



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 17, 2022

John Sinclair
Kittitas Valley Fire and Rescue
400 E. Mountain View Avenue
Ellensburg, WA 98926

Re: No Further Action at the following Site:

- **Site Name:** Mackners Transport
- **Site Address:** 400 E. Mountain View Avenue, Ellensburg
- **Cleanup Site ID:** 11724
- **Facility/Site ID:** 27815219
- **VCP Project ID:** CE0418

Dear John Sinclair,

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Mackner Transport Inc. facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 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 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively “substantive requirements of MTCA”).

This No Further Action (NFA) opinion was issued using Model Remedy Option 1 contained within Publication Number 16-09-057 "*Model Remedies for Site with Petroleum Impacts to Groundwater*" dated December 2017. The complete 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 releases:

- Diesel and Gasoline into the Soil and Groundwater

Although the Early Notice Letter sent to Mackner's Transport in 2012 noted contaminants including gasoline, benzo(a)pyrene, and lead in soils, these contaminants of concern were not detected in any subsequent investigation or during remedial actions. Therefore, they are not included in the final opinion.

Enclosure A includes a detailed description and 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.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**. The complete records are stored in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Visit our Public records requests - Washington State Department of Ecology¹ 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 or 360-407-6040.

This opinion is void if any of the information contained in those documents is materially false or misleading.

¹ <https://ecology.wa.gov/Footer/Public-records-requests?msclkid=970184b8b04411ec8593f5d46b53b945>

Analysis of the Cleanup

Ecology has concluded that no further remedial action is necessary to clean up contamination at the Site.

That conclusion 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. The Site is described above and in **Enclosure A.**

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 Method A Cleanup Levels for Unrestricted Use.

3. Selection of cleanup action.

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

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

The cleanup action consisted of soil removal of areas containing petroleum hydrocarbons, injection of chemicals into the soils to enhance the biodegradation of petroleum hydrocarbons, installation of a subsurface injection gallery beneath the building footprint, and groundwater monitoring. In addition, a vapor barrier was installed during construction of the fire station building to prevent any remaining vapors from entering the indoor air of the building.

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.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(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 70A.305.080 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 70A.305.170.

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 CE0418.

For more information about the VCP and the cleanup process, please visit our VCP webpage².

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

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If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 509-571-6661 or e-mail at Mary.Monahan@ecy.wa.gov.

Sincerely,



Mary Monahan
Washington State Department of Ecology
Central Regional Office
Toxics Cleanup Program

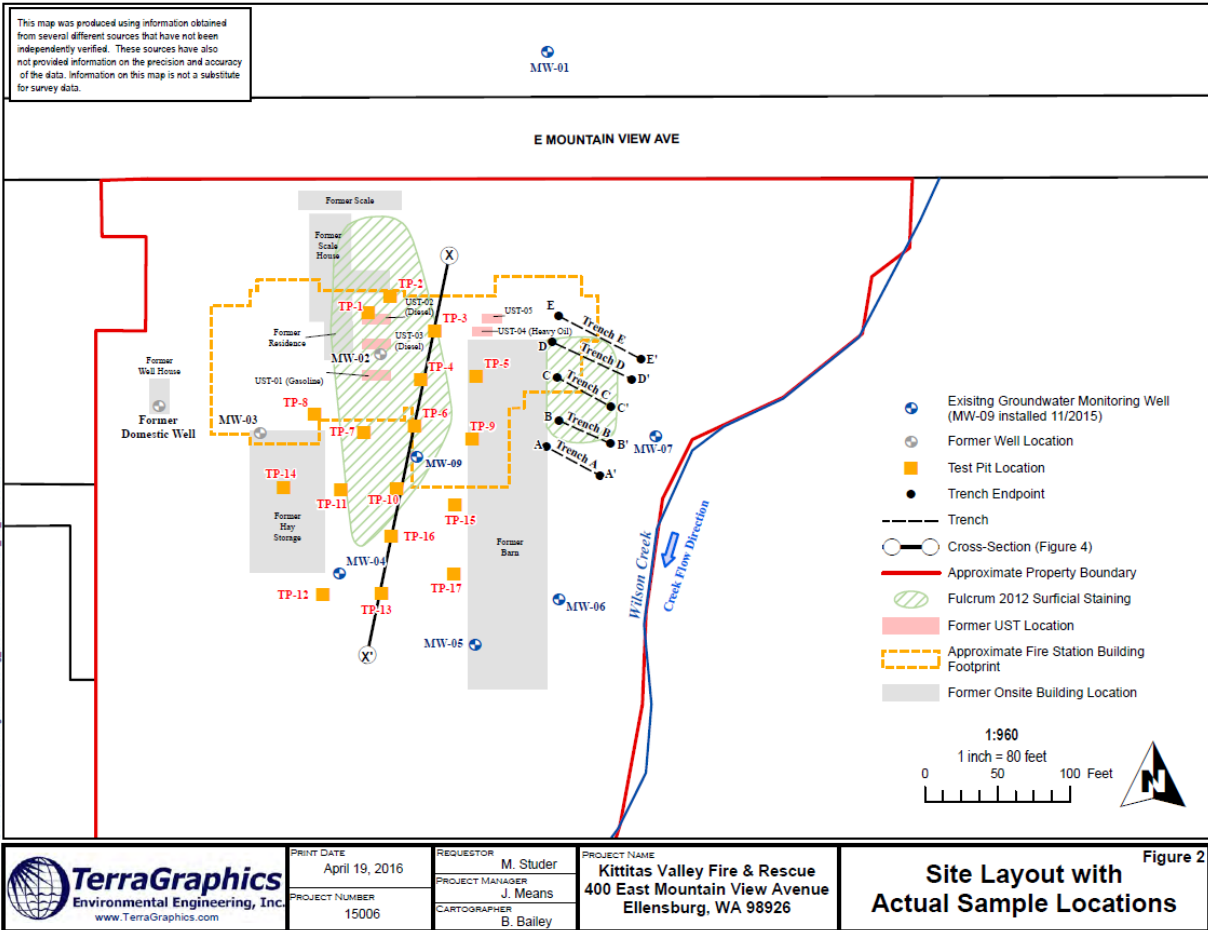
Enclosures: A – Site Description and Diagrams
 B – Basis for the Opinion: List of Documents

Enclosure A

Figures



Site Layout Pre-Construction of Existing Building



Sampling Map with Overlay of Existing Building

Enclosure B

List of Reference Documents

Remedial Site Investigation and Characterization Report, Fulcrum Environmental Consulting

Final KVFR Cleanup Action Plan, TerraGraphics Environmental Engineering, Incorporated

Final Quality Assurance Project Plan, KVFR, TerraGraphics Environmental Engineering, Incorporated

Technical Memorandum for Second Quarter 2017 Groundwater Sampling, September 28, 2017, Alta Science & Engineering, Inc.