



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
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August 13, 2021

Ryan Lyyski  
Public Works & Utilities Director  
City of Ellensburg  
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Ellensburg, WA 98926  
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**RE: No Further Action at the following Site:**

- **Site Name:** Ellensburg City W 8<sup>th</sup> Ave ROW
- **Site Address:** W. University Way, Ellensburg
- **Facility Site ID No.:** 77737583
- **Cleanup Site ID No.:** 1928

Dear Ryan Lyyski:

The Washington State Department of Ecology (Ecology) has performed further investigations at the Ellensburg City W 8<sup>th</sup> Ave ROW site (Site). This letter provides our opinion based on those further investigations. 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:

- Petroleum (heavy oil) into the Soil and Groundwater



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**Enclosure A** is a diagram of the Site, as currently known to Ecology. Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

The Site is located within the West 8<sup>th</sup> Avenue Right-of-Way (ROW), west of North Wenas Street, and South of University Avenue in Ellensburg, WA. Ecology understands that the City of Ellensburg is in the process of abandoning this ROW, which will become the property of Ward Rugh, Inc., which surrounds the W 8<sup>th</sup> Ave ROW west of North Wenas Street. The ROW is surrounded by commercial land uses.

### **Basis for the Opinion**

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

1. *"Site Assessment Report of Petroleum Release, City of Ellensburg, W 8<sup>th</sup> Ave Right-of-Way, Ellensburg, WA."* PLSA Engineering and Surveying dated March 1991.
2. *"Soil and Groundwater Assessment, Ellensburg City West 8<sup>th</sup> Street Right-of-Way, Ellensburg, WA."* GeoEngineers dated July 26, 2021.

A number of these documents are accessible in electronic form from the Site webpage <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=1928>. The complete records are stored in the Central Files of the Headquarters Office of Ecology, for review by appointment only. Visit our Public Records Request page <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>, to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or 360-407-6040.

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 that no further remedial action is necessary is based on the following analysis:

#### **1. Characterization of the Site.**

A petroleum release at the Ellensburg City West 8<sup>th</sup> Ave Site was identified during cleanup work being performed in 1991 on the adjacent property to the south (Ward Rugh Inc Site, CSID 7088). A test pit dug within the West 8<sup>th</sup> Avenue Right-of-Way (ROW) indicated the presence of petroleum in soil and groundwater.

An investigation was conducted on behalf the Department of Ecology Toxics Cleanup Program (TCP) by GeoEngineers in May 2021. This investigation included soil and groundwater sampling at five locations via direct push sampling methods. The locations were within and surrounding the former test pit location. Continuous soil sampling was done to a depth of 10 feet below ground surface (ft bgs) and soil was screened for indications of petroleum using a photoionization detector (PID) and via visual and olfactory observations.

The potential presence of petroleum in soil was noted in four of the five soil borings at depths between five and seven ft bgs. Soil samples from these depths were analyzed for gasoline-range, diesel-range, and heavy oil range organics by NWTPH-Gx and NWTPH-Dx, and for benzene, toluene, ethylbenzene, and xylenes (BTEX) by EPA Method 8260. No gasoline or BTEX was detected in any soil samples. Diesel was detected in four of five soil samples with a maximum detection of 140 mg/kg. Heavy oil was detected in four of five soil samples with a maximum detection of 1,700 mg/kg.

Groundwater was sampled by placing a temporary PVC well screen within the test borings and sampling with a peristaltic pump. Groundwater samples were analyzed for the same parameters as the soil samples. Gasoline range organics were detected in one of five groundwater samples at a concentration of 170 µg/L. Diesel was found in one of five groundwater samples at a concentration of 110 µg/L. Heavy oil was found in all but one groundwater samples with a maximum concentration of 370 µg/L. With the exception of the one gasoline detection, all of the highest detections were located in the central test boring location. No BTEX was detected in any groundwater samples.

The investigation conducted by GeoEngineers in 2021 indicates that no contamination is present at the Site at concentrations above cleanup levels that would suggest the need for further investigation or cleanup.

**2. Establishment of cleanup standards.**

**Cleanup Levels**

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

| Contaminant               | Maximum Concentration in Site Soils (mg/kg) | MTCA Method A Cleanup Level (mg/kg) |
|---------------------------|---|-------------------------------------|
| Gasoline Range Organics   | < 9.3                                       | 100                                 |
| Diesel Range Organics     | 140 J                                       | 2,000                               |
| Heavy Oils Range Organics | 1,700                                       | 2000                                |
| Diesel + Heavy oil        | 1,840                                       | 2000                                |

J – Estimated value. Cleanup level for Gasoline Range Organics based on no benzene present.



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

| Contaminant               | Maximum Concentration in Site Groundwater (µg/L) | MTCA Method A Cleanup Level (µg/L) |
|---------------------------|--|------------------------------------|
| Gasoline Range Organics   | 170  | 1,000                              |
| Diesel Range Organics     | 110 J  | 500                                |
| Heavy Oils Range Organics | 370 J  | 500                                |

J – Estimated value. Cleanup level for Gasoline Range Organics based on no benzene present.

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

Terrestrial Ecological Evaluation (TEE): The site is located within a urbanized setting in Ellensburg with little open space in the area. Therefore the site is exempt from TEE requirements.

### 3. Cleanup.

No cleanup level exceedances have been found at the Site which would require further action. Per WAC 173-340-360(2), it is our professional judgment that no further action is required for this cleanup site.

### 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:

- Confirmed and Suspected Contaminated Sites List.

### 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.

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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).

**Closing**

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If you have any questions about this opinion, 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

Enclosures: A – Site Diagram

cc: Andy Schmidt, Ward Rugh Inc.  
Terry Weiner, Assistant City Manager/City Attorney, City of Ellensburg

**Enclosure A**

**Site Diagram**





**Site Plan**  
 Ellensburg City West 8th Street ROW  
 Ellensburg, Washington

**GEOENGINEERS** Figure 2

**Legend:**

- Proposed Exploration Location
- Historical S&B Sample Location with Results less than MTCA Method A Criteria (PUSA Engineering & Surveying 1991)
- Historical Groundwater Sample Location with Results less than MTCA Method A Criteria (PUSA Engineering & Surveying 1991)
- OH - Overhead Power
- Yellow rectangle: Above Ground Storage Tank (AST)
- Black rectangle: Approximate Shop Building Location
- Red dashed circle: Approximate 1991 Exploratory Trench Location
- Red dashed circle: Approximate 1991 Fuel Tank Basin Excavation Location
- Red dashed circle: Waste Oil Tank Basin

Scale: 0 50 Feet

North Arrow: N, S, E, W

Data Source: ERP/CMVY  
 Parcels and roads from Kittitas County GIS.



