



FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 4, 2005

**CERTIFIED MAIL**

7003 2260 0006 9878 2936

Mr. Bruce Sheppard  
Burlington Northern Santa Fe Railway Company  
2454 Occidental Avenue, Suite A1  
Seattle, WA 98134-1451

Dear Mr. Sheppard.:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 500 Main Street, Wishram, Washington, ERTS #C525798

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

Ecology reviewed the *UST Site Assessment and Removal Report* submitted to Ecology. The report describes soil contaminated with diesel- and heavy oil-range petroleum at levels which exceed the Model Toxics Control Act (MTCA) cleanup levels. While much of the petroleum contaminated soil was removed, laboratory results of confirmation samples indicate diesel and heavy oil levels as high as 118,500 ppm and 60,000 ppm, respectively.

Under the MTCA, Ecology maintains a listing of known or suspected contaminated sites. It is Ecology's decision that the above-referenced property will be added to this information system because of heavily oil-stained soil observed during the site visit. Please note if you submit a report to Ecology within 90 days indicating that contamination on your property is below the cleanup standards, your property will be automatically removed from the list of known or suspected contaminated sites.

Ecology has also determined that a Site Hazard Assessment described in Washington Administrative Code (WAC) 173-340-320 will be required at this site. It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.



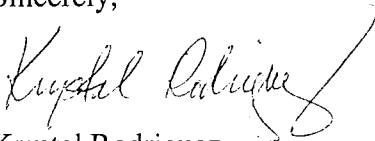
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In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) which requires a report of independent actions. To the extent known, the report shall include: the identification and location of the hazardous substance; circumstances of the release; the discovery and remedial actions planned, completed, or underway. More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed. In the future, Ecology may still need to conduct a more detailed inspection of this property, including testing for possible contamination. At that time we may assess the need for further action.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

I have enclosed a Focus sheet to assist you in familiarizing yourself with the MTCA regulations. If you have any questions regarding this letter or the requirements under the Model Toxics Control Act, please call me. My phone number is (509) 454-7842.

Sincerely,



Krystal Rodriguez  
Site Manager/Initial Investigations  
Toxics Cleanup Program

Enc: Chapter 173-340 WAC  
Chapter 70.105D RCW  
*Model Toxics Control Act Cleanup Regulation:  
Process for Cleanup of Hazardous Waste Sites*

cc: Frosti Smith, TCP-CRO  
Michael Spencer, TCP-HQ