



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

December 12, 2006

Mr. Steven Johnston  
1036 Post Street  
Goldendale, WA 98620

**Re: Further Action Determination under Washington Administrative Code (WAC) 173-340-515(5) for the following Hazardous Waste Site:**

- Name: Jack's Grocery
- Address: 706 South Columbus Avenue, Goldendale, WA
- Facility/Site No.: 89542539
- VCP No.: CE0248

Dear Mr. Johnston:

Thank you for submitting your independent remedial action report for the Jack's Grocery facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up Jack's Grocery under the Model Toxics Control Act (MTCA), Chapter 70.105D Revised Code of Washington (RCW).

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. 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.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. *UST Site Assessment*, July 27, 1992, Robert D. Miller Consulting
2. *Corrective Action Progress Report*, October 7, 1992, Robert D. Miller Consulting
3. *Site Check*, June 5, 1995, Robert D. Miller Consulting
4. *Site Check*, June 12, 1995, Robert D. Miller Consulting
5. Site Correspondence File, Ecology's Central Regional Office

The documents listed above will be kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Appointments can be made by calling Roger Johnson, our files manager, at (509) 454-7658.



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

- Gasoline range petroleum hydrocarbons in soil;
- Gasoline range petroleum hydrocarbons, associated constituents (BTEX), and lead in groundwater.

The Site is more particularly described in the *UST Site Assessment* report. The description of the Site is based solely on the information contained in the document listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) performed at the Site are not sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing any of the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action of soil and groundwater is necessary** at the Site under MTCA.

#### Soil

Soil sampling conducted by Robert D. Miller Consulting in 1992 during the underground storage tank (UST) removal activities identified elevated concentrations of TPH-gasoline and xylenes above MTCA Method A Soil cleanup levels. At the conclusion of additional soil removal activities, soil containing elevated levels of TPH-gasoline remained in the east portion of the excavation near the west wall of the Jack's Grocery building. Laboratory analysis of benzene, toluene, ethylbenzene, or xylenes (BTEX) and total lead was not conducted.

#### Groundwater

Throughout the UST removal and impacted soil removal activities, groundwater accumulated in the excavation. One water sample was collected from the excavation during soil removal activities. Laboratory analysis confirmed that the pit water was impacted by TPH-gasoline and lead.

In 1995, to further access groundwater at the site, one borehole was advanced in the northwest portion of the Jack's Grocery building and one water sample was collected from the borehole. Laboratory results confirm that the borehole water was impacted by benzene, toluene, and total xylenes.

Additionally, Ecology representatives visiting the site in 1992 observed sheen on groundwater that had accumulated in the excavation, and city officials reportedly commented that free product was apparent in groundwater in a piping trench adjacent to the property.

To receive a No Further Action determination for this Site, you must complete the following actions and provide Ecology with documentation:

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1. In accordance with WAC 173-340-440(9), file a Restrictive Covenant on the site addressing the contamination that resides in soil beneath the Jack's Grocery building. A Restrictive Covenant template is enclosed with this letter, along with a sample letter regarding for notifying the local planning authority of the proposed covenant.
2. Install a minimum of three (3) groundwater monitoring wells constructed in accordance with WAC 173-160 (Minimum Standards for the Construction and Maintenance of Wells) to determine if contaminants are present or absent in groundwater at the site.
3. Collect groundwater samples from each of the three wells every three months, and have them analyzed for TPH – gasoline, benzene, toluene, ethylbenzene, total xylenes, and total lead.
4. After a minimum of four consecutive quarters of groundwater samples with contaminant concentrations below the MTCA Method A cleanup levels, a No Further Action determination can be issued.

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.

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 performed at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (509) 454-7835.

Sincerely,



Brianne Harcourt  
Site Manager  
CRO - Toxics Cleanup Program

Enclosures

cc: Donald Anthony

