State of Washington
POLLUTION LIABILITY INSURANCE AGENCY
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April 26, 2023

Mike Nash
Independent Trailer and Equipment Company
1602 Rudkin Road
Yakima, WA 98901

Re: No Further Action for the Following Site:

- **Facility/Site Name:** Wondrack Distributing, Inc.
- **Facility/Site Address:** 1602 Rudkin Road, Yakima, WA 98901
- **Facility/Site ID:** 57713524
- **TAP Project Number:** PC032

Dear Mr. Nash:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 1602 Rudkin Road in Yakima, Washington (Site). This letter provides our opinion made under the authority of Chapter 70A.330 RCW and Chapter 374-80 WAC. PLIA appreciates your initiative in pursuing this administrative option for cleaning up a contaminated site under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

Opinion on Cleanup

PLIA has determined that **no further action is necessary** to clean up petroleum contamination at the Site.

The investigative actions conducted have **determined the nature and extent** of **petroleum impacted soil. Remedial actions have eliminated the potential for** petroleum contaminated soil (PCS) to come into contact with human/ecological receptors or to leach into groundwater. Soil data also indicates **the petroleum release was confined to within the property** boundaries and that PCS has not migrated off the property.

Based on these Site conditions, **PLIA is issuing this determination of No Further Action for the Site.** This opinion is based on the remedial action meeting the substantive

requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). Our analysis is provided below.

Description of the Site

This opinion applies only to the petroleum release at the Site located at 1602 Rudkin Road & 2014 East Viola Avenue, Yakima, Washington 98901. The Site is located at the southwest quadrant of Rudkin Road and east of Viola Avenue, in Yakima, Washington (Figure 1). Residential development is located adjoining to the west and south of the property.

The Site consists of five commercial parcels , totaling approximately 4.13-acres, and developed with an approximately 14,100-square-foot single-story shop/office structure used for sales and fabrication/repair of trailers and associated equipment on the eastern portion, and an approximately 3,136-square-foot single-story warehouse structure used for the fabrication of flat-beds for trucks on the north-central portion. The remainder of the Site is developed with areas of paved asphalt and gravel parking and storage areas.

The Site includes five Yakima County tax parcel(s):

- 19132943519
- 19132943437
- 19132943447
- 19132943449
- 19132943445

This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcels).

1. Description of the Site

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH): TPH-d (diesel) and TPH-o (oil) into the soil.

Basis of the Opinion

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

1. *PLIA Site Summary Report, Facility Site ID No. 57713524*. Prepared by Allwest.
2. *Voluntary Cleanup Assessment, 1602 Rudkin Road, Yakima Washington*. Prepared by Fulcrum Environmental Consulting, Inc. March 10, 2000.

3. *Phase II Environmental Site Assessment at Wondrak-Itek Property, 1602 Rudkin Road, Yakima, Washington.* Prepared by NetCompliance. February 7, 2000.
4. *Closure Site Assessment Report.* Prepared by Cayuse Environmental. April, 1995.

These reports are also available for download at:
https://plia.box.com/s/vwfsijsozvxa9xce6ke0q63pnefhqy03

Documents submitted to PLIA are subject to the Public Records Act (Chapter 42.56 RCW). To make a request for public records, please email pliamail@plia.wa.gov.

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

Establishment of Cleanup Standards and Points of Compliance

PLIA has determined the cleanup levels (CULs) and points of compliance (POCs) established for the Site meet the substantive requirements of MTCA. It is presumed that if the cleanup standards under MTCA are met, the Site will be protective of human health and the environment for current and future property use.

The proposed Method A CULs for soil and groundwater and Method B CULs for air must be met at the standard POCs.

- For **soil**, the CUL is based on direct contact and is set "*…throughout the site from the ground surface to fifteen feet below the ground surface.*" This is in compliance with WAC 173-340-740(6)(d) and represents a reasonable estimate of the depth of soil that could be excavated and distributed at the surface as a result of Site development activities.

- For **groundwater**, the standard POC as established under WAC 173-340-720(8) is: "*…throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the site.*"

- For the **air** pathway, the CULs established must be attained in the ambient air throughout the Site, including indoor air within the lateral and vertical inclusion zone (WAC 173-340-750[6]).

Analysis of the Cleanup

Historic project documentation of Site conditions and the analytical data reviewed by PLIA indicate the source of petroleum contamination in the location of the former diesel and waste oil underground storage tanks (USTs) were decommissioned and removed from the

Site. Data demonstrates that PCS has been investigated and remediated, pursuant to the MTCA.

