



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 4, 2009

Ms. Julie Shiflett
Columbia Real Estate Holdings, LLC
18759 S. Watson Road
Coeur d'Alene, ID 83814

COPY

Re: No Further Action at the following Site:

- **Site Name:** Columbia Paint & Coatings
- **Site Address:** 112 N Haven Street, Spokane, WA
- **Facility/Site No.:** 640
- **VCP Project No.:** EA0176

Dear Ms. Shiflett:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Columbia Paint & Coatings 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 dependent on the continued performance and effectiveness of the post-cleanup controls specified below.

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:

- Metals 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 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:

1. Phase II Environmental Site Assessment, Columbia Paint and Coatings – Manufacturing, Spokane, Washington: GeoEngineers, Inc., August 8, 2008.
2. Status of Engineering and Institutional Controls, Columbia Paint and Coatings, 112 North Haven Street, Spokane, Washington: GeoEngineers, Inc., September 10, 2009.

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 soil contamination was defined in the reports listed above and does not extend off property.

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 protection of ground water. The cleanup levels are as follows:

- Arsenic: 20 mg/kg
- Mercury: 2 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

- Defined the extent of soil contamination.
- Capped Site with asphalt/concrete paving and structures.

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.

- Contaminated soil was identified in shallow soils.
- The entire Site has been capped to prevent infiltration and mobilization of contaminated soil left in place.
- Ground water monitoring indicated that ground water has not been impacted.

Post-Cleanup Controls and Monitoring

Post-cleanup controls 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:

- A cap over the contaminated soil.

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Spokane County:

- 35153.2903

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 Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology 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.

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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 (#EA0176).

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 by phone at 509/329-3522 or e-mail at paca461@ecy.wa.gov.

Sincerely,



Patti Carter
ERO Toxics Cleanup Program

Enclosures (2): A – Description and Diagram of the Site
B – Environmental Covenant for Institutional Controls

cc: John Haney, GeoEngineers
Dolores Mitchell, VCP Financial Manager (without enclosures)

Enclosure A

Description and Diagram of the Site

Site Description

- A site assessment of the property indicated metals contaminated soil in the upper two feet; concentrations in deeper soil samples were non-detect or below cleanup levels.
- Groundwater monitoring wells were installed; sample results indicated that ground water was not impacted.
- The Site is paved with asphalt/concrete or covered by structures; however some unpaved areas were present during the initial site assessment. All areas with contaminated soil are currently paved.
- Subsurface soils consist of silty gravel with cobbles. Depth to ground water is approximately 60 feet below ground surface.

Site Diagram

