



GEOTECHNICAL ENGINEERING • ENVIRONMENTAL ENGINEERING
CONSTRUCTION TESTING & INSPECTION

Cleanup Action Plan (CAP)

For

Les Schwab – Yakima West

Project Number: 064-22024

Construction General (Building) Permit #B231037

Facility Site Identification Number (FSID) #100000290

Cleanup Site Identification Number #16984

Prepared For

Les Schwab Tire Centers

20900 Cooley Road

Bend, OR 97701

(541) 416-5342

Owner/Developer

Les Schwab Tire Centers

Department of Ecology

Mary Monahan & Frosti Smith

Project Site Location

6809 West Nob Hill Boulevard

Yakima, Washington 98908

Cleanup Action Plan- Prepared By

Krazan & Associates of Washington, Inc. dba Krazan & Associates, Inc.

825 Center Street, Ste A

Tacoma, Washington

(253) 939-2500

CAP - Preparation Date

May 14th, 2024

Approximate Project Construction Dates

January 2024 – Anticipated Commencement

September 2024 – Approximate Completion

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CLEANUP ACTION PLANLes Schwab – Yakima West
6809 W Nob Hill Boulevard
Yakima, Washington 98908**EXECUTIVE SUMMARY**

This document presents the Cleanup Action Plan (CAP) for the Les Schwab Yakima West Site located at 6809 West Nob Hill Boulevard, Yakima, Washington (see Figures 1 & 2). This CAP was prepared on behalf of Les Schwab Tire Centers by their counsel Krazan & Associates of Washington, Inc. dba Krazan and Associates, Inc. (Krazan), in collaboration with the Washington State Department of Ecology (WDOE). This CAP has been prepared to meet the requirements of the Model Toxics Control Cleanup Act (MTCA) administered by Ecology under Chapter 173-340-380 of the Washington Administrative Code (WAC). This CAP describes Ecology's proposed cleanup action for this site and sets forth the requirements that the cleanup must meet.

- Background - The subject site currently consists of the southwest portion of Yakima County parcel number (APN) 18132914416, and contains 1.5-acres of relatively flat vacant grassland containing soils exceeding the MTCA Method A cleanup levels (CULs) for arsenic (As) and lead (Pb).
- Cleanup Action Overview – The Capping in Place model remedy was chosen for the subject site involving both soil (soft) cap and hard cap methods, and requires ongoing institutional controls and monitoring.

1.0 INTRODUCTION

This document is the Cleanup Action Plan (CAP) for the Les Schwab Yakima West Site located near Yakima, Washington. The general location of the Site is shown in Figures 1 & 2. A CAP is required as part of the site cleanup process under Chapter 173-340 WAC, MTCA Cleanup Regulations. The purpose of the CAP is to identify the proposed cleanup action for the Site and to provide an explanatory document for public review. More specifically, this plan:

- Describes the Site.
- Summarizes current site conditions.
- Summarizes the cleanup action alternatives considered in the remedy selection process.
- Describes the selected cleanup action for the Site and the rationale for selecting this alternative.
- Identifies site-specific cleanup levels and points of compliance for each hazardous substance and medium of concern for the proposed cleanup action.
- Identifies applicable state and federal laws for the proposed cleanup action.
- Identifies residual contamination remaining on the site after cleanup and restrictions on future uses and activities at the site to ensure continued protection of human health and the environment.
- Discusses compliance monitoring requirements.
- Presents the schedule for implementing the CAP.

Ecology has made a preliminary determination that a cleanup conducted in conformance with this CAP will comply with the requirements for selection of a remedy under WAC 173-340-360.

1.1 Previous Studies

- Initial Determination Sampling (December, 2021)
 - Based on the documented environmental issues on adjacent properties and the similar historical land uses, six (6) shallow near-surface soil samples were collected for analysis of arsenic, lead, and dichlorodiphenyldichloroethylene (DDE) at various locations throughout the subject site as part of an initial determination and Phase I environmental site assessment (ESA, Krazan 2022). Soil sample analytical results revealed elevated concentrations of arsenic and lead above MTCA Method A soil cleanup levels for all six samples.
- Site Characterization Sampling Report (January, 2023)
 - Krazan conducted a site characterization (Krazan 2023), which included ten (10) additional soil samples for analysis of arsenic and lead collected from 0-6 inches below ground surface (bgs). All ten samples were above MTCA Method A cleanup levels for both lead and arsenic. Laboratory results identified average concentrations of arsenic at 47.96 milligrams per kilogram (mg/kg) and lead at 588.60 mg/kg, above regulatory limits of 20.0 mg/kg and 250 mg/kg respectively.

