



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

December 19, 2023

Ben Wilkinson
Washington State Department of Transportation
PO Box 47358
Olympia, WA 98504

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

- **Site Name:** WA DOT Union Gap District Site
- **Site Address:** 2809 Rudkin Road, Union Gap
- **Facility/Site ID:** 541
- **Cleanup Site ID:** 4942
- **VCP Project No.:** CE0543

Dear Ben Wilkinson:

The Washington State Department of Ecology (Ecology) received your request on September 27, 2023 for an opinion regarding the sufficiency of your independent cleanup of the WA DOT Union Gap District Site (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.

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 range organics (GRO) and Diesel range organics (DRO) in soil
- Note that GRO and DRO were not quantified in the initial remediation in 1989. The soil analytical results were reported as Total Petroleum Hydrocarbons (TPH) and samples exhibited a concentration range up to 3,499 mg/kg in soil at one sampling location. This concentration exceeds the 1991 version of MTCA's soil cleanup levels (GRO=100.0 mg/kg, DRO=200.0 mg/kg, and ORO=200.0 mg/kg) and the 2023 generic TPH cleanup level of 1,500 mg/kg.
- Benzene, toluene, ethylbenzene, and total xylenes (BTEX) were analyzed in soil at that time and there were no concentrations found above the detection limits. However, the groundwater did show low-level concentrations of BTEX in groundwater per the 1991 standard (benzene= 4 ug/L, toluene=5 ug/L, ethylbenzene =53 ug/L, total xylenes=91 ug/L) but did not exceed the former nor the most recent compliance levels (benzene= 5 ug/L, toluene= 1,000 ug/L, ethylbenzene= 700 ug/L, and total xylenes= 1,000 ug/L).

The full site description and history can be found in the following two reports:

- GeoEngineers, *WSDOT-Union Gap Facility Release Investigation Former Service Station CSID #4942, Union Gap, Washington*, dated September 27, 2023
- GeoEngineers, *Work Plan, WSDOT Union Gap Facility Release Investigation, Union Gap, Washington*, dated July 3, 2023

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 the information contained in the following documents:

- GeoEngineers, *WSDOT-Union Gap Facility Release Investigation Former Service Station CSID #4942, Union Gap, Washington*, dated September 27, 2023⁴
- GeoEngineers, *Work Plan, WSDOT Union Gap Facility Release Investigation, Union Gap, Washington*, dated July 3, 2023⁵

⁴ <https://apps.ecology.wa.gov/cleanupsearch/document/130592>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/126166>

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- Department of Ecology, Toxics Cleanup Program, *Memorandum*, dated June 28, 2022⁶
- WSDOT Environmental Compliance Branch, *Memorandum*, dated October 25, 1993⁷

You can request these documents by filing a records request.⁸ 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 Ecology's WA DOT Union Gap District Site web page.⁹

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 the characterization is sufficient for setting cleanup standards and selecting a cleanup action. The release occurred from the former underground storage tank (UST) system. According to Ecology's UST database, the USTs held diesel and unleaded gasoline.

Note that since the initial investigation was performed in 1989 the analytical results for the petroleum hydrocarbons using EPA Method 418.1 were reported as Total Petroleum Hydrocarbons rather than quantified by the specific carbon ranges characteristic of gasoline-range, diesel-range, and heavy oil-range organics.

In 2023, soil samples were collected to properly characterize the Site by their respective petroleum hydrocarbon ranges for confirmation purposes. In addition, groundwater sampling was previously performed over a minimum of four quarters using the existing well monitoring network to evaluate the soil leaching to groundwater pathway. No impacts to groundwater were observed.

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/113698>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/document/102807>

⁸ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/site/4942>

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 applicable cleanup levels (MTCA Method A unrestricted) are shown in the table below.

