



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 29, 2020

Hamed Adib
Eagle Canyon Capital LLC
3130 Crow Canyon Place, Suite 240
San Ramon, CA 94583

RE: No Further Action at the following Site – Groundwater Model Remedy No. 1:

- **Site Name:** Jackpot Food Mart 056
- **Site Address:** 500 George Washington Way, Richland
- **Facility Site ID No.:** 38214358
- **Cleanup Site ID No.:** 5992
- **VCP Project No.:** CE0438

Dear Hamed Adib:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Jackpot Food Mart 056 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.

Issue Presented and Opinion

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

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:

- Petroleum (Gasoline) into soil and groundwater



The Site is located at 500 George Washington Way in Richland. The property consists of an operating gas station and food mart. The property is surrounded by commercial operations along George Washington Way to the north, south, and west. A narrow greenbelt to the east separated the property from the Richland Community Center to the east.

Basis for the Opinion

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

1. *“Site Closure Plan, PC&F Site 01-056, 500 George Washington Way, Richland, Washington”* Environ Strategy Consultants, Inc., January 21, 2011.
2. *“Groundwater Monitoring Report, Site 01-056, 500 George Washington Way, Richland, Washington”* Environ Strategy Consultants, Inc., 3rd Quarter 2010, 4th Quarter 2011, 2nd Quarter 2012.
3. *“Executive Summary: Leaking Underground Storage Tank Review”* Ecology and Environment, Inc., December 2, 2008
4. *“First Quarter 2020 Groundwater Monitoring Report, Site No. 0560, 500 George Washington Way, Richland, Washington”* Montrose Environmental, May 13, 2020.
5. Jackpot Food Mart 056 Correspondence File, Ecology’s Central Regional Office.

Those documents are kept at the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO public records coordinator at 509-454-7658 or emailing 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 that no further remedial action is necessary 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 for the identified release. Site Plans are presented in **Enclosure A.**

Gasoline was found in soil during a removal of four underground storage tanks (USTs) in 1994. A Remedial Investigation conducted in 1995 included soil and groundwater sampling at eleven (11) monitoring wells, and at air sparging and vapor extraction wells. Since that time, numerous investigations have taken place, including the installation and sampling of an additional twenty-one (21) monitoring wells.

Although groundwater in to the west of the Site flows to the southeast, groundwater flow directions beneath the Site were found to be variable and complex, presumably due to the close proximity of the Columbia River, and operations of the dam on the river resulting in periodic groundwater flow direction reversals.

Groundwater sampling has taken place during thirty nine (39) monitoring rounds between 2005 and 2020. Post-remediation confirmation soil sampling was conducted in 2013, and no site contaminants were detected above cleanup levels.

2. Establishment of cleanup standards.

Cleanup Levels

The following Method A Cleanup Levels for unrestricted land use have been used at the Site:

Constituent	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
Gasoline Range Organics (benzene present)	30	800
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
Lead	250	15

Point of Compliance (POC): Standard, throughout the Site, for soil extending from the surface to 15 feet below ground surface (ft bgs).

Terrestrial Ecological Evaluation (TEE): The gas station property is surrounded by commercial properties to the north, west, and south. Although the property is bounded by a green belt area to the east, Ecology has concluded that no ecological receptors are present that could be impacted by site contamination and no TEE is needed.

3. **Cleanup.**

Ecology has determined the cleanup meets the cleanup standards established for the Site. Site cleanup apparently consisted of several remedial actions conducted at the site, including air sparging and soil vapor extraction (SVE) in 1996-1998 and injection of peroxide solution in 2005. Natural attenuation has also likely contributed to the cleanup of the gasoline contamination in soil and groundwater at the site and will likely continue for any residual contamination.

Success of the cleanup has been demonstrated by the confirmation soil sampling conducted in 2013, and a minimum of four consecutive quarterly rounds of monitoring data below cleanup levels. Ecology notes that groundwater data from one monitoring round (March 2020) was rejected due to laboratory quality concerns, and the monitoring wells in question were resampled in April 2020.

The cleanup conducted at the Site constitutes groundwater model remedy number 1, under Ecology's "Model Remedies for Sites with Petroleum Impacts to Groundwater".

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, and
- 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

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.

Hamed Adib
Eagle Canyon Capital LLC
July 29, 2020
Page 5

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 MTCAs, 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 (#CE0438).

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.

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.