1.2 Regulatory Framework

In March of 1989, the Model Toxics Control Act (MTCA) went into effect in Washington State (Ecology, 2007). The MTCA regulations set standards to ensure quality of cleanup and protection of human health and the environment. A major portion of the MTCA regulation (completed in 1991) was the development of numerical cleanup standards and requirements for cleanup actions. Three options were established under MTCA for site-specific cleanup levels: Method A, B, and C. Method A defines cleanup levels for 25 of the most common hazardous substances found at sites. Method B levels are set using a site risk assessment, which enables consideration of site-specific characteristics. Method C is similar to Method B; however, the individual substance's cancer risk portion of the assessment is set at 1 in 100,000 rather than 1 in 1,000,000. Method C cleanup levels are applicable at industrial sites. Method B standard values are found in Ecology's Cleanup Levels and Risk Calculations database (Ecology, 2012).

Ecology's MTCA Method A cleanup tables were developed to provide conservative cleanup levels for sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. Method A cleanup levels are specifically designated as appropriate for residential facilities and are appropriate for a conservative approach at school and public sites, and carry the title of "unrestricted land use" when achieved. Application of the MTCA Method A cleanup levels was determined to be most appropriate at the Site by Krazan based on the use.

The Area-Wide Soil Contamination Task Force (Task Force), comprised of various Washington State agencies and stakeholders, was convened in 2002 to evaluate and make recommendations for future management of low to moderate level contamination in large geographic areas. The Area-Wide Soil Contamination Task Force Report (Task Force 2003) defines area-wide contamination as low to moderate level soil contamination that is dispersed over a large geographic area. The first contaminants designated for assessment were arsenic and lead accumulations in specific geographic areas associated with two primary sources, smelter operations in Puget Sound and agricultural use, specifically fruit orchards, in Central and Eastern Washington.

2.0 SITE DESCRIPTION

2.1 Site History

Review of historical assessor records, business directories, and aerial photographs indicate that the subject site was used for agricultural purposes from at least 1938 thru 2019. The site was reportedly used as an apple orchard from 1938 thru 1996, then utilized for alfalfa production from 1996 thru 2019. The property

is currently bordered by vacant grassland and Congdon Residential apartment housing to the north, West Nob Hill Boulevard to the south, West Valley Church to the west, and vacant grassland to the east.

2.2 Human Health and Environmental Concerns

Under the cap in place model remedy, the intent of the remedial design is to prevent access and subsequent exposure to contaminated soils using permanent capping approaches and institutional controls. At the completion of remediation, no lead or arsenic contaminated soils should be accessible except through intentional penetrations of the cap. See the Protective Barrier Overlay Plan in Figure 3.

The routes of exposure to contaminated soil included the ingestion of contaminated soils, either through hand to mouth contact or the presence of soil particles on root vegetables, or inhalation of airborne contaminated dust.

Stormwater infiltration has been designed and constructed to collect stormwater from asphalt driveways, parking lots, and concrete sidewalks and release stormwater into clean soils (greater than 6-feet bgs). Irrigation will be managed to provide what is needed for planted sod, shrubs, and trees without overwatering.

2.3 Cleanup Standards

2.3.1 Contaminants of Concern

The subject site currently contains soils exceeding the MTCA Method A cleanup levels (CULs) for arsenic (As) and lead (Pb). These contaminants of concern were designated as part of an initial determination and Phase I environmental site assessment (ESA, Krazan 2022) and site characterization (Krazan 2023).

2.3.2 Cleanup Levels

The MTCA Method A Unrestricted Site Use levels defined in Ecology's WAC 173-340, have been used as a threshold for determining the need for remediation or management of site soils. Laboratory results identified average concentrations of arsenic at 47.96 milligrams per kilogram (mg/kg) and lead at 588.60 mg/kg, above regulatory limits of 20.0 mg/kg and 250 mg/kg respectively.

