



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

June 12, 2019

Carol Carey
Registered Agent
L.R. Bailey, Inc.
703 N. Bridge PR NE
Benton City, WA 99320

Re: No Further Action at the following Site – Soil Model Remedy No. 1:

- Site Name: Richland Uptown Shopping Center Parcel 17
- Site Address: 1379 George Washington Way, Richland
- Cleanup Site ID: 11649
- Facility/Site ID: 14650
- VCP Project ID: CE0503

Dear Carol Carey:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Richland Uptown Shopping Center Parcel 17 site (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:



- Methylene chloride into Soil.

The site is located at 1379 George Washington Way, Richland. The property consists of retail space within the Richland Uptown Shopping Center.

Basis for the Opinion

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

1. *"Report of Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center,"* prepared by Huntingdon Engineering and Environmental, dated June 8, 1994.
2. *"Soil and Groundwater Assessment Report at Richland Uptown Shopping Center, Parcel 17,"* prepared by Blue Mountain Environmental and Consulting Co, dated May 2, 2019.

Those documents are kept at the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling Ecology's Records Officer at 360-407-6040 or emailing RecordsOfficer@ecy.wa.gov.

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 that no further remedial action is necessary 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 for the identified release. A Site Plan is presented in **Enclosure A**.

Methylene chloride was identified in soil after removal of a heating oil underground storage tank (UST) as presented in the 1994 Limited Environmental Site Assessment. Methylene chloride was detected at 400 µg/kg, above the Model Toxics Cleanup Act (MTCA) Method A cleanup level of 20 µg/kg.

In 2019, an investigation was performed, including the installation of four soil borings on each side of the former tank location. Soil samples were collected at a depth of 13 feet below ground surface (ft bgs) at the four locations, and groundwater samples were collected from two of the boring locations.

No methylene chloride was detected in any of the soil or groundwater samples collected in 2019. Some volatile organic constituents (e.g. ethylbenzene and total xylenes) were detected in soil and groundwater at concentrations well below their respective MTCA cleanup levels. Tetrachloroethene (PCE) was also detected at low concentrations (up to 0.97 µg/L) in the groundwater samples. The PCE detections are believed by Ecology to likely originate from the Richland Uptown Shopping Center Parcel 12 site located west and slightly south of the Parcel 17 site.

2. Establishment of cleanup standards.

Soil Cleanup Levels

The following Method A Cleanup Levels for unrestricted land uses have been used at the Site:

Constituent	Method A Soil Cleanup Level (mg/kg)
Methylene chloride	0.020

Point of Compliance (POC): Standard, throughout the Site extending from the soil surface to 15 feet below ground surface (ft bgs).

Terrestrial Ecological Evaluation (TEE): The Site is surrounded by structures and paved ground of the Richland Uptown Shopping Center. No open space is located within 500 ft of any area of the Site that would trigger a TEE.

3. Cleanup.

Ecology has determined the cleanup meets the cleanup standards established for the Site. Site cleanup consisted of excavation and offsite disposal of the UST in 1994. The methylene chloride detected in soil in 1994 was either a laboratory artifact, or attenuated between 1994 and 2019.

Compliance with the selected cleanup levels (Method A cleanup level for soil) was demonstrated through the collection of four (4) soil samples representative of current soil conditions and two (2) groundwater samples.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing 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 (#CE0503).

For more information about the VCP and the cleanup process, please visit our web site: www.ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program.

Carol Carey
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If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,



Frank P. Winslow, P.G.
Toxics Cleanup Program
Central Regional Office

FPW:rl1

Enclosures: A – Site Plan

cc: Brent Bergeron, BMEC
 Joanna Richards, VCP Financial Manager, Ecology

Enclosure A

Site Plan

