



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 14, 2013

Mr. Brett MacDonald  
3 Kings Environmental, Inc.  
1311 Grace Avenue  
Battle Ground, WA 98604

**Re: Site Status and Closure Report submittal**

- **Site Name:** Ryder Truck Rental Leasing Inc.
- **Site Address:** 19 West Washington Avenue
- **Facility/Site ID No.:** 17218256
- **Cleanup Site ID No.:** 5609
- **VCP Project No.:** CE0276

Dear Mr. MacDonald:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the above-referenced Site. This letter provides our opinion, which is provided under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issue Presented and Opinion**

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1. Does the cleanup qualify for a No Further Action?

**No. Ecology has reviewed the submitted report and has determined that the method used to determine groundwater compliance for well RW-1 does not meet the statistical compliance monitoring provisions of WAC 173-340-720(9)(c).**

2. Is further remedial action still necessary to meet other cleanup standards at the Site?

**Yes. Additional continued monitoring of groundwater contamination is required.**

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 on the following pages.



## **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 releases:

- **Diesel-range hydrocarbons in groundwater**

The site as currently know to Ecology is as shown in Figure 4, "Site Status & Closure Report", 3Kings Environmental Inc., 12 December 2012.

Please note that 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.

## **Basis for the Opinion**

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

1. "Site Status & Closure Report: Ryder Truck Facility, 19 West Washington Avenue, Yakima, Washington", 3Kings Environmental, Inc. 12 December 2012.
2. Correspondence File (contains multiple reports and various correspondence), Department of Ecology.

Those documents are kept in Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, Roger Johnson, at (509) 454-7658.

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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This opinion 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.

**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. Cleanup levels.**

MTCA Method A cleanup levels for soil and ground water have been selected as the appropriate cleanup standard for the Site.

**3. Selection of cleanup action.**

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

**4. Cleanup.**

Ecology has determined the cleanup you performed does not currently meet the following cleanup standard:

- **Diesel-range hydrocarbons in RW-1**

In order to receive a No Further Action determination for this Site under the VCP, additional monitoring and a statistical demonstration in compliance with **statistical compliance monitoring provisions of WAC 173-340-720(9)(c) OR** four *consecutive* quarters of groundwater samples below the MTCA Method A groundwater cleanup levels for diesel-range hydrocarbons will need to be provided to Ecology for monitoring well RW1 with additional wells monitored for groundwater elevation to determine gradient.

**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).

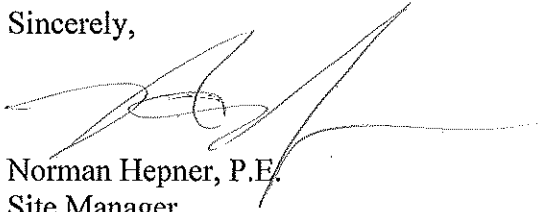
**Contact Information**

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Thank you for participating in the Voluntary Cleanup Program (VCP). As your cleanup progresses, please do not hesitate to request additional services. We look forward to working with you.

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, please contact me at (509) 454-7835.

Sincerely,



Norman Hepner, P.E.  
Site Manager  
CRO Toxics Cleanup Program

cc: Donald L. Werst, property owner  
Ryder Transportation Services, client  
Dolores Mitchell, VCP Financial Manager