3.0 DESCRIPTION OF SELECTED REMEDY

3.1 Site Description

The subject site currently consists of the southwest portion of Yakima County parcel number (APN) 18132914416, and contains 1.5-acres of relatively flat vacant grassland. See Figures 1, 2, 3, and 4 for specific boundary locations and proposed combination cap method areas.

3.2 Description of Cleanup Action

In 2021, Ecology finalized the guidance document Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington (Model Remedies). Under WAC 173-340-390: Model Remedies, for sites where the contaminants are well understood and industry standard remediation approaches are used, a streamlined and accelerated cleanup selection process can be used. The Draft Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington provides four model remedies from which to choose:

- Model Remedy 1 – Excavation and Removal
- Model Remedy 2 – Mixing
- Model Remedy 3 – Capping in Place
- Model Remedy 4 – Consolidation and Capping

Each of the model remedies provide remedial approaches that can result in full remediation (referred to as a permanent solution), by mixing to achieve presence of clean soils in the upper elevation of the soil, or use of soft and hard barriers to prevent access to contaminated soils. As provided in the Model Remedies document, Site redevelopment is likely to consist of implementation of Model Remedy 3 (Capping in Place) if legacy contaminants are present above the MTCA Method A cleanup levels. Site redevelopment will consist of mass grading of the property, installation of underground utilities, construction of easements, access points, sidewalks, and other hard surfaces, installation of underground stormwater infiltration trenches, landscape areas, and stabilization of disturbed soil.

3.3 Cleanup Standards and Point of Compliance

The MTCA Method A Unrestricted Site Use levels defined in Ecology's WAC 173-340, have been used as a threshold for determining the need for remediation or management of site soils. Ecology's MTCA Method A cleanup levels are appropriate for unrestricted site use and are therefore appropriate for use as a screening criterion. The following table presents the applicable MTCA Method A values as presented in Ecology's Cleanup Level and Risk Calculation (CLARC) summary dated February 2024.

Table 1
Site Screening Criteria for Remediation

Contaminant of Concern (CoC)	MTCA Method A CUL (mg/Kg)	Clean Soil Criteria (mg/Kg)
Arsenic (As)	20	20
Lead (Pb)	250	250

The screening criteria will be used for evaluation of imported soils, sod and/or soil amendments; areas of clean fill and capping/over; and remediation of stormwater infiltration areas.

3.4 Applicable – Relevant – Appropriate Requirements (ARARs)

Guidance associated with remedial action evaluation is presented in WAC 173-340-360. The selection of the consolidation and in-place management of impacted soils is justified as it meets the following minimum requirement for selection of a cleanup action under WAC 173-340-360(2)(a):

- Protect Human Health and the Environment. The selected remedy will protect human health and the environment in the short-term and long-term by placing protective barriers to prevent access and subsequent exposure to contaminated soils utilizing permanent capping approaches and institutional controls.
- Comply with Cleanup Standards. The selected remedy will comply with cleanup levels for soil.
- Comply with Applicable State and Federal Laws. The selected remedy complies with applicable state and federal laws.

The selected remedy also meets the other requirements for selection under WAC 173-340-360(2)(b), which includes the following:

- Using Permanent Solutions to the Maximum Extent Practicable. The selected remedy of placing protective barriers and soil capping of impacted soil is permanent.
- Providing for a Reasonable Restoration Time Frame. Cleanup goals will be achieved at the Site upon completion of construction.

In Yakima County, fugitive dust associated with construction projects is regulated by the Yakima Regional Clean Air Agency under the authority of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations.

Ecology's Dangerous Waste regulations implement the Hazardous Waste Management Act of 1976 as amended in 1980 and 1983 and in part Subtitle C of the Resource Conservation and Recovery Act (RCRA) in Washington State. A major portion of the Dangerous Waste regulations is the differentiation between solid and dangerous waste. Based on the results of the investigation, surplus soil exported from this Site may be considered, by definition, a solid waste.

4.0 TIME MANAGEMENT AND MONITORING

4.1 Restoration Timeframe

The proposed commencement date of work on the subject site was originally slated for January of 2024; however, site work has yet to begin. The anticipated scope of work is estimated to continue through a total of nine (9) months from the first day of construction on site.

