



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

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

September 13, 2023

Scott Hensrude  
2912 Cedar Street  
Everett, WA 98201

**Re: No Further Action Opinion for the Following Contaminated Site:**

- **Site name:** Fifth Wheel Truck Repair
- **Site address:** 307 East Arlington, Yakima
- **Facility/Site ID:** 554
- **Cleanup Site ID:** 1941
- **VCP Project No.:** CE0513

Dear Scott Hensrude:

The Washington State Department of Ecology (Ecology) received your request on April 19, 2023 for an opinion regarding the sufficiency of your independent cleanup of the Fifth Wheel Truck Repair facility (Site) under the Voluntary Cleanup Program (VCP).<sup>1</sup> This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.<sup>2</sup>

## Opinion

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

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in Chapter 70A.305 RCW and Chapter 173-340 WAC<sup>3</sup> (collectively called "MTCA").

## Site Description

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(s):

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<sup>1</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

<sup>3</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

- Tetrachloroethylene (PCE) in soil and groundwater
- Petroleum Products in soil and groundwater
- Metals in soil and groundwater

Enclosure A includes a Site description and diagram. Please note the Site is a known subfacility of the Yakima Railroad facility (# 500). The Yakima Railroad comingled plume is comprised of a number of subfacilities along the Yakima Railroad Corridor. Soil and groundwater samples indicate the Site is no longer contributing to the Yakima Railroad PCE plume. This opinion does not apply to the Yakima Railroad facility or the other subfacilities associated with the Yakima Railroad facility. Fifth Wheel Truck Repair will remain associated as a subfacility of the Yakima Railroad facility.

### **Basis for the Opinion**

Ecology bases this opinion on the information contained in the following documents:

- State of Washington Department of Ecology, Yakima Railroad Area PCE Contamination, May 2023.<sup>4</sup>
- Puget Environmental PLLC, Groundwater and Soil Sampling Report, April 17, 2023.<sup>5</sup>
- Aspect Consulting, Environmental Review and Workplan for Site Closure, March 18, 2020.<sup>6</sup>
- Maxim Technologies, Inc., Environmental Investigation and Remediation Fifth Wheel Truck Repair Facility, May 2, 1996.<sup>7</sup>
- Huntingdon Engineering and Environmental, Inc., Site History Report Fifth Wheel Truck Repair Facility, June 1995.<sup>8</sup>
- Huntingdon Engineering and Environmental, Inc., Remedial Investigation – Interim Report Fifth Wheel Truck Repair Facility, May 25, 1995.<sup>9</sup>
- PLSA Engineering and Surveying, Sampling Report for Fifth Wheel Truck Repair, October 22, 1993.<sup>10</sup>
- PLSA Engineering and Surveying, Engineering Report on Intermediate Cleanup and Site Closure for Fifth Wheel Truck Repair, April 1991.<sup>11</sup>

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<sup>4</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/125213>

<sup>5</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/124104>

<sup>6</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/93579>

<sup>7</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4507>

<sup>8</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/44140>

<sup>9</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4509>

<sup>10</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4515>

<sup>11</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4510>

- PLSA Engineering and Surveying, Engineering Report on Drywell Intermediate Cleanup for Fifth Wheel Truck Repair Premises, February 1991.<sup>12</sup>
- Earth Consultant, Inc., Preliminary Integrity Assessment of Two Underground Storage Tanks (UST)s and Three Industrial Waste Water Sumps, October 25, 1989.<sup>13</sup>

You can request these documents by filing a records request.<sup>14</sup> For help making a request, contact the Public Records Officer at [recordsofficer@ecy.wa.gov](mailto:recordsofficer@ecy.wa.gov) or call (360) 407-6040. Before making a request, check if the documents are available on the Fifth Wheel Truck Repair site webpage.<sup>15</sup>

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

## **Analysis of the Cleanup**

Ecology has concluded that no further remedial action is necessary to clean up contamination at the Site. Ecology bases its conclusion on the following analysis:

### **Characterizing the Site**

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards and selecting a cleanup action. Enclosure A describes the Site.

Review of historical records appropriately identified potential contaminant releases due to former site operations. A truck repair and auto repair facility operated from 1948 until 2018. These operations resulted in releases of PCE, metals, and unknown petroleum products. Various environmental investigation and interim remedial actions between 1989 and 2020 appropriately identified the vertical and horizontal extent of Site contaminants.