PLIA's evaluation of all available Site analytical **data indicate concentrations of diesel and heavy oil in soil were remediated to below the current CULs required in WAC 173-340-900: Table 740, Method A Soil Cleanup Levels for Unrestricted Land Uses.**

The analytical dataset demonstrates that **no further remedial action** is necessary at the Site. The Site's investigative and remedial history is detailed in the documents cited (above) and summarized in this opinion letter (below).

PLIA's conclusion is based on the following Site investigative results and on soil analytical data.

Cleanup of the Site:

Site soil data demonstrates that petroleum contamination in soil was caused from a Petroleum UST. PCS that exceeded the levels allowable under the then **interim MTCA CULs at that time** was removed and disposed of off-Site at a permitted facility.

PLIA's research and evaluation of **all Site soil analytical data indicate the concentrations of soil that remain (in situ) on the Site are below the current cleanup levels indicated in WAC 173-340-900.**

According to a **report from the Department Of Ecology (Ecology) office in Yakima,** two 8000-gallon USTs were removed in 1996 by Russel Crane Service, Inc. A Voluntary Cleanup Program event (#7101) for the Site was issued a No Further Action (NFA) status on May 8, 2000, with diesel contamination to the soil remediated below CULs. **A leaking underground storage tank (LUST) event (#7269),** with a release date of February 1, 1995 and a status of "Cleanup Started" remains active for this facility, with petroleum contamination to the soil remaining listed as "above cleanup levels".

According to a letter from **Ecology dated June 5, 1997,** the performance of the **Site closure and the closure report** by Cayuse Environmental (Cayuse), **did not meet the minimum requirements** of the WAC 173-360 and therefore the subject Site was considered as being **possibly contaminated**. However, the **Site soil analytical data indicate concentrations of soil that remain in situ on the Site are below the current cleanup standards applicable to the Site, pursuant to the MTCA. This Site condition is discussed in detail in this opinion letter (see below).**

This opinion only addresses the contaminants of concern (COCs) indicated in the *Description of the Site* section of this letter. No other COCs are known or suspected to be associated with the Site.

The following information was compiled through a review of **historic Site investigation**

documentation and includes a summary of the multiple iterations of remedial investigations and cleanup actions that have been performed at the Site:

i. Soil:

Soil below the Site is poorly graded medium to coarse gravel with minor sand/silt. No water bearing zone or bedrock was encountered at the maximum extent of sampling excavations.

- **All confirmation samples of the in situ soil (remaining on-Site) had concentrations below the MTCA Method A CULs for the Site.** Analysis of the excavated soil stockpile with petroleum concentrations above CULs was removed for off-Site disposal at a permitted facility.
- Soil sampling results are listed in the following tables of documents referenced above:
  - Table 1 of *Voluntary Cleanup Assessment, 1602 Rudkin Road, Yakima Washington*, Fulcrum Environmental Consulting, Inc., March 10, 2000,
  - A Table showing Analytical results from *Phase II Environmental Site Assessment,* NetCompliance, February, 2000.
- An investigation was performed for the UST that was situated on the north side of the former truck wash facility (Figure 2). The second UST system investigated contained two 500-gallon waste oil tanks located at the southeast and the southwest corners of the shop building.
  - The UST Closure Report, (1994) by White Shield, Inc. "concluded" (in a discussion) that laboratory **analysis of soil samples taken from the bottom of the two separate excavations was discussed as petroleum contamination that exceeded the interim MTCA soil CULs being used by Ecology at that time** (early to mid-1990s). **However, the available soil analytical data collected and submitted in the 1994 White Shield report does not support this conclusion.**
  - Analytical laboratory results of confirmation soil samples indicated **PCS concentrations were below the current MTCA Method A CULs on the walls of the excavations. This data demonstrates the contamination had not spread outside of the known excavation limits** (see reports from White Shield and Cayuse Environmental).
- **Historic project documentation indicates that the source of petroleum contamination in the location of the former diesel and waste oil USTs has been removed.** Approximately 98 cubic yards of diesel contaminated soil was removed from the location of the former diesel USTs.

