



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 29, 2019

Elliot Wakefield
19475 Highway 2
Leavenworth, WA 98826

Re: No Further Action (NFA) Determination for:

- **Site Name:** Ray Rock Grocery
- **Site Address:** 19475 Highway 2, Leavenworth
- **Facility/Site Number:** 71399884
- **Cleanup Site ID Number:** 10237

Dear Elliot Wakefield:

The Department of Ecology (Ecology) appreciates your cooperation with the above-referenced Site. As you know, environmental work was recently completed by GeoEngineers. As a result of the work completed, **Ecology has determined no further remedial action is necessary.** Please refer to the following for site history, contamination information, and data analysis regarding Ecology's determination.

Site History

Two approximately 3,000-gallon underground storage tanks (USTs) were removed from the site in 1991. Petroleum contaminated soil (PCS) was observed in the UST excavation and was subsequently removed and transported for disposal offsite. About eight cubic yards of contaminated soil was removed and placed in a parking/drive area on a different part of the property. The final disposition (left on site or transported off site) of the PCS is not known.

The available documentation stated that follow up confirmation soil samples collected after the PCS removal indicated that petroleum concentrations were less than regulatory cleanup levels within the excavation. However, the laboratory report included with the documentation indicates that benzene exceeded the Model Toxics Control Act (MTCA) Method A cleanup level (30 micrograms per milligram [$\mu\text{g}/\text{kg}$]) in a single confirmation soil sample (449 $\mu\text{g}/\text{kg}$) and gasoline exceeded the MTCA Method A cleanup level when benzene is present (30 milligrams per kilogram [mg/kg]) in two other samples (2,240 mg/kg and 1,890 mg/kg).



In 2018, Ecology received funding through the Model Remedies Grant Program (the Grant Program) to provide additional site characterization to assist a limited number of leaking underground storage tank (LUST) sites towards closure.

The intent of these proposed activities was to further characterize previously identified petroleum impacts at LUST sites still awaiting receipt of a NFA determination from Ecology. As a result, the Ray Rock Grocery site was selected to receive a portion of these funds.

To perform the proposed characterization activities funded by the Grant Program, Ecology retained GeoEngineers of Spokane, Washington. GeoEngineers subsequently coordinated and directed the advancement of four soil borings at the Site on May 9, 2019. Eight soil samples were collected from five soil borings in the vicinity of the former USTs to evaluate for the presence of residual hydrocarbons beneath this area of the Site. Laboratory analyses of these samples did not detect concentrations of petroleum hydrocarbons or associated constituents above their associated MTCA Method A cleanup levels (CULs). A more detailed summary of these activities is provided in the enclosed Site Summary Report.

Determination

Ecology has evaluated the results of the further characterization activities completed in May of 2019 and concluded **no further remedial action** is necessary to clean up residual petroleum hydrocarbon contamination at the Site. That conclusion is based on the following analysis:

- Decommissioning and removal of the original, on-Site USTs has removed the source of petroleum hydrocarbons and related constituents beneath the Site
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the soil samples, collected at the Site on May 9, 2019, above their respective MTCA Method A CULs

As a result of this information, Ecology is issuing a NFA determination for the Site using Model Remedy No. 1, as identified in Ecology's "Model Remedies for Sites with Petroleum Contaminated Soils (Publication No. 15-09-043, September 2015)." Under this option, it has been determined that the historic removal of contaminated soil has achieved Method A CULs beneath the Site.

This determination is based on the information contained in the Site Summary Report and associated analytical reports and documentation. Additional documents related to the reported historical release of petroleum hydrocarbons from the Site UST system are kept at the Central Region Office of Ecology for review.

Limitations

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

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).

Contact Information

If you have any questions about this opinion, please contact me by e-mail at jeff.newschwander@ecy.wa.gov or by phone at (509)454-7842.

Sincerely,



Jeff Newschwander
Site Manager
Toxics Cleanup Program
Central Region Office

Enclosure: (1)

GeoEngineers, Inc. "Soil Assessment," dated June 26, 2019

