



# FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 11, 2009

**CERTIFIED MAIL**

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Rosenda & Bertha Magana  
521 Yakima Valley Highway  
Sunnyside, Washington 98944

Dear Mr. and Mrs. Magana:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 521 Highway 12, Sunnyside, Washington, Facility/Site ID # 2939585

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

Four 1000-gallon underground storage tanks (USTs) were reportedly removed from the site in 1989. The UST removal company reported that stained soil was encountered and was removed from the excavation. No additional information concerning the UST removal was located in the file.

A soil sample was collected from the property in 1993 as part of a Remedial Investigation/ Feasibility Study conducted for the neighboring Manhole 34 site. Five constituents of petroleum hydrocarbons were detected, including gasoline, benzene, toluene, ethylbenzene and xylenes. Gasoline was detected above the applicable Model Toxics Control Act (MTCA) Method A soil cleanup level.

In addition, the same five constituents were detected in groundwater samples collected from two monitoring wells located onsite. Benzene was the only constituent detected above the applicable MTCA Method A groundwater cleanup level. Ecology is not aware of any cleanup that has been conducted at the site.

Under the Model Toxics Control Act (MTCA), Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpag.HTM>. It is Ecology's decision that the above-referenced property will be added to this database because soil and groundwater are contaminated at the site.

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).



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It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants **no further action**, you are encouraged to participate in the Voluntary Cleanup Program (VCP). Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Frosti Smith, CRO VCP Coordinator, at (509) 454-7841.

If you have any questions regarding this letter, please feel free to contact me at (509) 454-7835.

Sincerely,



Brianne Plath  
Site Manager  
Toxics Cleanup Program

Enc: Chapter 173-340 WAC  
Chapter 70.105D RCW

cc: Daniel Peterson, Attorney and Counselor at Law