4.2 Compliance Monitoring

Protective barriers should ideally be visually inspected semi-annually and at least annually, preferably in the spring to verify that damage has not occurred during the winter and in the fall to assure that barriers are in good condition before winter storms commence. See Appendix A for the standard Semi-Annual Protective Barrier Inspection Form.

4.3 Schedule for Implementation

A specific schedule with applicable dates has not been developed as of the writing of this CAP; however, the anticipatory time frame for the entirety of the development project is estimated to be nine (9) months from the actual commencement date.

4.4 Institutional and Engineering Controls

Institutional controls are required if contaminated soils remain on the property as part of the chosen remedy. For the purpose of this model remedy, institutional controls are required for any cleanup remedy that caps contaminated soil on the subject property. Institutional controls restrict activities in areas with remaining contamination and they inform future property owners about contamination left on the property. They may also provide direction for regular maintenance and inspection of capped areas. The traditional form of institutional control is an environmental covenant (EC), but they can include any instrument that effectively limits disturbing capped areas and notifies all future landowners of the conditions found on your property.

Since arsenic and lead contamination will be left beneath the cap in place remedy, an EC with associated land use restrictions will need to be drafted in collaboration with the Washington Department of Ecology (WDOE), as part of the Voluntary Cleanup Program (VCP). An EC is the most effective institutional control available for this model remedy. Environmental covenants are the preferred institutional control for commercial properties using a capping remedy. To guarantee the ongoing maintenance of the protective barriers at the site, this EC will be recorded at the local auditor's office upon finalization of the project. Applicable VCP documentation for the site is included in Appendix B.

4.5 Public Participation and Notification

Since all media with concentrations of legacy agricultural chemicals above MTCA Method A cleanup levels have will be managed to prevent contact or off-site migrations, there is no known or potential threat to public health. Any specific dissemination to the public regarding policies and procedures should follow the recommendations as outlined in Krazan's site-specific Operations and Maintenance Plan for Management of Arsenic & Lead Contaminated Soils (O&M Plan), dated January 22nd, 2024.

To guarantee the ongoing maintenance of the protective barriers at the site, an EC will be recorded at the local auditor's office upon finalization of the project and available by public records request.

5.0 LIMITATIONS

The services described in this CAP will be performed consistent with generally accepted professional consulting principles and best management practices. Opinions and recommendations contained in this CAP apply to conditions existing when services were outlined and are intended only for the client, purposes, locations, time frames, and project parameters indicated as of the writing of this CAP. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. Krazan does not warrant the accuracy of information supplied by others, or the use of segregated portions of this CAP.

6.0 CLOSURE

Krazan appreciates the opportunity to be of continued service to you on this project. Should you have any questions regarding this report or other environmental aspects of the project moving forward, please feel free to reach out to us at your earliest convenience.

Respectfully submitted,
KRAZAN & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Jessep Englert', with a long horizontal flourish extending to the right.

Jessep Englert, L.G.
Field Geologist/Environmental Professional
Krazan & Associates

REFERENCES CITED

Cushing Terrell – *Landscape L100 Site Plan*, August, 25th, 2023

Cushing Terrell – *Construction C100 Site Plan*, August, 25th, 2023

Cushing Terrell – *Subgrade Construction C400 Site Plan*, August, 25th, 2023

Krazan & Associates, Inc. - *Krazan Phase I Environmental Site Assessment – Limited Soil Sampling – January 3rd, 2022*

Krazan & Associates, Inc. - *Krazan Site Characterization Report – Letter Report for Soil Sampling - January 3rd, 2023*

Washington Administrative Code (WAC) Chapter 173-303, *Dangerous Waste Regulations*

Washington Administrative Code (WAC) Chapter 296-848, *Department of Labor and Industries, Arsenic*

Washington Administrative Code (WAC) Chapter 296-843, *Department of Labor and Industries – Hazardous Waste Operations*

Washington Administrative Code (WAC) Chapter 173-350, *Solid Waste Handling*


Washington Administrative Code (WAC) Chapter 173-340, *Model Toxics Control Act – MTCA Cleanup Regulation*

Washington Department of Ecology, *Toxics Cleanup Program – Central Regional Office*

Washington Department of Ecology, *Toxics Cleanup Program - Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington – Sampling and Cleaning Up Arsenic and Lead Contaminated Soils - July 2021*



