



State of Washington  
POLLUTION LIABILITY INSURANCE AGENCY  
*PO Box 40930 • Olympia, Washington 98504-0930*  
*(360) 407-0520 • (800) 822-3905*  
*www.plia.wa.gov*

August 13, 2024

Larry Hull  
Yakima Valley Commercial, LLC  
901 Summitview Avenue, Suite 250  
Yakima, WA 98902

**Re: No Further Action at the Following Site:**

- **Facility/Site Name:** Sun King Fruit Company
- **Facility/Site Address:** 319 E South Hill Road, Sunnyside, WA 98944
- **Facility Site ID:** 25559438
- **Technical Assistance Program No.:** PC028

Dear Larry Hull:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 319 E South Hill Road, Sunnyside, WA 98944 (Site). This letter provides PLIA's 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**

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

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## **Description of the Site**

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This opinion applies only to the identified petroleum release at the Site located at 319 E South Hill Road, Sunnyside, WA 98944 and includes Yakima County tax parcel 22103632401. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

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

- Total petroleum hydrocarbons (TPH) as gasoline-range organics (GRO) and diesel-range organics (DRO) into the soil, groundwater, and air.

## **Basis of the Opinion**

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

1. *Data Gaps Investigation: Land Use, Groundwater, and Vapor Intrusion*. Prepared by Fulcrum Environmental Consulting, Inc. February 16, 2024.
2. *Final Report of Independent Remedial Action & Site Cleanup*. Prepared by GN Northern, Inc. November 24, 2015

These reports are available for download at: [Sun King Fruit Company](#).

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](mailto: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**

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The cleanup levels (CULs) for the Site will be established in accordance with WAC 173-340-700(5) and WAC 173-340-700(6).

The points of compliance (POCs) for the Site will be established in accordance with WAC 173-340-720(8) for groundwater, WAC 173-340-740(6) for soil, and WAC 173-340-750(6) for air.

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## **Analysis of the Cleanup**

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PLIA has concluded that **no further remedial action** is necessary at the Site. Our conclusion is based on the following analysis:

### **Cleanup of the Site:**

Site data demonstrate that petroleum contamination from a petroleum underground storage tank (UST) system release exceeded the levels allowable under MTCA. This opinion only addresses the contaminants of concern (COCs) as detailed in the *Description of the Site* section of this letter. The Site history is detailed in the documents cited above.

PLIA has determined that the cleanup actions performed meet cleanup standards established for the Site. The following cleanup actions have been performed at the Site:

#### **i. Soil:**

- The results of confirmation samples demonstrate that petroleum contaminated soil (PCS) with concentrations of COCs exceeding the applicable CULs was removed from the Site.
- Soil sample results are listed in the following table:
  - Table 1, *Final Report of Independent Remedial Action & Site Cleanup*. Prepared by GN Northern, Inc. November 24, 2015.

**Result: The data indicate the soil direct contact and soil leaching to groundwater exposure pathways are incomplete at the Site.** The remedial action(s) removed the potential for PCS with concentrations of COCs exceeding CULs to come into contact with human or ecological receptors or leach into groundwater.

#### **ii. Groundwater:**

- Depth to groundwater recorded at the Site ranged from 5.24' (Mon-4) to 10.18' (Mon-1) below top of casing. Groundwater flow direction beneath the Site is predominantly southwest.
- Concentrations of COCs were not detected in two consecutive quarterly groundwater performance samples.

**Result: The data indicate the groundwater exposure pathway is incomplete at this Site.** The remedial action(s) removed the potential for groundwater with concentrations of COCs exceeding

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CULs to come into contact with humans or ecological receptors.

**iii. Air (Soil or Groundwater to Vapor):**

- PCS and petroleum contaminated groundwater (PCGW) within the lateral inclusion zone and/or vertical separation distance of Site buildings was successfully remediated to concentrations of COCs less than the MTCA Method A CUL.

**Result: The data indicate the vapor intrusion pathway is incomplete at this Site.** The remedial action removed the potential for vapors from PCS or PCGW to enter nearby commercial or residential structures.

