



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 22, 2020

Berry Ellison  
City of Spokane  
808 West. Spokane Falls Boulevard  
Spokane, WA 99201

**Re: No Further Action at the following Site:**

- **Site Name:** Carnation Dairies Spokane Garage
- **Site Address:** 444 West Cataldo, Spokane, WA 99201
- **Facility/Site No.:** 16256288
- **VCP Project No.:** EA0344

Dear Berry Ellison:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Carnation Dairies Spokane Garage 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**

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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:

- Gasoline-range petroleum hydrocarbons into the soil.
- Diesel-range petroleum hydrocarbons into the soil.
- Oil-range petroleum hydrocarbons into the soil.

**Enclosure A** includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note the Riverfront Park Spokane facility (FSID 11445, VCP EA0318) also affects parcel(s) of real property associated with this Site. This opinion does not apply to any contamination associated with the Riverfront Park Spokane facility.

## **Basis for the Opinion**

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

1. Letter "Carnation Dairies Spokane Garage PCS Cleanup," GeoEngineers, December 26, 2019
2. Letter "Carnation Dairies Spokane Garage Historical UST Release," GeoEngineers, August 29, 2019
3. Sampling and Analysis Plan, GeoEngineers, April 26, 2019
4. VCP Application, City of Spokane, April 25, 2019

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**

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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. The Site is described above and in **Enclosure A.**

Sufficient sample numbers, depths, locations, and lab analyses were completed for the release from the former aboveground storage tank and associated dispenser.

**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. A standard soil point of compliance is applied. The Method A cleanup levels are as follows:

- GRPH: 100 mg/kg
- DRPH: 2000 mg/kg
- ORPH: 2000 mg/kg
- Benzene: 0.3 mg/kg
- Toluene: 7 mg/kg
- Ethylbenzene: 6 mg/kg
- Xylenes: 9 mg/kg

**3. Selection of cleanup action and Cleanup.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Originally, releases from the dispenser were determined to be below applicable cleanup levels, and no action was deemed necessary. However, after demolition of the building adjacent to the dispenser, petroleum releases to soil exceeding cleanup levels were discovered below the basement foundation. These are thought to have come from leaks from the aboveground petroleum storage tank originally located in the building basement. Additional characterization was performed, and all accessible contaminated soil was excavated and disposed off-site. Small amounts of contaminated soil remain on bedrock, but these were not accessible due to limitations of equipment working on the bedrock surface. A total of 74.5 tons of petroleum-contaminated soil was removed from the site. The residual contaminated soil is at a depth of greater than 10 feet, discontinuous and limited in volume.

In addition to the releases from the aboveground storage tank which are the subject of this VCP project, there had been previous releases from regulated underground storage tanks (USTs) at the same site. An independent report was submitted to Ecology with information about those releases in August 2019 in a report titled "Carnation Dairies Spokane Garage Historical UST Release." These releases were discovered in 1989, and impacted soil was excavated and disposed off-site. However, no cleanup confirmation was performed. In 1999, the area was resampled and confirmed to still be impacted by petroleum contamination; no additional remedial actions were taken. In addition, perched groundwater in one location was found to have petroleum contamination.

In 2019, as a part of site investigation for redevelopment of the property, the area around the former USTs was resampled to determine if petroleum contamination was still present. Test pits and soil borings showed that contamination was below Method A cleanup levels, likely due to natural attenuation of petroleum contaminants. Additionally, soil concentrations had reduced to a level where groundwater exceedances would no longer be expected; however the intermittent perched nature of groundwater prevented any samples from being collected.

Under WAC 173-340-515(5), Ecology has the authority to provide informal advice in the form of written opinions as to whether independent remedial actions meet the substantive requirements of this chapter and/or whether Ecology believes further remedial action is necessary. Since the other petroleum releases at the site have been addressed, Ecology has decided to provide such an opinion on this independent remedial action so that the entire site may be addressed.

Ecology has determined that the characterization performed in 2019 related to the UST releases, in combination with work covered by the VCP in this letter, is adequate to show that the site has been fully addressed and can receive a determination of No Further Action.

### **Listing of the Site**

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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.
- Leaking Underground Storage Tank 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**

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### **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**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#EA0344).

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 329-3412 or e-mail at [satr461@ecy.wa.gov](mailto:satr461@ecy.wa.gov).

Berry Ellison  
June 22, 2020  
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Sincerely,

A handwritten signature in blue ink that reads "Sandra Treccani". The signature is written in a cursive style.