Source: Google Maps

VICINITY MAP	Scale: NTS	Date: Dec. 2022	 SITE DEVELOPMENT ENGINEERS <i>Offices Serving the Western United States</i>
Les Schwab Yakima Arsenic & Lead Soil Sampling 6809 W Nob Hill Blvd Yakima, WA	Modified By: JDE		
	Project No. 064-22024	Figure No. 1	



Source: Google Maps


SITE MAP	Scale: NTS	Date: Dec. 2022	 SITE DEVELOPMENT ENGINEERS <i>Offices Serving the Western United States</i>
Les Schwab Yakima Arsenic & Lead Soil Sampling 6809 W Nob Hill Blvd Yakima, WA	Modified By: JJK		
	Project No. 064-21024	Figure No. 2	

Figure 3.

Landscape (Soft Cap) and Hard Cap Protective Barrier Overlay Map



Figure 3 - Site Plan

Reference:

Google Earth.

LSWA_21YAKWEST LANDSCAPE STAMPED, *Site Plan, Cushing Terrell, October 27, 2023*



Krazan

Project: Les Schwab Yakima West, 6809 West Nob Hill Blvd, Yakima, WA

Date: January 2024

Project Number: 064-22024

Drawn By: JDE

Not to Scale

Figure 3 Barrier Overlay Map

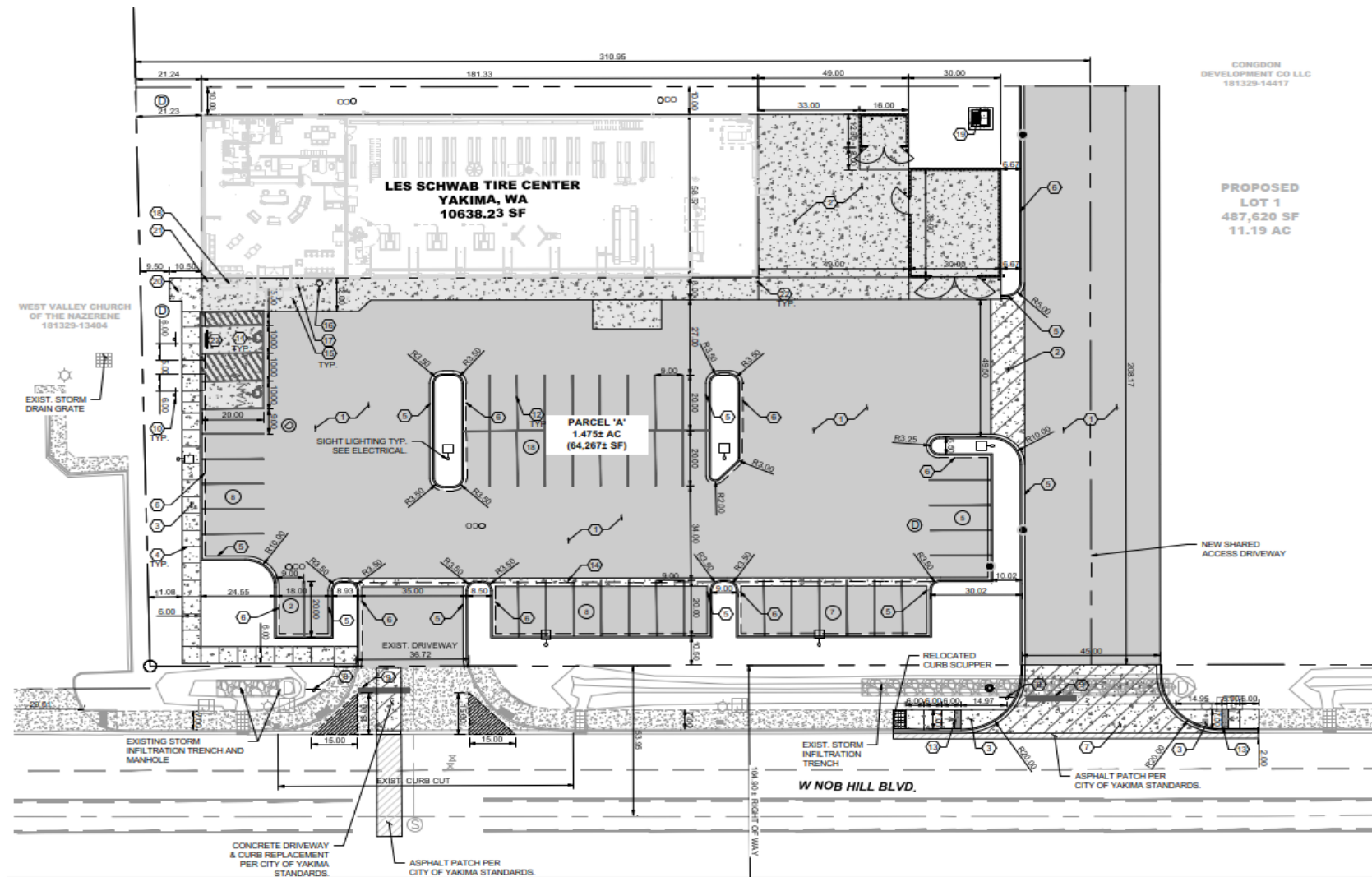


Figure 4 - Site Plan



Project: Les Schwab Yakima West, 6809 W Nob Hill Blvd, Yakima, WA

Date: March 2023

Project Number: 064-22024

Drawn By: JDE

Not to Scale

Figure 4: Site Plan

Reference: Cushing Terrell - Site Plan C100 - Otheim and Isackson, August, 25th

2023

Appendix A

Semi-Annual Arsenic and Lead Contaminated Soil Capping Inspection

Inspector: _____

Date: _____

Twice each year (spring and fall) inspect the site and document the condition of protective barriers. The spring inspection should be completed after the snow has melted (usually March or April) to find any damage that occurred during the winter. The fall inspection should be completed prior to snow (usually September or early October) and to make sure all of the protective barriers are in good condition before winter. Take photographs of any areas of damage or concern.

Asphalt, Concrete, and Buildings: Inspect asphalt and concrete surfaces for cracks, voids, or other separations (surface imperfections) where you can see the material is cracked. Estimate the width and length of the largest crack you see and note in the comments. Place a check mark next to the most appropriate category:

_____ **No Damage**

_____ **Minor surface imperfections** – small surface cracking that does not penetrate the depth of the asphalt or concrete, does not require repair.

_____ **Moderate surface imperfections** – a crack where you can see the crushed gravel or soil below the asphalt or concrete. This should be repaired before winter.

_____ **Significant surface damage** – a crack or when a piece of asphalt or concrete is missing and you can see the soil below the crushed gravel. This should be repaired as soon as feasible (usually within a month).

Comments: _____

