



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Central Region Office

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

October 9, 2023

Jaskaran Singh
10121 US Highway 12
Naches, WA 98937-9785

Re: No Further Action Opinion for the following Contaminated Site – Use of Model Remedy 5 of Model Remedies for Sites with Petroleum Impacts to Groundwater

- **Site Name:** Pit Stop Naches
- **Site Address:** 10121 Hwy 12, Naches
- **Facility/Site ID:** 505
- **Cleanup Site ID:** 4928
- **VCP Project No.:** CE0547

Dear Jaskaran Singh:

The Washington State Department of Ecology (Ecology) received a request on September 1, 2021 for an opinion regarding the sufficiency of the independent cleanup of the Pit Stop Naches facility (Site) under the Voluntary Cleanup Program (VCP).¹ 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.²

Opinion

Ecology has determined that no further remedial action is necessary to clean up contamination at the Site. The implementation of Model Remedy 5 from Ecology's Model Remedies for Sites with Petroleum Impacts to Groundwater is appropriate.

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 WAC³ (collectively called "MTCA").

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

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

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

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):

- Gasoline in soil and groundwater,
- Diesel in soil and groundwater,
- Benzene, Toluene, Ethylbenzene, and Xylenes in soil and groundwater.

Enclosure A includes Site description, history, and diagrams.

Please note that releases from multiple sites can affect a parcel of real property. At this time, Ecology has no information that other sites affect the parcel(s) associated with this Site.

Basis for the Opinion

Ecology bases this opinion on information in the documents listed in Enclosure B. You can request these documents by filing a records request.⁴ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check if the documents are available on the Pit Stop Naches Site⁵ web page.

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

Site investigations and interim cleanup actions occurred in 1991, 1998, 2016, 2017, 2018, and 2020 with groundwater monitoring continuing into 2021.

These investigations provide sufficient data to identify the nature and extent of contamination. Historical Site use released petroleum to soil and groundwater.

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/site/4928>

Soil samples indicate that the contaminated soil is confined between 14 and 25 feet, which is within the range of measured depth to groundwater at the Site. Investigations have appropriately identified the contaminant source and associated contaminants of concern. The vertical and horizontal extent of contamination is bounded by the investigative sampling.

Setting cleanup standards

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

MTCA provides for mixing MTCA cleanup level Methods at a site. As outlined in the July 2021 Groundwater Monitoring Report (dated September 1, 2021), this Site mixes the use of MTCA Methods A and B for groundwater and soil.

Soil cleanup levels were calculated based on the direct contact pathway. The points of compliance for direct contact of soil is defined as throughout the Site from ground surface to 15 feet below ground surface (bgs). Soil sample results exceed MTCA Method A cleanup levels within borings B-4, B-6, and monitoring well MW-13. These are all located within the same location along the southeastern property boundary. The exceedances within B-4 and B-6 were at 14 and 15 feet bgs respectively and are within the direct contact pathway, while the MW-13 sample is located at 20 feet bgs and outside the direct contact pathway. The Method B cleanup levels do not account for the leaching to groundwater pathway; even though the exceedances are within the groundwater table they do not cause groundwater exceedances making the direct contact pathway an appropriate basis for comparison.

Modified MTCA Method B soil cleanup levels were calculated using the 15 ft soil sample from B-6. This sample represents the largest sampled exceedance and is considered the worst-case scenario at the Site. Documentation for this calculation is found in Appendix A of the July 2021 Groundwater Monitoring Report.

MTCA Method A Groundwater cleanup levels were selected; these cleanup levels meet the substantive requirements of MTCA and are appropriate for the Site. The selected cleanup levels are based on drinking water beneficial uses with standard points of compliance and is defined as throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site.

Established Site cleanup standards from Tables within the July 2021 Groundwater Monitoring Report are as follows:

| Contaminant of Concern | Soil MTCA Method B Cleanup Level (mg/kg) | Groundwater MTCA Method A Cleanup Level (µg/L) |
|-------------------------------|---|---|
| Gasoline | 2,230 | 800 |
| Diesel | 2,230 | 500 |
| Benzene | 18 | 5 |
| Toluene | 6,400 | 1,000 |
| Ethylbenzene | 8,000 | 700 |
| Xylenes | 16,000 | 1,000 |

Selecting the cleanup action

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

Soil excavation and disposal was implemented as part of two interim remedial actions. This is considered a permanent remedial action and meets the substantive requirements of MTCA.