  PLIA's evaluation of Site soil analytical data indicated **PCS was detected but at concentrations that were well below the current CULs** indicated in WAC 173-340-900: Table 740, Method A Soil Cleanup Levels for Unrestricted Land Uses. **In January of 1995,** White Shield, Inc. (White Shield) submitted a *UST Closure*

Site Assessment Report summarizing UST removal activities associated with removal of two approximately 500-gallon waste oil tanks from separate excavations. The oil USTs were located adjacent to the southwest (excavation #1) and southeast (excavation #2) foundation of the current Shop Building (Figure 2). According to the report, each excavation was approximately 10' by 10' and extended to a depth of 7'. White Shield's UST Site assessor determined that additional excavation at these locations "would jeopardize the structural integrity of the building foundation" (Figure 2).

Soil samples were then collected from each excavation on all four sidewalls and at the excavation depth (below oil inlet pipe closest to building). Laboratory **analysis of soil samples collected from the excavation sidewalls were below current Ecology MTCA Method A CULs.** Laboratory analysis of soil samples collected from the excavation depth (bottom) documented total petroleum hydrocarbon **concentrations of 440 parts per million (ppm) in excavation #1, and 310 ppm in excavation #2.**

In March of 1995, White Shield completed **a site check on two diesel USTs** located north of the truck washing facility. An "Underground Storage Tank Site Check/Site Assessment Checklist" and an "Underground Storage Tank Permanent Closure/Change-In-Service Checklist" were included in White Shield's report.

Historic documentation submitted with White Shield's site check summary indicated that both diesel USTs had **passed** leak detection integrity assessment conducted in 1992. During White Shield's investigation, **two test** pits were excavated to determine if petroleum contamination related to UST existence or usage was present. The two test pits were located adjacent to the USTs: one on the east side of the east tank, the second on the west side of the west tank. Both test pits were excavated to an approximate depth of 6' (Figure 2).

White Shield utilized **Thin Layer Chromatography (TLC) as a field screening method** to determine **likely** presence of hydrocarbons. Soil samples were not submitted for laboratory analysis. White Shield's field screening results reported **potential contamination at approximately 6" depth near the east end of the east diesel UST. White Shield concluded that contamination was likely resultant from tank overfilling.** This indicates that **only a minor to *de minimis* amount of product was released to soil.** This potential Site condition **is strengthened by Site investigation findings and by analytical data.**

In April of 1995, Cayuse submitted a closure site assessment report for two approximately 8,000-gallon diesel USTs removed from a single excavation. **The USTs were the same tanks investigated by White Shield in March 1995.** Total depth of UST excavation was approximately 14'.

During UST removal, **approximately 98 cubic yards of suspected PCS was excavated and stockpiled** on-Site pending laboratory analysis. Four sidewall, two excavation depth, and two stockpile samples were collected and submitted for laboratory analysis. **Analysis indicated that excavation samples were below MTCA Method A CULs. Analysis of stockpile samples indicated that the petroleum concentration was above CULs. The stockpiled material was transported to Anderson's Rock and Demolition Pit located in Yakima, Washington.**

In January of 2000, NetCompliance conducted a Phase II Environmental Site Assessment (ESA) of the Site. The Phase II ESA focused on the two locations of former USTs. NetCompliance excavated five test pits (TPs): three in the approximate location of the former diesel USTs (TPl, TP2, and TP3), and two in the approximate location of the former waste oil USTs (TP4 and TP5). Soil samples were collected from excavation depth (8' to 12' below ground surface [bgs]). Two samples were collected from each of the three TPs located in the former diesel UST area. One sample was collected from each of the two TPs in the former waste oil UST locations (Figure 2).

Samples were initially submitted for NWTPH-HCID laboratory analysis. None of the samples submitted were shown to have petroleum hydrocarbon concentrations in the Gasoline range above the practical quantitation limit. Concentrations in the **diesel range of petroleum hydrocarbons were detected in TPl and TP5. Heavy oil petroleum hydrocarbon range concentrations were detected in TPl, TP2, TP3, and TP4.**

Samples with detectable concentrations of HCID hydrocarbons were subsequently reanalyzed by NWTPH-Dx to quantify the diesel and heavy oil range hydrocarbons. **Heavy oil concentrations ranged from 68 ppm to 790 ppm in the three TPs in the location of the diesel USTs. In the two waste oil TPs (TP4 and TP5), heavy oil range hydrocarbons ranged from less than 53 ppm to 79 ppm, and diesel range hydrocarbons ranged from less than 28 ppm to 210 ppm.**

Specifically, concentrations in the two identified **waste oil TPs (TP4 and TP5), with heavy oil range hydrocarbons ranging from less than 53 ppm to 79 ppm, are sufficiently low enough that no additional waste oil constituent analysis is required**. **The MTCA Method A CUL (residential levels) for TPH-o is 2,000 ppm.** Additionally, the Site is zoned as light industrial/commercial. No sensitive human or ecological potential receptors are present on the Site (Figure 2).