**iv. Surface Water:**

- Not applicable for the Site. The nearest surface water, Columbia River, is approximately 35 miles to the east of the Site.

**Result: The surface water exposure pathway is incomplete at this Site.** This means that, based on current data, petroleum contamination has not spread to surface water.

**Limitations of the Opinion**

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**1. Opinion does not settle liability with the state.**

Under 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).

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**2. 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 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**

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This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. PC028.

## **Contact Information**

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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](mailto:pliamail@plia.wa.gov).

Sincerely,

DocuSigned by:  
  
551607B712E3413...

Tom Roper  
Hydrogeologist

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

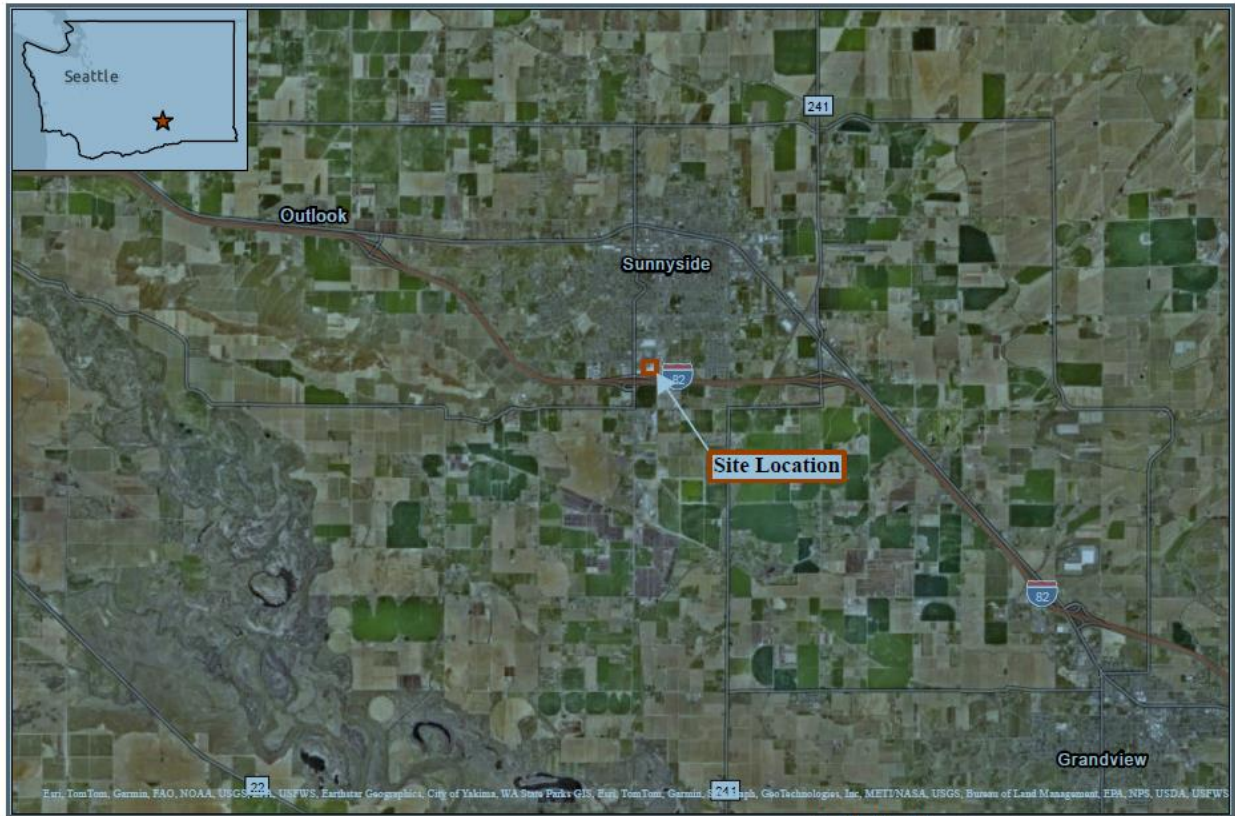
cc: ryan.mathews@efulcrum.net

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**Enclosure A:**  
**TAP Project No. PC028**  
**319 E South Hill Road, Sunnyside, WA**  
**98944**