Constituent	Method A Soil Cleanup Level (mg/kg – MTCA, 2013)	Method A Groundwater Cleanup Level (ug/L – MTCA, 2013)
Gasoline-range Organics (no benzene)	100	1,000
Diesel-range Organics	2,000	500
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Total Xylenes	9	1,000

A standard point of compliance was established for the soil throughout the site which addresses several exposure pathways including direct contact, soil leaching to groundwater, and vapor.

This Site qualified for an exclusion from the Terrestrial Ecological Evaluation (TEE) for the contaminants of concern since there is less than 1.5 acres of contiguous undeveloped land on or within 500 feet of any area of the Site.

Selecting the cleanup action

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

Implementing the cleanup action

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

This cleanup constitutes Soil Model Remedy Number No. 1 (*Model Remedies for Sites with Petroleum Contaminated Soil*, Ecology Publication Number 15-09-043, dated December 2017).¹⁰

¹⁰ <https://apps.ecology.wa.gov/publications/SummaryPages/1509043.html>

A sufficient volume of contaminated source mass was excavated within the impacted zone around the UST system, resulting in the removal of source mass (source control). In the most recent sampling and analysis, BTEX in soil was detected in one sample but at concentrations one or more orders of magnitude less than their respective cleanup levels. GRO and DRO were not detected in soil above their respective Method A cleanup levels. Oil-range organics (ORO) were detected in soil at a concentration of 1,000 mg/kg, which is 2X below its Method A cleanup level.

Previously, from 1994 through 1996, groundwater performance monitoring was performed across the monitoring well network for the minimum requisite number of events (four quarters) to assess potential impact to groundwater over the full seasonal range of conditions. This sampling constituted an empirical demonstration of no impact to groundwater.

Thus, we can then focus on meeting the soil cleanup levels for direct contact and vapor intrusion. The recent investigation showed that the soil cleanup levels were met at the standard points of compliance, eliminating the threat of encountering any contaminants of concern to human health through the various exposure pathways.

Regarding management of the petroleum-contaminated soils (PCS) from the initial cleanup, documentation in the site file indicates that the PCS was remediated through land treatment. There are no records to verify the final analytical results to confirm compliance with the cleanup levels circa 1989. However, the records for other WSDOT sites indicate that land treatment was a common remedy at that time, and it is likely that PCS was mixed with other PCS and treated on an impervious surface at the facility.

For the 2023 site assessment, Investigation-derived waste (IDW) was properly disposed as described in the GeoEngineers' report.

NOTE: You must decommission resource protection wells¹¹ 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 173-160-460.¹²

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

¹¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-410>

¹² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-160-460>

- 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).¹³

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.305.080¹⁴ and WAC 173-340-545.¹⁵

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).¹⁶

¹³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

¹⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹⁶ <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. CE0543.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 731-9613 or email at John.Mefford@ecy.wa.gov.

Sincerely,



John Mefford
Toxics Cleanup Program
Central Region Office

cc: Justin Orr, GeoEngineers
Fiscal, VCP Fiscal Analyst
TCP, Operating Budget Analyst