Landscaping and Grass: Inspect landscaping and for damage to grass lawns or areas of crushed rock landscaping. Note all areas where the grass has worn or the crushed rock has moved and exposed geotextile fabric. Inspect stormwater features for any areas of standing water, dead grass, mud or exposed soil. Inspect the landscaped area for indications of damaged sod materials or areas with dying vegetation. Classify damage, if identified as minor, major or significant using the following guidance.

_____ **No Damage**

_____ **Minor damage** – less than 10 % overall or less than 25 square feet in a localized area, provided the exposure to underlying soils is not present.

_____ **Major damage** – between 10 and 20 % overall or between 25 and 100 square feet in a localized area, or result in less than 10 percent overall or less than 25 square feet of soil is visible.

_____ **Significant damage** – more than 20% overall or more than 100 square feet in a localized area, or result in more than 10 percent overall or more than 25 square feet of soil is visible.

Comments: _____

Questions? Call Krazan & Associates, Inc. 253.939.2500

Email completed inspection form to: jessepenglert@krazan.com

Appendix B



Voluntary Cleanup Program Agreement

Washington State Department of Ecology - Toxics Cleanup Program

For completion

by

Ecology only

Instructions

Facility/Site Name: Les Schwab Yakima West

Facility/Site No.: 100000290

VCP Project No.: CE0553

Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page, and sign the Agreement on the third page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the Washington State Department of Ecology (Ecology) and SFP-E, LLC (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address: 6905 West Nob Hill Blvd, Yakima, WA, 98908

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), chapter 70A.305 RCW, and its implementing regulations, chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or chapter 173-340 WAC, then that definition shall govern.

Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70A.305.170, any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold any requested opinions and notify the Customer by certified mail that the debt is past due.