Sandra Treccani  
ERO Toxics Cleanup Program

ST: hg

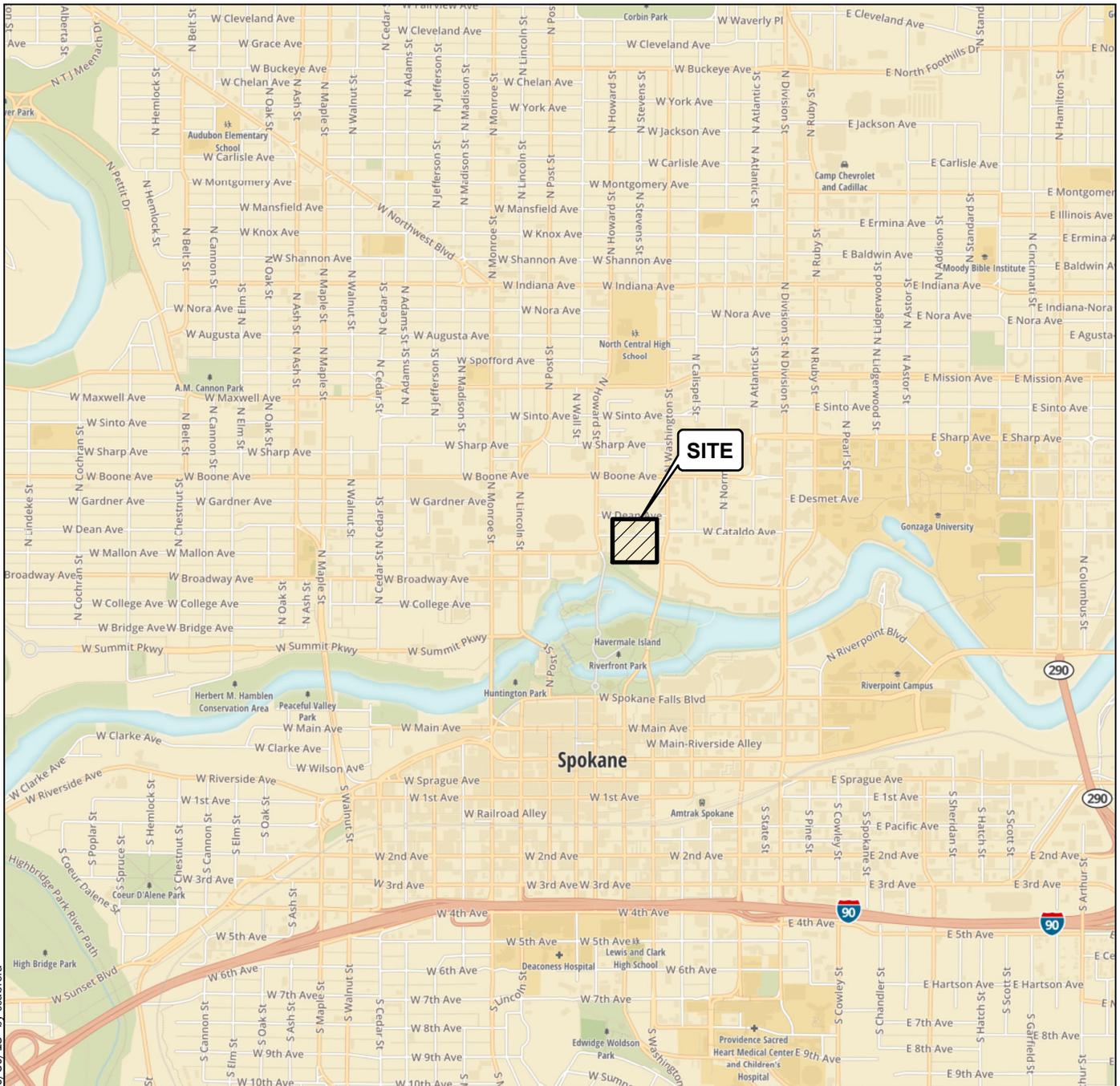
Enclosures (1): A –Diagrams of the Site

By certified mail: 7019 0140 0000 6497 5997

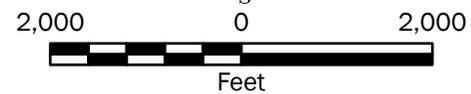
cc: JR Sugalski, GeoEngineers

**Enclosure A**

**Diagrams of the Site**



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**Vicinity Map**

**Spokane Sportsplex Facility  
Spokane, Washington**



**Figure 1**

- Notes:**
1. The locations of all features shown are approximate.
  2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

Data Source: Mapbox Open Street Map, 2018

Projection: NAD 1983 UTM Zone 11N



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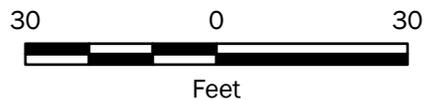
**Legend**

-  Approximate Initial Characterization Sample Location
-  Approximate Confirmation Sample Location
-  Former Fuel Dispenser
-  Approximate Extent of Excavation
-  Sample Results Greater Than MTCA Method A Cleanup Levels
-  Sample Results Less Than MTCA Method A Cleanup Levels

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Data Source: Google Earth, 2019  
 Projection: NAD 1983 UTM Zone 11N



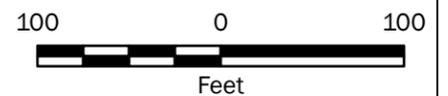
<b>Site Plan</b>	
Carnation Dairy Spokane Garage Spokane, Washington	
	<b>Figure 2</b>



**Legend**

- Approximate Boring Location (GeoEngineers, October 2018)
- Approximate Test Pit Location (CH2MHill, March 1999)
- Approximate Test Pit Location (CH2MHill, August 1999)
- Approximate Boring Location (Anania, 1990)
- Approximate Monitoring Well Location (Anania, 1990)
- Approximate Boring Location (CH2MHill, August 1999)
- Basalt Outcrop
- Parcels
- Approximate Study Area
- Estimated Depth to Rock (ft)

Major Contour (5 Foot)  
Minor Contour (1 Foot)



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- Data Source: Aerial from ESRI, Parcels from Spokane County, Borings from CH2MHill and Anania site plans  
Projection: WGS 1984 Web Mercator

Spokane, Washington



Figure 3