



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 16, 2009

Ms. Courtney Seim
Riddell Williams, PS
1001 Fourth Avenue Plaza Suite 4500
Seattle WA 98154

Re: Opinion on Proposed Cleanup of a Property associated with a Site:

- Property Address: 340 State Route 223, Granger, Washington
- Facility/Site No.: 99996992
- VCP Project No.: CE0307

Dear Ms. Seim:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of a Property associated with the Granger Transfer Station 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.

Issues Presented and Opinion

1. Upon completion of the proposed cleanup, will further remedial action likely be necessary at the Property to clean up contamination associated with the Site?

NO. Ecology has determined that no further remedial action will likely be necessary at the Property to clean up contamination associated with the Site.

However the Phase I information for the site does not indicate whether or not that inquiry included evaluation of whether or not the property was historically devoted to use as an historic orchard land. This status should be clarified prior to site closure to assure that historic contamination with lead and/or arsenic are not present in surface soils at the property. Sampling for lead (Pb) apparently did not occur near the original (pre-gravel application) grade at the site to dispose of this question. If the property was not historically used as apple or pear orchard, no need for sampling exists. If this issue was investigated but not included in the Phase I notes, that documentation should be provided to Ecology prior to seeking a No Further Action Determination.

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.



Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, 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

1. Cleanup of the Property located within the Site.

Ecology has concluded that, upon completion of your proposed cleanup and groundwater confirmation monitoring, **no further remedial action** will likely be necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property, with the exception of verification of historic orchard use status. The Site is described above and in **Enclosure B**.

b. Establishment of cleanup standards for the Site.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

i. Cleanup levels.

For each media, insert paragraph here that identifies the cleanup levels and explains:

- Method A Cleanup Standards were used as soil and groundwater cleanup levels at this site.
- Method A Cleanup Standard for Soil would apply if As and/or Pb contamination is present at this site.
- Method A Cleanup Standards are based on protection of groundwater, air and human health for direct contact, except arsenic (As) which is based on state-wide background levels. Details can be found in the footnotes of Tables 720-1 and 745-1, Ch. 1730340-900 WAC.

ii. Points of compliance.

Point(s) of compliance for all contaminants and media shall be throughout the site.

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substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. State is immune from liability.

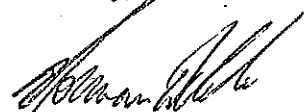
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up your Property 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. If you have any questions about this opinion, please contact me at (509) 454-7837.

Sincerely,



Norman D. (Norm) Peck
Site Manager
CRO Toxics Cleanup Program

Enclosures: A – Legal Description of the Property
 B – Description and Diagram of the Site

cc: Yakima Waste Systems, Inc
 Patricia Segale, Segale & Segale, LLC
 Daniel Caputo, Farallon Consulting, LLC
 Dolores Mitchell, VCP Financial Manager (without enclosures)

