



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 8, 2013

Mr. Mark Chandler  
Time Oil Company  
2737 West Commodore Way  
Seattle, WA 98199

**RE: No Further Action at the following site:**

- **Site Name:** Valley View Gas Mart 068
- **Site Address:** 107 West Lincoln Avenue, Sunnyside
- **Facility/Site No.:** 24231643
- **VCP Project No.:** CEO268
- **Cleanup Site ID No.:** 5744

Dear Mr. Chandler:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup for the above-referenced Site. We appreciate your initiative. This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issue Presented and Opinion**

Is further remedial action necessary to clean up contamination at the Site?

**NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.**

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

**Description of the Site**

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total Petroleum Hydrocarbons and its constituents [benzene, toluene, ethylbenzene, xylene, methyl tertiary butyl ether (MTBE)] into the Soil and Ground Water.

This opinion applies only to the Site as defined by the nature and extent of soil and groundwater contamination. The soil removal action is described in the August 12, 2003 UST Removal site

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Assessment Report and depicted in Figure 2 of that report. The ground water contamination plume had extended across two parcels of real property (Yakima County Parcel #22103511502 and #22103622006).

The adjacent parcel (known to Ecology as the former Carnation Company property/current Cream Wine property) contains tetrachloroethylene (PCE) contamination that is NOT associated with this Site.

### **Basis for the Opinion**

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

1. "Site Assessment Report for Time Oil Co Facility No. 01-068", Alisto Engineering, June 30, 1997.
2. "Remedial Investigation/Feasibility Study", Maxim Technologies, November 23, 1999.
3. "Corrective Action Plan", Maxim Technologies, May 2000.
4. "Monitoring and Recovery Well Installation Report", Brown and Caldwell, October 13, 2000.
5. "Installation Report: Bioslurping System Construction", Brown and Caldwell, October 2000.
6. "Operation and Maintenance Report", Brown and Caldwell, January 31, 2001.
7. "UST Removal Site Assessment Report", GeoEngineers, July 29, 2003.
8. Apex Winery Site Assessment, Blue Mountain Environmental Consulting, Inc., October 2006.
9. "In Situ Chemical Oxidation Work Plan", Sound Environmental Strategies, September 22, 2010.
10. Groundwater Monitoring Reports, October 2000 thru February 2013.
11. Contents of file, CRO central files.

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling Roger Johnson at (509) 454-7658.

This opinion is void if any of the information contained in those documents is materially false or misleading. **NOTE:** Removal of remediation systems and decommissioning of wells is required to occur within 6 months of issuance of this NFA determination. Failure to do may result in rescinding of the NFA for this Site.

### **Analysis of Cleanup**

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Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

#### **1. Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described as a release of TPH and its constituents from underground storage tanks into the soil and groundwater. The contaminated soil was removed from the site in 2003 and groundwater treatment

systems/actions were taken subsequent to the soil removal action culminating in an in-situ chemical oxidation injection in September 2011.

**2. Establishment of cleanup standards.**

Ecology has determined the cleanup levels you established for the Site meet the substantive requirements of MTCA.

**a. Cleanup levels.**

The MTCA Method A soil and groundwater cleanup levels for Unrestricted Land Uses shall be used throughout the Site for TPH-G and constituents (BTEX and MTBE).

**b. Terrestrial Ecological Evaluation (TEE).**

The site cleanup resulted in no contamination remaining above MTCA limits of Human Health or Terrestrial Ecological concern.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. All petroleum contaminated soil has been excavated from the source location and multiple groundwater treatment systems/actions have been taken to reduce groundwater contaminant concentrations below MTCA cleanup levels.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards at the Site. Ecology has concluded that the soil and groundwater data demonstrates that the Site is clean.

**Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Confirmed and Suspected Contaminated Sites List
- Hazardous Sites List

**Limitations of the Opinion**

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

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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 70.105D.040(4).

**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 substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

**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 70.105D.030(1)(i).

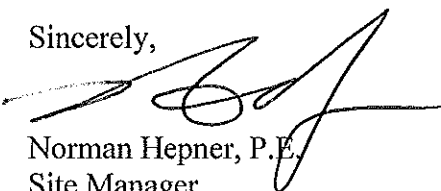
**Termination of Agreement**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project.

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion or the termination of the Agreement, please contact me at (509) 457-7127.

Sincerely,

  
Norman Hepner, P.E.  
Site Manager  
CRO Toxics Cleanup Program

cc: Dolores Mitchell, VCP Financial Manager  
Ryan Bixby, Sound Environmental Strategies