



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 28, 2019

Kenneth and Diane Sasse  
277A Haygood Cutoff Road  
Tonasket, WA 98901

**Re: No Further Action (NFA) Determination for:**

- **Site Name:** Kenneth Sasse Property
- **Site Address:** 277A Haygood Cutoff Road, Tonasket
- **Facility/Site No.:** 1804
- **Cleanup Site ID No.:** 11805

Dear Kenneth and Diane Sasse:

The Department of Ecology (Ecology) has reviewed existing file documents for the above-referenced cleanup site. The following is our opinion, based on that review.

**Issue Presented and Opinion**

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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**

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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:

- Oil into soil.

An Initial Investigation was performed at this rural farm property by the Okanogan Health Department in 2011. Oil staining was observed in several areas of driveway.



Soil samples were collected at several locations and the soil was found to exceed MTCA Method A cleanup levels for heavy oil and diesel range hydrocarbons.

**Enclosure A** presents a map showing the location of the site.

### **Basis for the Opinion**

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

1. Site Hazard Assessment Summary Score Sheet, dated August 2012.

This document is at the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact at (509) 575-2490 or emailing [RecordsOfficer@ecy.wa.gov](mailto:RecordsOfficer@ecy.wa.gov).

This opinion is void if any of the information contained in that document 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.

The conclusion that no further remedial action is necessary is based on the following analysis:

#### **1. Characterization of the Site.**

Ecology has determined that characterization of the Site is sufficient to establish cleanup standards and determine appropriate cleanup actions. Ecology visited the site on December 13, 2017 and met with Kenneth Sasse, the property owner. Kenneth Sasse stated that the stained soils were excavated and placed in a plastic pickup truck bed liner. Ecology examined the areas where staining had been previously reported and found no evidence of petroleum hydrocarbon impacts to soil. Ecology collected soil samples from four locations, including three locations where soil staining had been reported, and from the soil within the pickup truck bed liner. The soil samples were analyzed by Method NWTPH-Dx.

Heavy oil range hydrocarbons in soil at the formerly stained locations ranged from 38 mg/kg to 510 mg/kg, below the MTCA Method A cleanup level of 2,000 mg/kg. Diesel range hydrocarbons ranged from below detection limits to 55 mg/kg.

Heavy oil range and diesel range hydrocarbons were also below MTCA Method A cleanup levels in the sample collected from the pickup truck bed liner (detected at 360 mg/kg and 39 mg/kg, respectively). The petroleum hydrocarbons in the excavated soil appear to have attenuated to below MTCA cleanup levels. Impacts to groundwater from the stained soil are considered highly unlikely.

## **2. Establishment of cleanup standards.**

### **Soil Cleanup Levels**

The Method A cleanup level for heavy oil and diesel in soil are both 2,000 mg/kg.

Point of Compliance (POC): Standard, throughout the Site.

Ecology has determined the cleanup levels and points of compliance established for the Site meet the substantive requirements of MTCA.

## **3. Cleanup.**

Petroleum stained soils was excavated by the owner and placed in an onsite container in 2011. Soils were tested in 2017 and no exceedance of the applicable cleanup level were found. Petroleum in the excavated soil appears to have attenuated to concentrations below applicable cleanup levels. No further remedial actions appear to be warranted at this Site.

## **Listing of the Site**

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Based on this opinion, Ecology will remove the Site from the Hazardous Sites List and the Confirmed and Suspected Contaminated Sites List. This process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdrawal this opinion.

## **Limitations**

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1. This 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 resources damages resulting from the release or releases of hazardous substances at the site. This opinion does not:
  - Change the boundaries of the site.
  - Resolve or alter a person's liability to the state.
  - Protect liable persons from contribution claims by third parties.

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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. This 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 address whether the actions taken at this site are substantially equivalent. Courts make that determination. See RCW 70.105D080 and WAC 173-340-545.
3. 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).

If you have any questions about this opinion, please contact me phone at (509) 454-7835 or by email at [Frank.Winslow@ecy.wa.gov](mailto:Frank.Winslow@ecy.wa.gov).

Sincerely,



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

Enclosure (1): A - Site Location

**Enclosure A**

**Site Location**

