



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 18, 2019

Ben Whitley  
Whitley Fuel Company  
1617 2nd Ave. N  
Okanogan, WA 98840-9612

**Re:** *No Further Action Determination* for the following Site – Groundwater Model  
Remedy #5:

- **Site Name:** Pacific Pride Tanker Fire
- **Site Address:** St. Hwy 2 MP 116, Monitor
- **Facility Site ID No.:** 357
- **Cleanup Site ID No.:** 4757
- **VCP No.:** CE0422

Dear Ben Whitley:

The Washington State Department of Ecology (Ecology) has received a request for an opinion on your independent cleanup of the Pacific Pride Tanker Fire Spill 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.

### **Issues Presented and Opinions**

---

1. 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.**

### **Summary of Opinion**

---

A gasoline tanker spill occurred in Chelan County near Monitor on July 24, 1991. Approximately 10,000 gallons of gasoline was spilled and a portion of the fuel burned in a fire. Response activities included excavation of approximately 1,300 cubic yards of contaminated soil as documented in “*Site Assessment Report, Whitley Fuels Tanker Spill, Monitor, Washington,*” prepared by DRT Environmental Consultants, Inc. and dated January 6, 1993.



Groundwater sampling that was done in the excavation found elevated concentrations of total petroleum hydrocarbons and benzene. Approximately 20,000 gallons of mixed gasoline and water was pumped from the excavation and disposed of offsite. Three monitoring wells were installed and sampled in August 1991 and the groundwater samples were found to contain elevated concentrations of purgeable hydrocarbons and benzene.

Groundwater sampling of the three monitoring wells was conducted for eight rounds between September 1996 and June 2018. Although sporadic and low level detections of gasoline were found during these monitoring rounds, none of the detections exceeded Model Toxics Control Act (MTCA) cleanup levels. Verification soil samples were collected at ten locations in September 2018. Although soil samples exceeded the Method A cleanup level for Gasoline Range Organics (GRO), no benzene was detected and no soil samples exceeded the generic TPH cleanup level of 1,500 mg/kg.

### **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 releases:

- Petroleum hydrocarbons (gasoline including benzene) into the Soil and Groundwater.

The site is located on Highway 2, approximately one half mile east of Monitor. The tanker spill occurred on the south side of the highway. South of the highway right-of-way is a forested area and the Wenatchee River is approximately 900 feet south of the highway. Groundwater is found at the Site at a depth of approximately four to seven below ground surface (ft bgs), based on data from site monitoring wells in 2018.

### **Basis for the Opinion**

---

This opinion and analysis was based on the information contained in the following documents:

1. *"Site Assessment Report, Whitley Fuels Tanker Spill, Monitor, Washington,"* prepared by DRT Environmental Consultants, Inc. and dated January 6, 1993.
2. Letter from Ecology (John Mefford) to WCEC Environmental Consultants RE: Further Action at the Pacific Pride Tanker Fire Site, May 6, 2014.
3. Letter from Ecology (Frank Winslow) to Fulcrum Environmental Consulting RE: Status of Contamination Cleanup at the Pacific Pride Tanker Fire Site, June 28, 2018.
4. *"Whitley Fuels Tanker Spill – Groundwater Monitoring Event, June 2018,"* prepared by Fulcrum Environmental Consulting and dated August 8, 2018.
5. *"Whitley Fuels Tanker Spill – Soil Sampling Event, September 2018,"* prepared by Fulcrum Environmental Consulting and dated August 9, 2019.

Those documents are kept in the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling Ecology's Public Records Officer at 360-407-6040 or emailing [RecordsOfficer@ecy.wa.gov](mailto: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 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. A Site Plan is presented in **Enclosure A**.

The results of soil and groundwater sampling and analysis were presented in the 2016 Remedial Action Report, in the September 26, 2018 Additional Soil/Ground Water Sampling letter report, and groundwater monitoring results were presented in the November 1, 2018 letter report. Sampling included collection of performance samples during the remedial action, and final performance samples after the remedial action was complete.

### 2. Establishment of cleanup standards.

Model Toxics Cleanup Act (MTCA) Method A cleanup levels and the model remedy generic total petroleum hydrocarbons (TPH) cleanup level were applied. The following table summarizes the cleanup levels applied at the site.

Contaminant	Soil CUL (mg/kg)	Soil CUL Basis	Groundwater CUL (µg/L)	GW CUL Basis
Generic Total Petroleum Hydrocarbons (TPH)	1,500	Model Remedy	NA	NA
Gasoline Range Organics (GRO)	NA	NA	800/1000*	Method A
Benzene	0.03	Method A	5	Method A
Toluene	7	Method A	1,000	Method A
Ethylbenzene	6	Method A	700	Method A
Total Xylenes	9	Method A	1,000	Method A

\* = cleanup levels for benzene present and no benzene present.

NA = Not applicable or not applied.

The application of the model remedy-based generic TPH cleanup level of 1,500 mg/kg was deemed appropriate based on empirical demonstration via eight groundwater monitoring rounds (with all results below cleanup levels) that the soil to groundwater pathway is no longer operable.

Soil sampling conducted in 2018 found no indications of petroleum contamination at a depth less than 6 ft bgs. The terrestrial ecological pathway is to a depth of 6 ft bgs or less. Therefore, Ecology has concluded that no contamination that could trigger a Terrestrial Ecological Evaluation (TEE) is present at the site.

Ecology has concluded that the cleanup levels applied at the Site are appropriate and that no contaminated soil has been reported to remain above the selected cleanup levels.

### **3. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. The cleanup consisted of excavation and offsite disposal of contaminated soil and pumping and offsite disposal of contaminated groundwater. The cleanup constituted Model Remedy Number 5 for contaminated groundwater.

A total of 1,300 tons of petroleum contaminated soil was excavated and stockpiled onsite, according to the 1993 Site Assessment Report. Although documentation of the final disposal of the excavated soil was not found in site records, the confirmatory soil sampling conducted in 2018 indicates that no soil with contamination above applicable cleanup levels remains.

Approximately 20,000 gallons of contaminated groundwater were pumped and disposed of at Petroleum Services, Inc. of Tacoma, Washington. Sufficiency of the groundwater cleanup was demonstrated through eight groundwater monitoring rounds. Ecology considers it likely that natural attenuation also played a role in both soil and groundwater achieving cleanup levels, considering that 25 years passed between the date of the release and the beginning of groundwater monitoring in 2016.

### **Listing of the Site**

---

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

## **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 (#CE0422).

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](http://www.ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program)

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](mailto:frank.winslow@ecy.wa.gov).

Ben Whitley  
Whitley Fuel Company  
November 18, 2019  
Page 6

Sincerely,



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

cc: Travis Trent, Fulcrum Environmental Consulting, Inc.  
Lyndsay Gordon, VCP Financial Manager, Ecology