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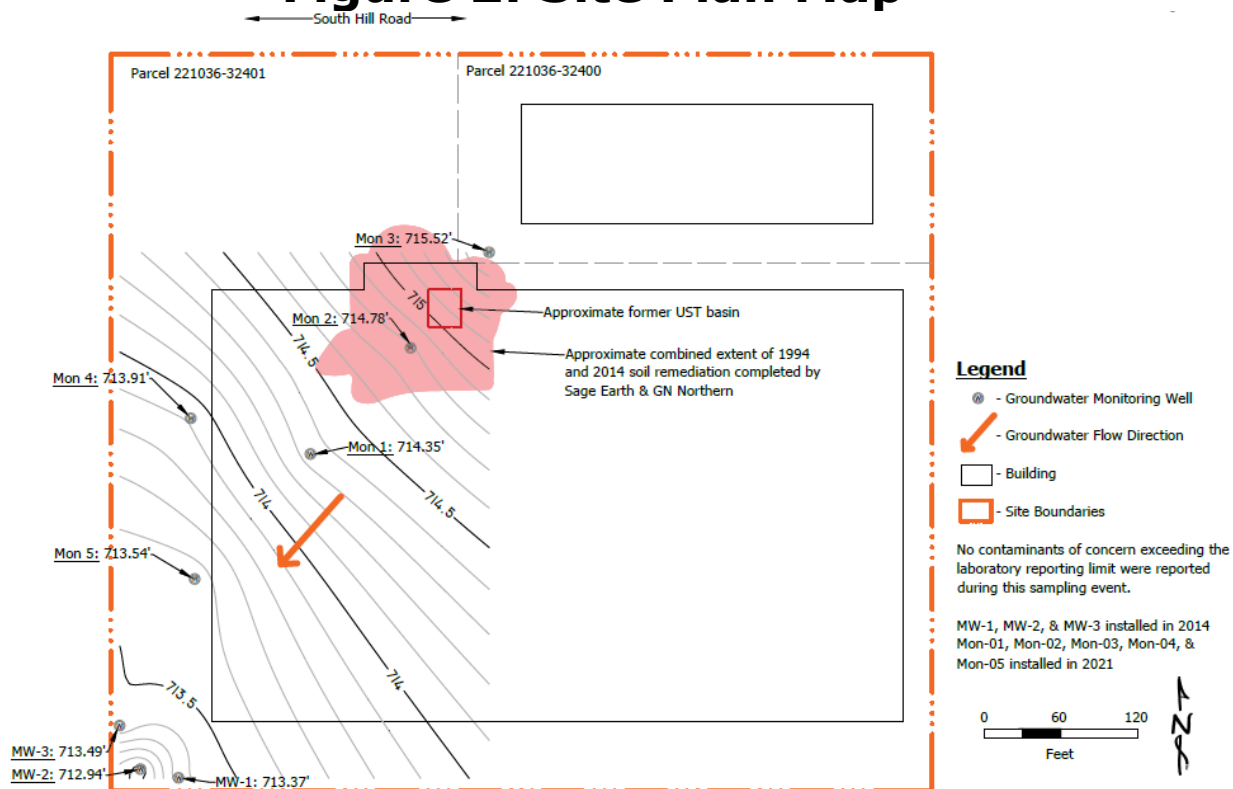
**Figure 1: Site Vicinity Map**



**Source:** *Data Gaps Investigation: Land Use, Groundwater, and Vapor Intrusion*, Fulcrum Environmental Consulting, Inc., February 16, 2024.

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## Figure 2: Site Plan Map



**Source:** *Data Gaps Investigation: Land Use, Groundwater, and Vapor Intrusion*, Fulcrum Environmental Consulting, Inc., February 16, 2024.