Sincerely,



Frank P. Winslow, LHG
Toxics Cleanup Program
Central Regional Office

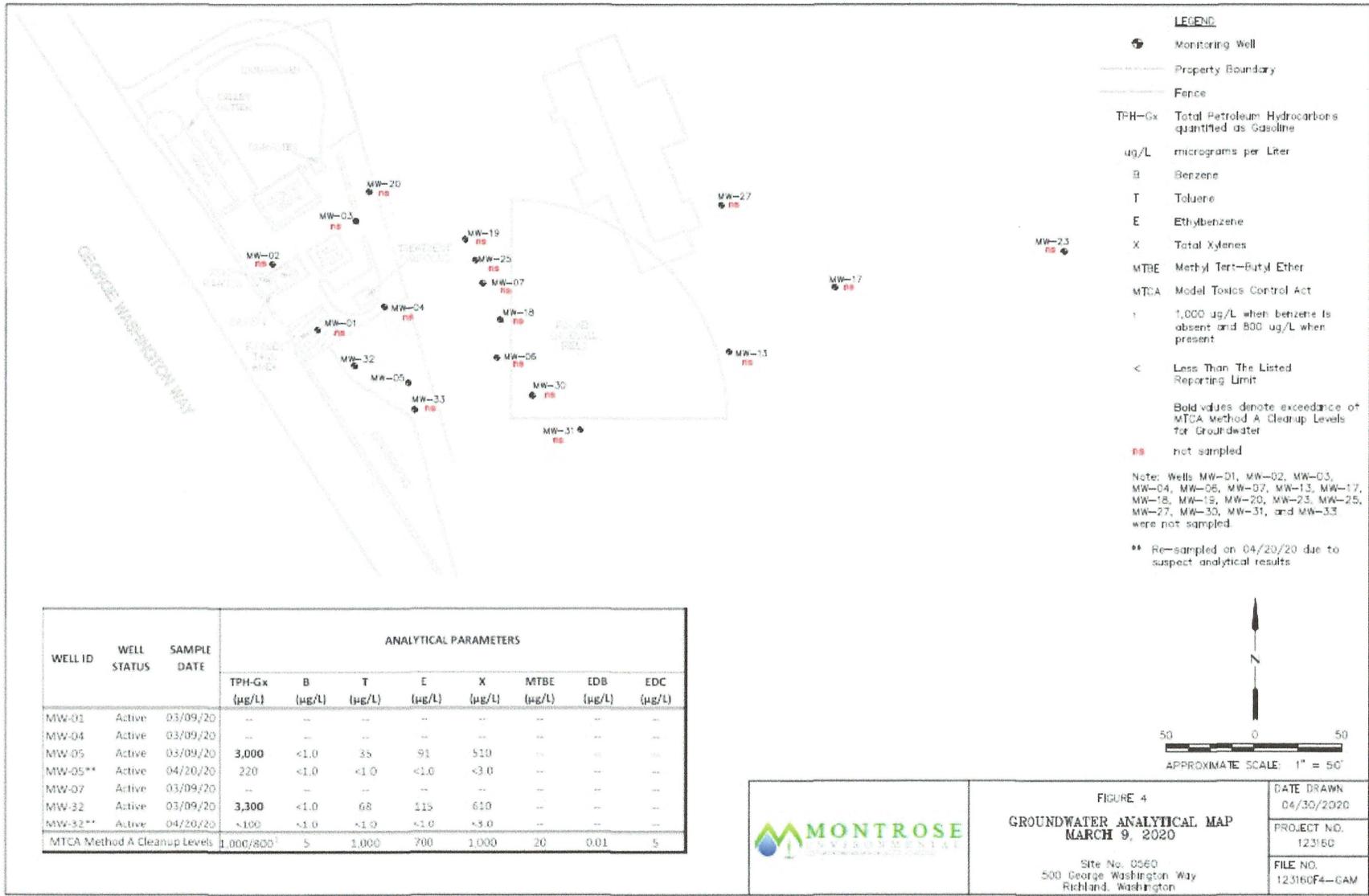
FPW:rlf

Enclosures: A – Site Plans

cc: Laura Skow, Montrose Environmental
VCP Financial Manager, Ecology

Enclosure A

Site Plans



WELL ID	WELL STATUS	SAMPLE DATE	ANALYTICAL PARAMETERS							
			TPH-Gx (µg/L)	B (µg/L)	T (µg/L)	E (µg/L)	X (µg/L)	MTBE (µg/L)	EDB (µg/L)	EDC (µg/L)
MW-01	Active	03/09/20	--	--	--	--	--	--	--	--
MW-04	Active	03/09/20	--	--	--	--	--	--	--	--
MW-05	Active	03/09/20	3,000	<1.0	35	91	510	--	--	--
MW-05**	Active	04/20/20	220	<1.0	<1.0	<1.0	<3.0	--	--	--
MW-07	Active	03/09/20	--	--	--	--	--	--	--	--
MW-32	Active	03/09/20	3,300	<1.0	68	115	610	--	--	--
MW-32**	Active	04/20/20	<100	<1.0	<1.0	<1.0	<3.0	--	--	--
MTCA Method A Cleanup Levels			1,000/800 ¹	5	1,000	700	1,000	20	0.01	5



MONTROSE
ENVIRONMENTAL
CONSTRUCTION SERVICES

FIGURE 4
GROUNDWATER ANALYTICAL MAP
MARCH 9, 2020

Site No. 0560
500 George Washington Way
Richland, Washington

DATE DRAWN
04/30/2020

PROJECT NO.
123160

FILE NO.
123160F4-CAM

