



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 9, 2019

Bryce Robbert
Avista
1411 East Mission Avenue
Spokane, WA 99220-3727

Re: Further Action at the following Site:

- **Site Name:** Avista Corp Spokane Service Center
- **Site Address:** 1411 E Mission Ave, Spokane
- **Cleanup Site ID:** 3512
- **Facility/Site ID:** 31739484
- **VCP Project ID:** EA0343

Dear Bryce Robbert:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Avista Corp Spokane Service Center 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?

YES. Ecology has determined that 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:

- Metals, polycyclic aromatic hydrocarbons (PAHs), and petroleum hydrocarbons into the soil.



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Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

1. GeoEngineers, CSID No. 3512 Avista Service Center Garage Remedial Action, March 22, 2019.
2. Sheila Pachernegg, P.E., Hydraulic Lift Excavations Spokane Service Center, March 31, 1996.

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 the ERO resource contact 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 **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.

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.

- The site is zoned as light industrial (LI) by the City of Spokane, therefore the use of MTCA Method A Industrial soil cleanup levels are appropriate. However, these cleanup levels were incorrectly stated as based on direct contact with contaminated soil, instead of based on protection of groundwater.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site may not meet the substantive requirements of MTCA.

- Contaminated soils remaining onsite contain concentrations of diesel- and oil-range petroleum hydrocarbons (DRPH and ORPH) that exceed the residual saturation level as defined in WAC 173-140-747(10). Ecology is concerned that non-aqueous phase liquid (NAPL) may partition to groundwater as a result of water table fluctuation. Groundwater samples should be collected for two additional quarters to empirically demonstrate that residual soil concentrations will be protective of groundwater.
- The method detection limits (MDLs) for DRPH and ORPH exceed the MTCA Method A groundwater cleanup level. This cleanup level is based on the sum of all fractions reported in the NWTPH-Dx analytical method. Therefore, the sum of the MRLs needs to be lower than the MTCA Method A groundwater cleanup level of 500 µg/L to determine compliance. Please refer to Table 8.10 in Ecology's Guidance for Remediation of Petroleum Contaminated Sites. Additional groundwater samples are needed to confirm that DRPH and ORPH are analyzed below the applicable cleanup levels.

<https://fortress.wa.gov/ecy/publications/documents/1009057.pdf>

- Ecology has not been provided documentation of soil samples collected near the former hydraulic oil reservoirs on the east side of the garage building. If these reservoirs were removed and assessed for potential soil contamination, please provide documentation of excavation, soil analyses, and waste disposal (if applicable).
- Since contaminated soil remains onsite and industrial cleanup levels were selected, an environmental covenant will be required to restrict site usage and ensure the protection of all engineered controls. Please provide a legal description of the site, an illustrated diagram that delineates the extent of remaining contaminated soil, and a maintenance and repair plan for the LDPE liner and soil cap.

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.

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- 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.

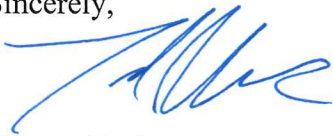
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

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, please contact me by phone at (509) 329-3522 or e-mail at ted.uecker@ecy.wa.gov.

Sincerely,



Ted M. Uecker
ERO Toxics Cleanup Program

TU: kr