Implementing the cleanup action

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

Two interim actions consisting of soil excavation and removal occurred during remedial investigations. First in 1991 four test pits were excavated; then in 1998 additional soil was excavated during a limited site cleanup of impacted soil. The only other impacted soil on the Site is in the collocated area of B-4, B-6, and MW-13. The remaining contaminated soil concentrations meet the modified Method B cleanup levels.

Some groundwater samples have tested above cleanup levels for various analytes through sampling history. MW-2 sampled above cleanup level for gasoline and diesel in January 2016 with no detections occurring since. MW-4 tested above cleanup level for lead in May 2016 with no detections since. MW- 6 also had a detection above cleanup level in May 2016 with a detection below cleanup in September 2016 and a non-detect in March 2017.

The subsequent samples are considered indicative of the current site conditions and supersede the initial sample exceedances. The groundwater sample at B-1 had a diesel exceedance, but subsequent samples taken from the collocated well MW-10 were below cleanup level and indicated site conditions. The exceedance of gasoline and diesel in B-6 are superseded with the more recent samples from the collocated well MW-13.

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
- Confirmed and Suspected Contaminated Sites List.
- Leaking Underground Storage Tanks List.

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).⁶

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.305.080⁷ and WAC 173-340-545.⁸

⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁸ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

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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).⁹

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. CE0547.

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.

Sincerely,



Kyle Parker
Toxics Cleanup Program
Central Regional Office

Enclosures (2): A – Site Description, History, and Diagrams
 B – Basis for the Opinion: List of Documents

cc: Fiscal, VCP Fiscal Analyst
 TCP, Operating Budget Analyst

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Enclosure A

Site Description, History, and Diagram

Site Description

The Pit Stop Naches facility (Site) is located at 10121 Hwy 12 in Naches Washington. The Site currently operates as a gas station and convenience stop. Four test pits were excavated during a 1991 site assessment. Soil sampling showed that gasoline, ethylbenzene, and xylenes were above Model Toxics Control Act (MTCA) cleanup levels. Groundwater sampled from the test pits also exceeded MTCA cleanup levels for gasoline, diesel, benzene, toluene, ethylbenzene, and xylenes. These contaminants were located near an abandoned dispenser island and the underground storage tanks.

