



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

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

June 18, 2025

Jaret Dorey  
PO Box 808  
Troy, ID 83871

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

- **Site Name:** B & B Equipment Co Inc
- **Site Address:** 160201 West County Rd, Prosser
- **Facility/Site ID:** 302
- **Cleanup Site ID:** 4890

Dear Jaret Dorey:

The Washington State Department of Ecology (Ecology) sampled your property as part of our Leaking Underground Storage Tank (LUST) Assessment Program. We are providing an opinion on the work that was done under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.<sup>1</sup>

### Site Description and History

The property operated as an equipment sales facility in the past. It is currently being used as a manufacturing facility for outdoor cattle pens. In November 1994, one 1000-gallon underground storage tank (UST) and one 700-gallon diesel UST were removed. Groundwater was not encountered during the excavation. Soil samples were collected from the sidewalls and bottom of the excavation pit. Samples were analyzed for gasoline range petroleum hydrocarbons (GRPH) and benzene, toluene, ethylbenzene, and xylenes (BTEX). Concentrations of GRPH and xylenes exceeded MTCA Method A cleanup levels (CULs) in the soil underneath the gas tank. A 1995 report indicates that there was evidence of a release from both tanks, but the corresponding analytical report from the samples collected below the diesel tank was missing from the report. Excavation of petroleum-contaminated soil was recommended, but there is no indication that any contaminated soil was removed.

### Site Assessment

In November 2024, environmental samples were collected to determine if contamination related to the historic release of petroleum products from LUSTs was present in soil or groundwater at this Site.

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<sup>1</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Soil and groundwater samples were collected at the Site and analyzed for the following contaminants: gasoline range petroleum hydrocarbons (GRPH), diesel and oil range petroleum hydrocarbons (DRPH, ORPH), benzene, toluene, ethylbenzene, xylenes (BTEX), naphthalene, 1,2-Dichloroethane (EDC), 1,2-Dibromoethane (EDB), Methyl tert-butyl ether (MTBE), and lead.

Contaminants were either not detected or were detected at concentrations less than their respective MTCA Method A CULs in soil and groundwater.

Based on the results of this assessment, Ecology has determined that contamination greater than the MTCA Method A CULs related to the historic release of petroleum products from the LUSTs is not present in soil or groundwater at the Site.

### Opinion

Ecology has determined that **no further remedial action is necessary** to clean up petroleum hydrocarbon contamination at the Site. This conclusion is based on the following:

- Decommissioning and removal of the original, on-site USTs have removed the source of petroleum hydrocarbons and related constituents.
- Natural attenuation has decreased the concentration of any contamination left behind following the 1994 tank removal.
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the soil or groundwater samples collected at the Site in November 2024, above their respective MTCA Method A CULs.

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

- GeoEngineers, Inc. 2024. "B&B Equipment Co. 160201 West County Road 12 Prosser, Washington." January 21, 2025.
- Cayuse Environmental, 1995. "Removal of Two Underground Storage Tanks Report Prepared for B&B Equipment." January 29, 1995.
- Washington State Department of Ecology. 2013. "Model Toxics Control Act Regulation and Statute Chapter 173-340 WAC and 70.105D RCW." Publication 94-06. Revised January 2024.

You can request these documents by filing a records request.<sup>2</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 Ecology's Cleanup and Tank Search website.<sup>3</sup>

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

Based on this opinion, Ecology will update the Site status on the Contaminated Sites List.

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<sup>2</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>3</sup> <http://apps.ecology.wa.gov/cleanupsearch/site/4890>

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### **Limitations of the Opinion**

1.) 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>4</sup>

2.) Opinion does not constitute a determination of substantial equivalence.

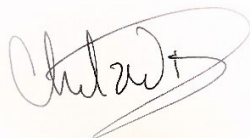
To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080<sup>5</sup> and WAC 173-340-545.<sup>6</sup>

3.) 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>7</sup>

If you have any questions about this opinion, please contact me by phone at 509-571-4708 or email at [chelsea.wisotzkey@ecy.wa.gov](mailto:chelsea.wisotzkey@ecy.wa.gov).

Sincerely,



Chelsea Wisotzkey  
LUST Site Manager  
Toxics Cleanup Program  
Central Regional Office

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<sup>4</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

<sup>5</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

<sup>6</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

<sup>7</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>