### **Setting cleanup standards**

Ecology has determined the cleanup levels and points of compliance you set for the Site meet the substantive requirements of MTCA.

The soil cleanup standards, with standard points of compliance (POCs), established in the tables of the Groundwater and Soil Sampling Report are sufficient to meet the requirements of MTCA. Standard POCs based on direct contact for unrestricted land use is defined as throughout the site from the ground surface to 15 feet below the ground surface. Appropriate groundwater for beneficial use cleanup standards are also identified within the tables in the Groundwater and Soil Sampling Report.

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<sup>12</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4511>

<sup>13</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/4482>

<sup>14</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>15</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/1941>

Site cleanup standards:

<b>Contaminant</b>	<b>MTCA Method A Soil Cleanup Level (mg/kg)</b>	<b>MTCA Method A Groundwater Cleanup Level (ug/liter)</b>
Gasoline (TPH-G)	30	800
Diesel (TPH-D)	2,000	500
Benzene	0.03	5
Tetrachloroethylene (PCE)	0.03	5
Cadmium	2	5
Chromium III Soil/ Total Chromium GW	2,000	50

### **Selecting the cleanup action**

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

Contaminated soil was removed and disposed of through a series of remedial investigations and interim actions from 1989 into the 2000s. Subsequent investigation, soil samples, and groundwater samples indicate remedial actions have sufficiently removed the contaminant source. Removal of contaminant source is protective of human health and the environment and is a permanent solution meeting the substantive requirements in WAC 173 340 360.<sup>16</sup>

### **Implementing the cleanup action**

Ecology has determined your cleanup meets the standards set for the Site.

Soil and groundwater sampling results indicate that the series of interim remedial actions resulted in the soil and groundwater meeting the Site cleanup standards. These samples are also evidence that the Site is no longer contributing to the Yakima Railroad PCE plume.

You must decommission resource protection wells<sup>17</sup> installed as part of the remedial action that are not needed for any other purpose at the Site. Wells must be decommissioned in accordance with WAC 173-160-460.<sup>18</sup>

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<sup>16</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-360>

<sup>17</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-410>

<sup>18</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-460>

## **Listing of the Site**

Based on this opinion, Ecology will initiate the process of removing the Site from its lists of contaminated sites, including the:

- Hazardous Sites List<sup>19</sup>
- Confirmed and Suspected Contaminated Sites List<sup>20</sup>

That process includes providing public notice and the opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or rescind this opinion.

## **Limitations of the Opinion**

### **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).<sup>21</sup>

### **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 if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080<sup>22</sup> and WAC 173-340-545.<sup>23</sup>

### **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(6).<sup>24</sup>

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<sup>19</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/site-register-lists-and-data#HSL>

<sup>20</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

<sup>21</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

<sup>22</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

<sup>23</sup> <https://apps.ecology.wa.gov/WAC/default.aspx?cite=173-340-545>

<sup>24</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

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## **Termination of Agreement**

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. CE0513.

## **Questions**

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 406-6959 or email at [Kyle.Parker@ecy.wa.gov](mailto:Kyle.Parker@ecy.wa.gov).

Sincerely,



Kyle Parker  
Toxics Cleanup Program  
Central Regional Office

Enclosures (1): 1 – Site Description and Diagram

cc: VCP Fiscal Analyst  
TCP, Operating Budget Analyst

# Enclosure A

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Site Description and Diagram



## **Site Description**

In 1948 the site was developed as a truck repair and auto body repair and operated as such until at least 2018. As part of normal operations metals, tetrachloroethylene, and unknown petroleum products were released to soils and reach groundwater. Soil contamination was contained to the subject property. Groundwater samples also indicated contamination leaving the site was below cleanup standards.

Site investigation commenced in 1989 with a boring and samples from a wastewater sump (drywell). Soil and groundwater samples suggested a potential release of toxic substances to both soil and groundwater. In 1991 cleanup of the drywell included removal of contaminated soils. Further remedial investigation occurred in 1993 with an interim action occurring in 1995. Additional investigation and remediation continued in 1996. Samples from 2020 and 2023 indicate contamination has sufficiently been remediated at the Site.

# Site Diagram

