



# FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

September 13, 2006

**CERTIFIED MAIL**

7005 1820 0006 5951 6652

Mr. Marty Gardner  
Welch's  
PO Box 6067  
Kennewick, WA 99336

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 10 East Bruneau, Kennewick, WA, ERTS #556924

Dear Mr. Gardner:

On August 3, 2006, the Washington State Department of Ecology (Ecology) was notified of a release or potential release at the above-referenced property. Under Chapter 70.105D Revised Code of Washington (RCW), Ecology is required to conduct an initial investigation and determine any threat to human health or the environment.

On August 8, 2006, an initial investigation for groundwater contamination was completed. The investigation was initiated by a telephone call from Mr. Gardner, Director of Plant Operations at the facility. Mr. Gardner reported that heavy oil was detected on groundwater in the vicinity of an underground bunker oil storage tank (UST) during a Phase 2 Environmental Assessment. The assessment was performed by PBS Engineering and Environmental (PBS). At the time of the initial investigation, PBS was conducting exploratory excavation in the vicinity of the UST supply lines in an attempt to determine the source of contamination. PBS later determined that the source of contamination was not the existing UST, but two 12,000-gallon USTs that had been removed some time between 1974 and 1978. PBS performed remedial excavation of contaminated soil on the site and submitted two reports; a Limited Underground Storage Tank Assessment, and a Soil Remedial Action Report, both of which were received by Ecology on August 25, 2006.

The Soil Remedial Action Report states that petroleum contaminated soil was removed to the water table, which was encountered at a depth of approximately 21 feet. Analytical results of soil samples taken from the contaminated soil stockpile confirmed diesel and oil range petroleum hydrocarbons present in the soil at concentrations above the Model Toxics Control Act (MTCA) Method A cleanup levels. Analytical results of groundwater samples taken during the UST Assessment confirmed diesel and oil range petroleum hydrocarbons present in groundwater at concentrations above the MTCA Method A cleanup levels.



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Under the Model Toxics Control Act (MTCA), Ecology maintains a listing of confirmed or suspected contaminated sites. This listing 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 site be added to this list based on confirmed groundwater contamination.

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 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. In the future, Ecology may still need to conduct a more detailed inspection of this property, including testing for possible contamination. At that time we may assess the need for further action.

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 have any questions regarding this letter or the requirements under the Model Toxics Control Act, please feel free to call me at (509) 454-7836.

Sincerely,



Mark Dunbar  
Central Regional Office  
Toxics Cleanup Program

Enc: Chapter 173-340 WAC  
Chapter 70.105D RCW