Enclosure A

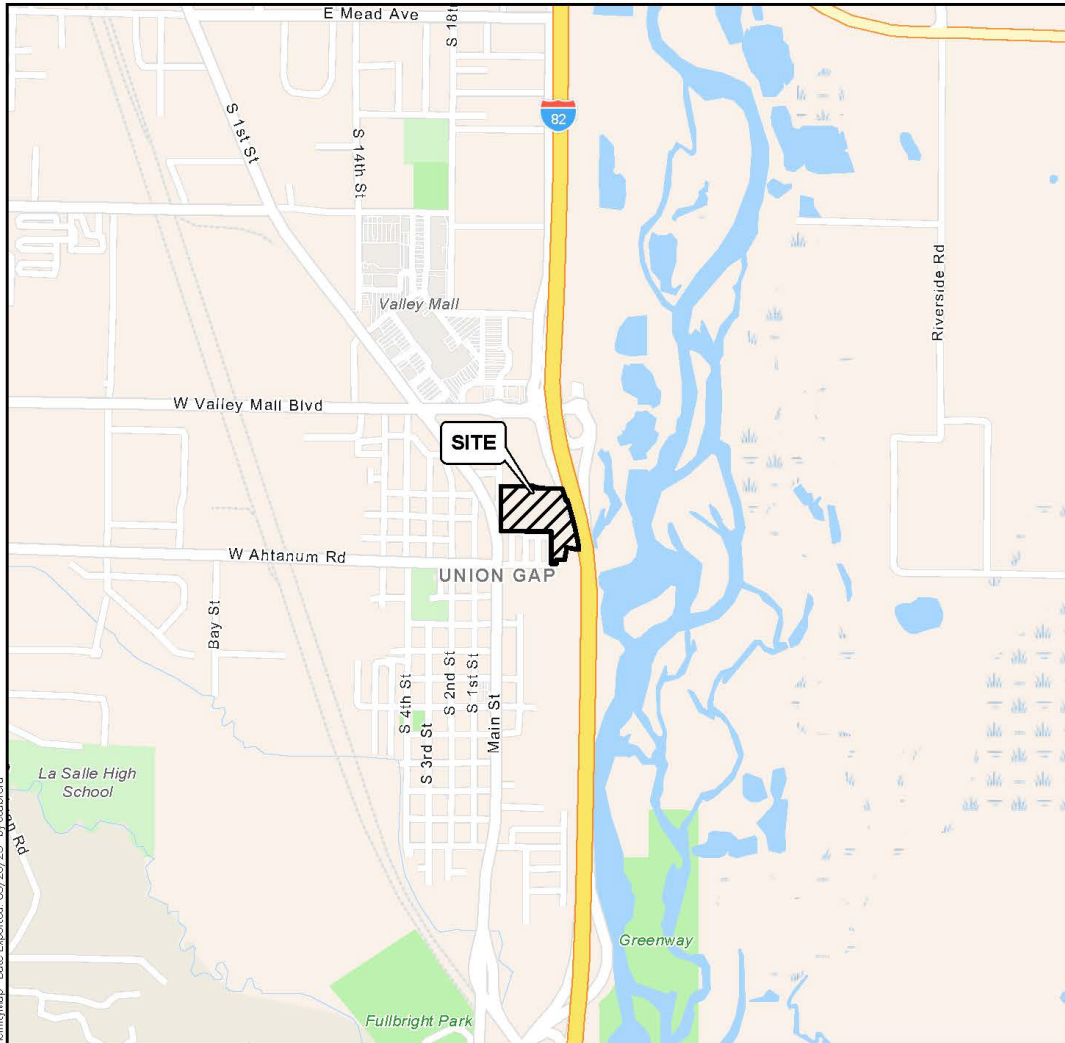
Site Description, History, and Diagrams

Site Description and History

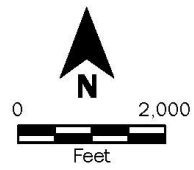
Refer to the following documents for a description of the description and history of the Site.

- GeoEngineers, *WSDOT-Union Gap Facility Release Investigation Former Service Station CSID #4942, Union Gap, Washington* (September 27, 2023)
- GeoEngineers, *Work Plan, WSDOT Union Gap Facility Release Investigation, Union Gap, Washington* (July 3, 2023)

Site Diagrams



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Vicinity Map	
WSDOT - Union Gap Union Gap, Washington	
	Figure 1

Source(s):
 • ESRI

Coordinate System: NAD 1983 StatePlane Washington South FIPS 4602 Feet

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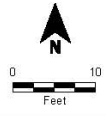


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Source: Bing imagery
 Coordinate System: NAD 83 StatePlane Washington South FIPS 4602 Feet
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- GeoEngineers Boring Number and Approximate Location
- Soil Sample 3 (1989)
- Underground Fiber Optic Conduit
- Water
- Sensor Plate
- 1989 UST Removal Excavation



Site Plan – Former Service Station (CSID #4942)	
WSDOT - Union Gap Union Gap, Washington	
	Figure 2