The results of the Site investigation indicated that TPH-impacted soil exists at the location of the former diesel USTs and waste oil USTs. Contamination was

identified at the excavation extents in four of the five TPs. **All TPH-impacted soils tested had concentrations below MTCA Method A CULs for the Site.**

The Ecology Interim TPH Policy risk calculation at that time was used as a conservative (worst case) scenario. This method assumed that all hydrocarbons detected were highest risk fraction for the specific TPH fraction range, based on the **Interim TPH Policy** at that time. However, The **TPH impacted soils remaining on the Site are demonstrated by analytical testing to be compliant with the current MTCA Method A CULs** (see NetCompliance's February 7, 2000 report titled, *Phase II Environmental Site Assessment at Wondrak-Itek Property, 1602 Rudkin Road Yakima, Washington)*.

Result: **The data indicate there is no unacceptable risk presented by the soil direct contact exposure pathway at the Site.** The remedial action(s) removed the potential for PCS above CULs to come into contact with human or ecological receptors.

ii. Groundwater:

- The Site is generally flat and is approximately 1,020' above mean sea level.
- While precise information on groundwater depth on the subject property is unavailable, according to information obtained at the Yakima County Water Resource Department, the **groundwater level is estimated to be 8' to 16'** in the area of the subject property. No Site-specific groundwater well information is available.
- Groundwater flow direction is generally east and south towards the Yakima River, which is the closest body of surface water to the Site, approximately one and a half miles east of the Site.
- Groundwater levels are affected by up to 10' due to seasonal irrigation practices.
- Groundwater was not encountered in any of the on-Site excavations or borings to the maximum depth investigated (approximately 12' bgs).

Result: The data indicate there is no longer an unacceptable risk presented by the groundwater exposure pathway at this Site. The remedial action has been demonstrated (by analytical testing) to have removed the potential for PCS to come into contact with and to leach into groundwater at the Site.

iii. Air (Soil or Groundwater to Vapor):

- The lateral and vertical extent of PCS was adequately characterized. PCS was identified and subsequently remediated to a level below the MTCA Method A CUL.
- PCS was excavated to the maximum extent practicable at the Site (approximately 12' bgs).

- **Confirmation samples obtained in soil indicated that PCS concentrations of remaining in situ soil is below MTCA Method A CULs** and do **not pose risks** of vapor intrusion. These soil concentrations also pose **no risk to human health or the environment.**

Result: The data indicate there is no longer an unacceptable risk presented by the soil or groundwater to vapor exposure pathway(s) at this Site. The remedial action removed the potential for vapors from PCS to enter nearby commercial or residential structures.

iv. Surface Water:

Not applicable for the Site. The closest body of water to the Site is the Yakima River, located approximately one and a half miles east of the Site.

- Groundwater flow direction is generally east and south.
- Remaining PCS on the Site poses no risk to migrate to surface water.
- Groundwater depth is estimated to be (at a minimum) 12 feet bgs. The groundwater elevation level is significantly affected by seasonal irrigation practices.
- Storm water drains through the surface into the sub-soils and runoff is eventually directed to the south and east of the property.
- No pools, drains, sumps, pits, ponds, ditches were observed on the Site when it was inspected. Approximately 70% of the subject property is covered by permeable surfaces such as compacted gravel and dirt.

Result: The surface water exposure pathway did not exist at this Site. This means that, petroleum contamination has not spread to surface water, based on the current dataset for the Site.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Under the MTCA, liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release(s) of hazardous substances at the Site. This opinion **does not:**

- Change the boundaries of the Site.
- 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 the Office of the Attorney General and

the Department of 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 the 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 equivalent. Courts make that determination (RCW 70A.305.080 and WAC 173-340-545).

3. State is immune from liability.

The state, PLIA, 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.

Termination of Agreement

This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. PC032.

Contact Information

Thank you for choosing to clean up your Site under PLIA's TAP. If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at pliamail@plia.wa.gov.

Sincerely,

DocuSigned by:
Ulysses Cooley Jr.
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State of Washington
Hydrogeologist
1000
Licensed Geologist
Ulysses Cooley Jr.