If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70A.305.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by email or U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

Washington State Department of Ecology



Signature

Valerie Bound

Printed name

Section Manager, TCP

1/4/2024

Date

Customer signatory

DocuSigned by:

29CEB553FAD84E1...
Signature

Dietrich Haar

Printed name of signatory

Vice President

Title of signatory

01/03/24

Date

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability may call 877-833-6341.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

January 8, 2024

Dietrich Haar
SFP-E, LLC
PO Box 5350
Bend, OR 97708

Re: Application Acceptance – Voluntary Cleanup Program

- **Site Name:** Les Schwab Yakima West
- **Site Address:** 6905 W. Nob Hill Blvd, Yakima
- **Facility/Site ID:** 100000290
- **Cleanup Site ID:** 16984
- **VCP Project No.:** CE0553

Dear Dietrich Haar:

The Department of Ecology (Ecology) accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the Les Schwab Yakima West facility (Site). We applaud your initiative and welcome your interest in the VCP. This letter provides important information on how we will review your VCP cleanup project (project) at the Site.

Agreement

We completed and signed your Standard VCP agreement for the project on January 4, 2024. This date is the effective date of the agreement. A copy of your signed agreement is enclosed.

Identification Numbers

We have assigned a unique name and number to your Site. This information is listed on the first page of your Standard VCP agreement (enclosed). When contacting us, please reference this information to identify your project.

Communications

Unless otherwise requested, we will communicate directly with your project manager, George Bunting, as listed on your VCP application form. If you replace your project manager, or their contact information changes, please submit a completed change of contact form.¹

¹ <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>

We have assigned the following site manager as our point of contact for your project:

Mary Monahan
Toxics Cleanup Program
Central Regional Office
Department of Ecology
1250 W. Alder Street
Union Gap, WA 98903
509-571-6661
Mary.Monahan@ecy.wa.gov

Request for Written Opinion

As your cleanup progresses, you may request a written opinion on your planned or completed remedial actions by submitting to Ecology:

- A completed request for opinion form.²
- Remedial action plans and/or reports.

Reporting Requirements

When requesting written opinions, you must comply with the following reporting requirements to avoid unnecessary delays in the VCP process:

- **Licensing.** You must submit documents containing geologic and hydrogeologic work and engineering work under the seal of an appropriately licensed professional, as required in chapters 18.220³ and 18.43⁴ RCW, respectively.
- **Data submittal.** You must submit environmental data to our Environmental Information Management (EIM) system.⁵ The Toxics Cleanup Program Policy 840⁶ describes data submittal requirements. Please visit the EIM Submit Data webpage for data submittal instructions.

Payment

We will send monthly invoices to the billing contact listed in your VCP application form. Payment is due within 30 calendar days from the date of each invoice. Our invoices include a summary of costs incurred, payments received, names of staff billing to the project, and the time spent on the project during the previous month.

² <https://apps.ecology.wa.gov/publications/SummaryPages/ecy070219.html>

³ <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.220>

⁴ <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.43>

⁵ <https://ecology.wa.gov/eim>

⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/1609050.html>

Dietrich Haar
SFP-E, LLC
January 8, 2024
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If you replace your billing contact, or their contact information changes, you must submit a completed change of contact form.

Site Listing Notice

We determined that your Site requires remedial action. Therefore, we added your Site to our Contaminated Sites List,⁷ as required by the Model Toxics Control Act.⁸ We appreciate your cooperation in planning or conducting remedial action at the Site. Moving forward with remedial action does not constitute an admission of guilt or liability. This early notice of site listing is required under WAC 173-340-310(6)(b).⁹

Contact Information

We are committed to working with you to reach the prompt and effective Site cleanup. If you have any questions, please contact Frosti Smith at vcp-cro@ecy.wa.gov, or call at 509-406-5157.

Sincerely,

A handwritten signature in blue ink that reads "Valerie Bound" followed by a small mark that looks like "for".

Frosti Smith
VCP Coordinator
Central Regional Office
Toxics Cleanup Program

Enclosure: Copy of signed VCP Agreement

By certified mail: 9589 0710 5270 0589 5641 36

cc: Jessep Englert, Krazan & Associates
 Ron Isackson, Cushing Terrell
 Gene Woodin, Congdon Development Co. LLC
 Fiscal, VCP Fiscal Analyst
 TCP, Operating Budget Analyst

⁷ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

⁸ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

⁹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>