



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 12, 2015

Mr. Todd Ableman  
City of Cheney Public Works Director  
112 Anderson Road  
Cheney, WA 99004

**Re: Further Action at the following Site:**

- **Site Name:** Cheney Super Stop Lots 8 & 9
- **Site Address:** NW Corner K St & W 1<sup>st</sup> St, Cheney, WA
- **Facility/Site No.:** 63162186
- **VCP Project No.:** EA0281

Dear Mr. Ableman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Cheney Super Stop Lots 8 & 9 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**

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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.**

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**

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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.
- Petroleum hydrocarbons and metals into the Groundwater.

**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**

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

1. Results of Subsurface Exploration and Chemical Analysis Cheney Superstop: Budinger & Associates, April 29, 1999.
2. Results of Subsurface Exploration and Chemical Analysis Cheney Superstop: Budinger & Associates, November 4, 1999.
3. Groundwater monitoring results: Budinger & Associates, January 6, 2015.

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**

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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. Cleanup.**

Ecology has determined the cleanup you performed does not meet any cleanup standards at the Site.

Contaminated soil and groundwater were detected at the Site during site assessments at the property. The cleanup performed has not yet achieved cleanup standards at the Site. The following actions are necessary to achieve compliance with cleanup standards:

- **Groundwater samples should be collected from all monitoring wells for four consecutive quarters. Samples should be analyzed for gasoline, diesel, heavy oil-range hydrocarbons, and metals.**
- **If any contaminant concentrations exceed cleanup levels in the downgradient well (MW 45) after four quarters, additional downgradient wells may be necessary.**
- **If contaminated soil remains on the Site after all other remedial actions are complete, and cannot be removed or remediated, an environmental covenant will be required.**

### **Limitations of the Opinion**

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#### **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).

### **Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. 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: <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>. If you have any questions about this opinion, please contact me by phone at (509) 329-3522 or e-mail at [patti.carter@ecy.wa.gov](mailto:patti.carter@ecy.wa.gov).

Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

pc:mr

Enclosures (1): A – Description and Diagrams of the Site

cc: Stephen Burchett, Budinger & Associates  
Dolores Mitchell, VCP Financial Manager (without enclosures)

## **Enclosure A**

### **Description and Diagrams of the Site**



## Site Description

The Site was used as a service station from about 1940 until 1951 when it was purchased by the City of Cheney. The property was used as a shop and maintenance facility until the 1970s. The aboveground storage tanks and one underground storage tank (UST) were removed in 1974. The building was demolished and the Site has been used as parking since 1974.

Site soils consist of a mixture of gravel, sand, and silt with cobbles and occasional boulders. Soils are generally 6 – 8 feet deep and are underlain by basalt. Shallow groundwater was encountered approximately 6 – 7 feet below ground surface (bgs). Depth to the deeper basalt aquifer is approximately 46 feet bgs.

A site assessment was conducted in 1998 due to a potential property transfer. Petroleum hydrocarbons in soil were encountered during excavation of test pits. Forty soil borings were installed in 1999 to determine the extent of contamination. Four groundwater monitoring wells were also installed in 1999. Groundwater samples indicated that groundwater was impacted from the release.

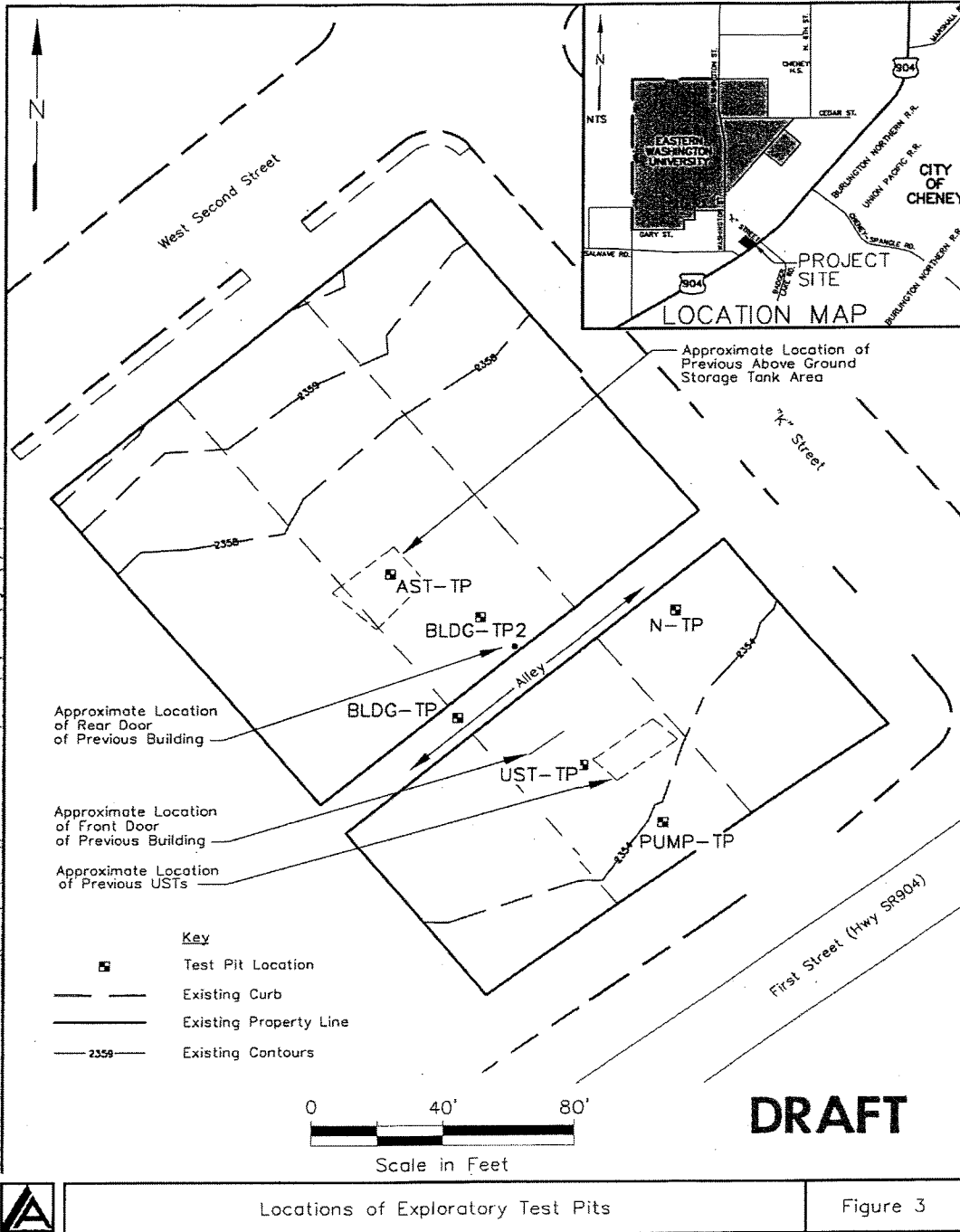
Two 500-gallon USTs were discovered during Site remediation. The USTs and approximately 5006 tons of contaminated soils were removed.

