



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 29, 2008

Mr. Kim Marsh
Pasco School District No. 1
1215 W. Lewis
Pasco, WA 99301

Dear Mr. Marsh:

Re: No Further Action at the following Site:

- **Site Name:** Pasco School District No. 1 Pasco HS
- **Site Address:** 1108 N. 10th Avenue, Pasco, WA
- **Facility/Site No.:** 14758414
- **VCP Project No.:** EA0150

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Pasco School District No. 1 Pasco HS 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 that a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

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

Underground Storage Tank Decommissioning/Site Assessment, 1108 N. 10th Avenue, Pasco, Washington: PBS Engineering and Environmental, August 2006.

Limited Remedial Investigation (RI), Pasco High School, 1108 N. 10th Avenue, Pasco, Washington: PBS Engineering and Environmental, January 2007.

May 2007 Groundwater Monitoring Report, Pasco High School, Pasco, Washington: PBS Engineering and Environmental, May 29, 2007.

September 2007 Groundwater Monitoring Report, Pasco High School, Pasco, Washington: PBS Engineering and Environmental, September 12, 2007.

December 2007 Groundwater Monitoring Report, Pasco High School, Pasco, Washington: PBS Engineering and Environmental, January 22, 2008.

March 2008 Groundwater Monitoring Report and Discussion of all Four Quarterly Groundwater Monitoring Results, Pasco High School, Pasco, Washington: PBS Engineering and Environmental, April 29, 2008.

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 the ERO resource contact 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**.

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.

a. Cleanup levels.

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

- Diesel range petroleum hydrocarbons: 2,000 mg/kg.
- Heavy oil range petroleum hydrocarbons: 2,000 mg/kg.
- Polynuclear aromatic hydrocarbons: 0.1 mg/kg
- Naphthalenes: 5.0 mg/kg

b. Points of compliance.

For soil, the point of compliance is throughout the soils at the site. The point of compliance is based on the protection of groundwater.

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 of accessible contaminated soils to a depth of 25 feet.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued

performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Activities that alter, modify, or remove the existing structure in any manner is prohibited.

To implement those controls, an Environmental Covenant has been recorded on the following parcel of real property at the Site:

- TAX PARCEL #112-140-013.

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B.**

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If we conduct a periodic review and determine further remedial action is necessary at the Site, then we will withdraw this opinion.

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.

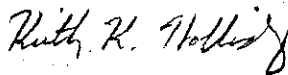
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (#EA0150).

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 or the termination of the Agreement, please contact me at 509/329-3431.

Sincerely,



Keith Holliday
ERO Toxics Cleanup Program
Enclosures (2): A – Description and Diagram of the Site
B – Environmental Covenants for Institutional Controls]

cc: Taudd Hume, Foster Pepper
Dolores Mitchell, VCP Financial Manager
Patti Carter, TCP ERO

