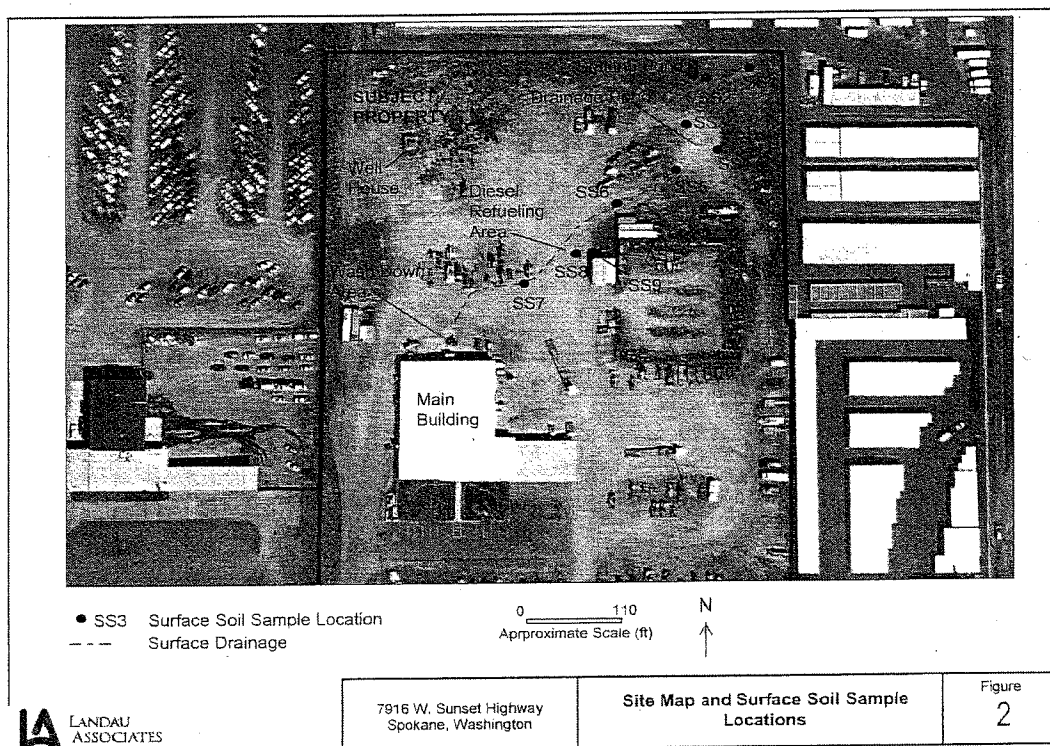
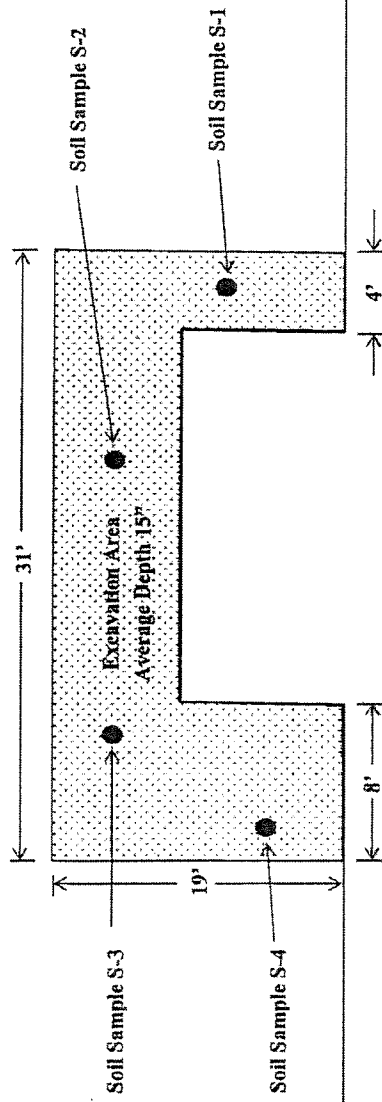


Figure 1 – Soil Excavation Area



Concrete Slab

Building

Drawing Not to Scale