(Sources: Landau Associates, 1998; Budinger & Associates, 1999 – 2015)



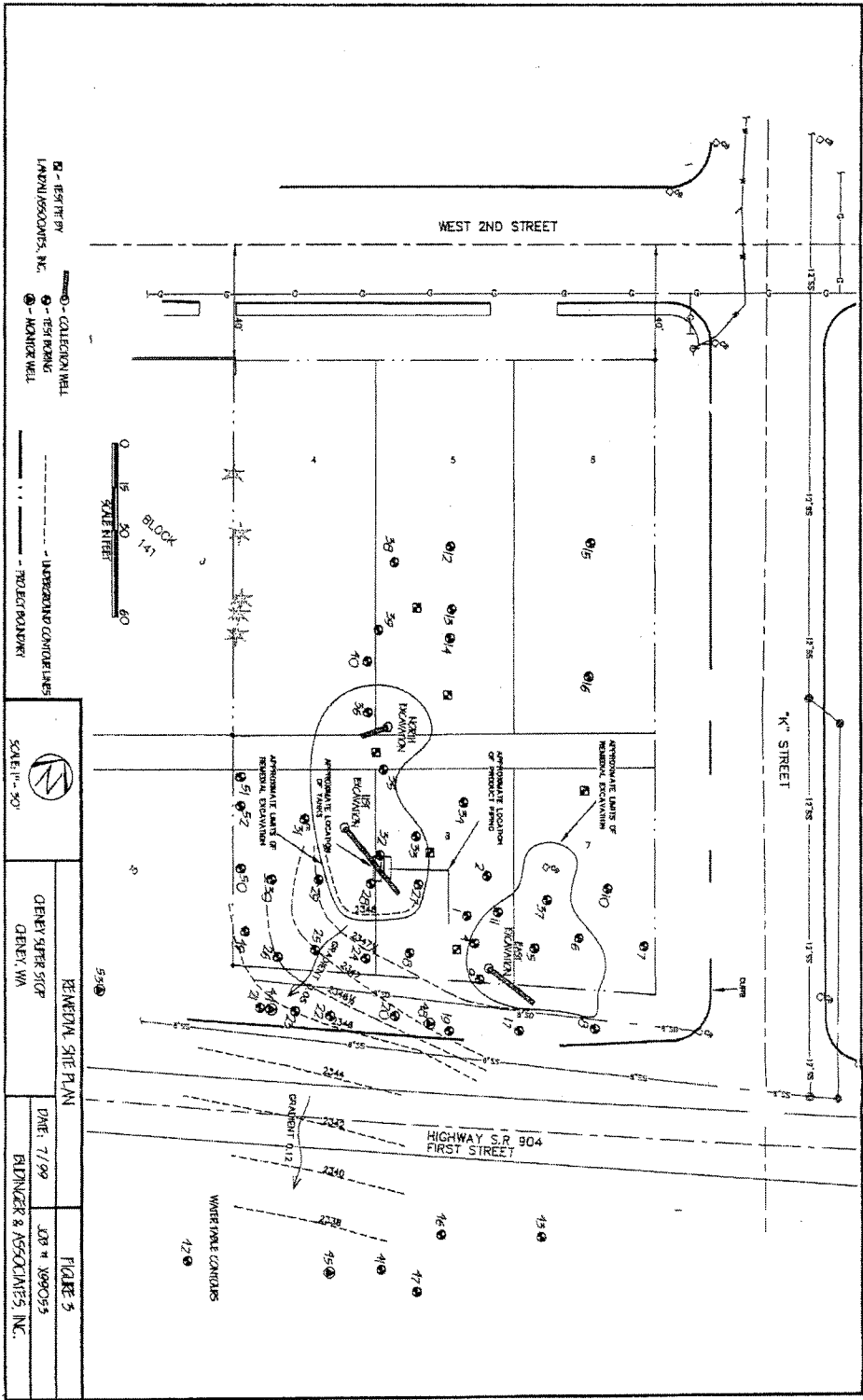


# Site Diagrams



Locations of Exploratory Test Pits

Figure 3



**REMEDIAL SITE PLAN**

**CHERYL SUTHER STOP**

**CHERYL WA**

**FIGURE 5**