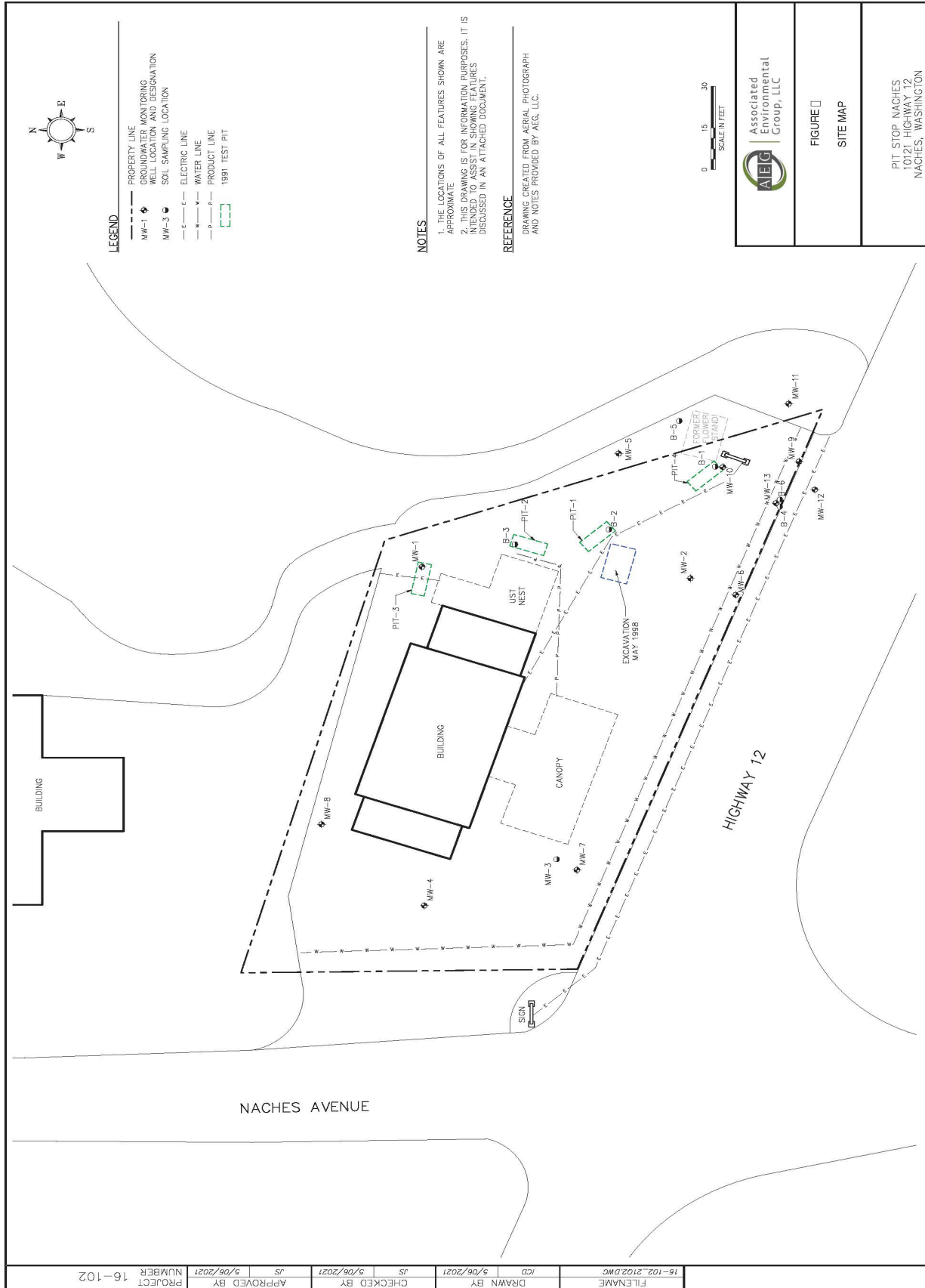
Groundwater has historically been between 10 and 13 feet below ground surface (bgs). Groundwater generally flows southeast at approximately 0.02 feet per foot. Local geology is a silty sand to 4 feet bgs and a sandy gravel from 4 to 15 feet bgs.

Site History

The Site is an operating gas station and had a release of petroleum related contaminants associated with this historical use. The release occurred either from the tanks or dispenser piping, and possible both.

Site investigations commenced in 1991 where petroleum contamination was identified in soil and groundwater. Interim action in 1998 excavated and removed "obviously stained or odiferous soil". Additional Site assessment in January 2016 detected soil and groundwater contamination above MTCA cleanup levels in monitoring well MW-2. Five additional wells were drilled in May 2016, for a total of 8 monitoring wells. Contamination was not detected in soil or water samples taken during the May subsurface investigation; this includes samples from MW-2. Subsurface investigation in March 2017 detected diesel in groundwater samples. Further investigation in September 2017 detected additional soil contamination above MTCA cleanup levels. Additional wells were drilled in 2017, 2018, and 2020 yielding a total of 13 monitoring wells. In 2020 another boring yielded a soil and groundwater samples above MTCA cleanup levels. Groundwater samples have not exceeded Site cleanup levels since April 2020.

Site Diagram



Enclosure B

Basis for the Opinion: List of Documents

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- Associated Environmental Group, LLC; July 2021 Groundwater Monitoring Report & NFA Request; September 1, 2021.
- State of Washington Department of Ecology; Further Action Letter; September 21, 2020.
- Associated Environmental Group, LLC; Technical Memorandum – Data Gap Investigation April 2020; August 10, 2020.
- State of Washington Department of Ecology; Further Action Letter; September 14, 2018.
- Associated Environmental Group, LLC; Remedial Investigation Report; September 10, 2018.
- Associated Environmental Group, LLC; Subsurface Investigation Report; May 3, 2017.
- Associated Environmental Group, LLC; September 2016 Groundwater Sampling Results Report; October 26, 2016.
- Associated Environmental Group, LLC; Phase II Environmental Site Assessment; March 4, 2016.
- White Shield, Inc; Exploratory Investigation for Petroleum Contaminants; July, 1991.