Ulysses Cooley
Lead Hydrogeologist

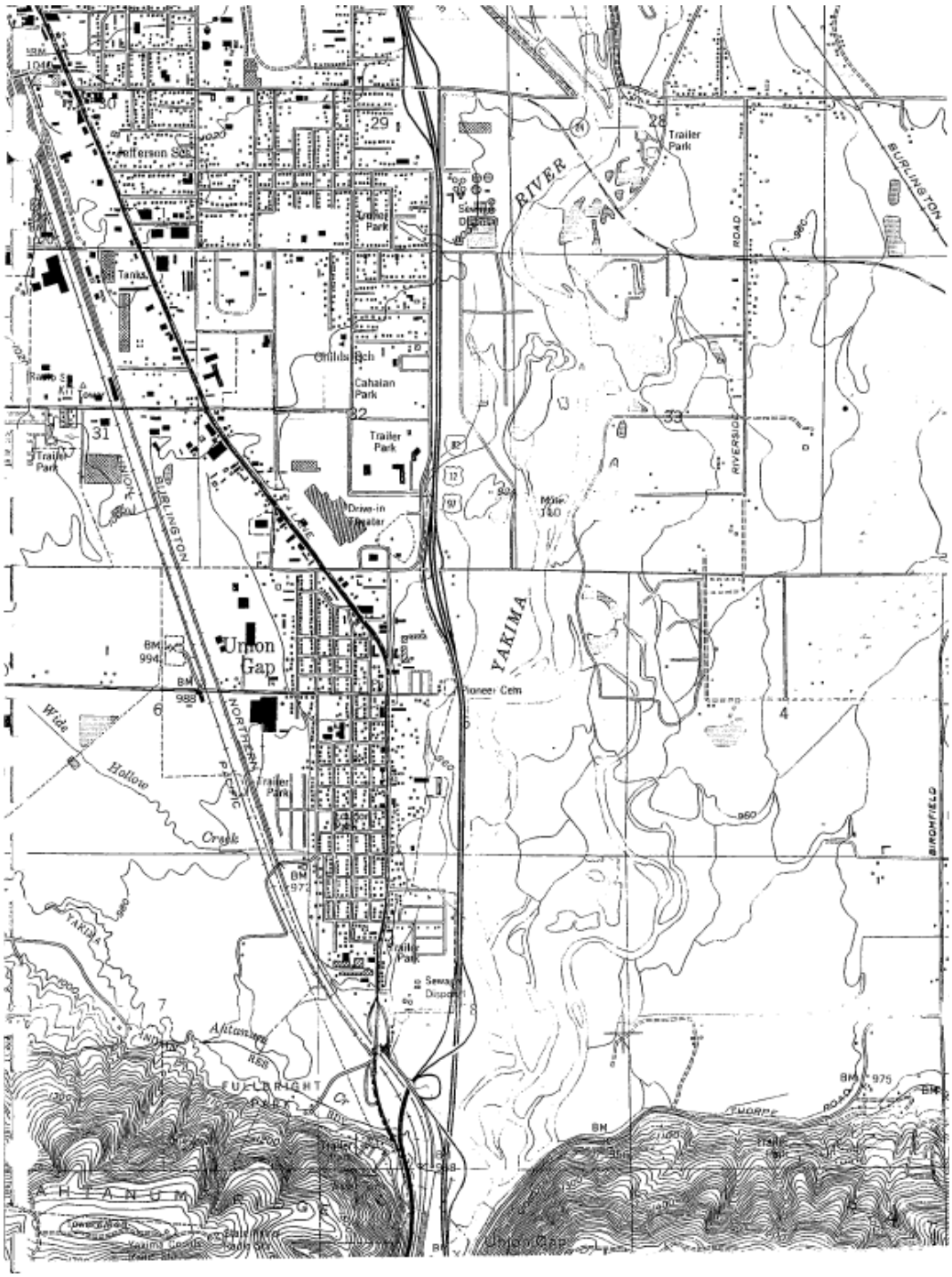
Enclosure A: Figure 1: Site Location Map
Figure 2: Site Plan Map

cc: Cassandra Garcia, PLIA Deputy Director (by email)

Enclosure A:

1602 Rudkin Road, Yakima, WA 98901
TAP Project No. PC032

Figure 1: Site Location Map



Source: *Phase II Environmental Site Assessment at Wondrak-Itek Property, 1602 Rudkin Road, Yakima, Washington.* Prepared by NetCompliance. February 7, 2000.

Figure 2: Site Plan Map

Source: *PLIA Site Summary Report, Facility Site ID No. 57713524*. Prepared by Allwest.