



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

September 25, 2007

CERTIFIED MAIL

7006 0100 0002 8191 7433

Mr. Bruce Sheppard
BNSF Railway Company
2454 Occidental Avenue, Suite A1
Seattle WA 98134

Dear Mr. Sheppard:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at Michael Irrigation, Cashmere, WA, ERTS #562176, Facility/Site ID #3154383

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation. The II is based upon the Ecology file which contains the January 12, 2005 report titled "Limited Phase II Report – Leased Property No.:40,250,477, John Michael, Cashmere, Chelan County, WA" by EMR Incorporated.

Crude oil contamination was found on the site during telephone pole installation in 2004. The crude oil is believed to be from a tanker spill in the 1930s. Eight soil and three groundwater samples were collected and analyzed for gasoline, diesel, oil, BTEX, and naphthalene. Gasoline, diesel, and oil were detected in soil above MTCA Method A Cleanup levels at 795 mg/kg, 3620 mg/kg, and 7610 mg/kg respectively. Diesel and oil was also detected in groundwater above MTCA Method A cleanup levels at 1290 ug/L and 2160 ug/L respectively.

Under the Model Toxics Control Act (MTCA), Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpag.HTM>. It is Ecology's decision that the above-referenced property will be added to this database because of residual gasoline, diesel, and oil contamination above the MTCA Method A cleanup level.

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).

It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively



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through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants **no further action**, you are encouraged to participate in the Voluntary Cleanup Program (VCP). Information about the VCP is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Mark Dunbar, CRO VCP Coordinator, at (509) 454-7842.

If you have any questions regarding this letter, please feel free to contact me at (509) 454-7290.

Sincerely,



Brian T. Deeken
Site Manager
Toxics Cleanup Program

Enc: Chapter 173-340 WAC
Chapter 70.105D RCW