



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 25, 2012

John H. Smith
General Manager
Colville Tribal Credit Corporation
P.O. Box 618
Nespelem, WA 99155

Re: No Further Action [NFA] at the following Site:

- Name: Ardens Store
- Address: 1458 Old Highway 97, Malott
- Facility/Site No.: 419
- Cleanup Site ID: 4906

Dear Mr. Smith:

Thank you for cooperating with Ecology during the work completed for the above-referenced Site. Ecology has completed its review and made a determination that No Further Action (NFA) is required. This letter provides the basis for our NFA determination. 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:

- Gasoline and gasoline constituents (BTEX) in the soil and groundwater.

A detailed description and diagram of the Site, as currently known to Ecology, is included in the



FILE COPY



Final Remedial Investigation Report: Arden's Country Store, Malott, WA, Ecology and Environment, Inc, February 1992.

Basis for the Opinion

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

1. *Final Remedial Investigation Report: Arden's Country Store, Malott, WA, Ecology and Environment, Inc, February 1992.*
2. *Periodic Review: Arden's Country Store, Washington State Dept of Ecology, July 29, 2008.*
3. Phase II Environmental Site Assessment, GeoEngineers, June 30, 2011.
4. Contents of file, CRO central files.

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

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 that the characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is adequately described in the above documents and generally consists of a gasoline release from dispensers, piping, and underground storage tanks.

2. Establishment of cleanup standards.

Ecology has determined the soil and groundwater cleanup levels and points of compliance established for the Site meet the substantive requirements of MTCA. The following cleanup levels apply to the site:

Groundwater (Method A):

Gasoline:	800 ug/L
Benzene:	5 ug/L

Toluene: 1000 ug/L
Xylene: 1000 ug/L
Ethyl Benzene: 700 ug/L

Soil: Method A soil cleanup levels are applicable to the site soils. The Site has soils in excess of Method A soil cleanup levels. An environmental covenant has been filed on the property to limit contact with the soil and notify future property owners of the presence of contaminated soil and the need for protective measures.

3. Selection of cleanup action.

Ecology has determined the cleanup actions selected for the Site meets the substantive requirements of MTCA.

The removal of contaminated soil and monitoring groundwater to determine compliance meets MTCA substantive requirements and is consistent for remediation at petroleum release sites.

4. Cleanup.

Ecology has determined the cleanup performed meets the cleanup standards established for the Site. An environmental covenant has been filed on the property as the remaining soil contamination present is not protective of human health direct ingestion.

Post-Cleanup Controls and Monitoring

This opinion is based on the continued effectiveness of the institutional control(s) required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Restrictive Covenant(s) filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure A. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

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 no further action determination, Ecology will update the status of the Site on its

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site database and initiate the process for removing the Site from the Hazardous Sites List (HSL). Before removing the Site from the HSL, Ecology must first provide the public with notice and an opportunity to comment. When the Site is removed from the HSL, the Site will also be removed from the 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.

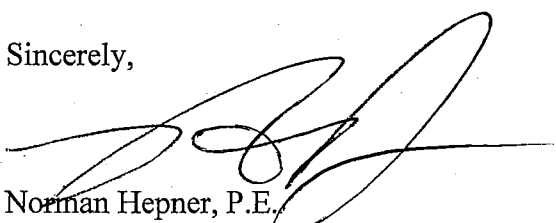
To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that 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).

Thank you for your assistance and cooperation with Ecology in the investigation. If you have any questions about this opinion, please contact me by phone at (509) 457-7127 or e-mail at norm.hepner@ecy.wa.gov.

Sincerely,



Norman Hepner, P.E.
CRO, Toxics Cleanup Program

Enclosure A – Restrictive Covenant