



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 2, 2009

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

**Re: Further Action at the following Site:**

- **Site Name:** Valley View Gas Mart 068
- **Site Address:** 107 West Lincoln Avenue, Sunnyside, WA
- **Facility/Site No.:** 24231643
- **VCP Project No.:** CE0268

Dear Mr. Chandler:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Valley View Gas Mart 068 facility (Site). 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?

**YES. Ecology has determined that 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:

- Benzene into the Groundwater.
- Methyl Tertiary Butyl Ether (MTBE) into the Groundwater.



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Although a general Site diagram has been enclosed, be aware that this opinion applies ONLY to the Site as defined by the nature and extent of the groundwater contamination. The groundwater contamination plume extends across two parcels of real property (Yakima County Parcel #22103511502 and #22103622006).

An adjacent parcel (known to Ecology as the former Carnation Company property and the current Cream Wine property) contains tetrachloroethylene (PCE) contamination that is NOT associated with this Site. Although further investigation of PCE is necessary, at this time Ecology considers this a separate release.

### **Basis for the Opinion**

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

1. Various authors, groundwater monitoring reports, 1997 - 2008.
2. Various authors, air discharge monitoring reports, 1997-1998, 2003-2005.
3. Alisto Engineering, Site Assessment, June 1997.
4. Maxim Technologies, Remedial Investigation/Feasibility Study Report, November 1999.
5. Maxim Technologies, Corrective Action Plan, May 2000.
6. Brown and Caldwell, Operation and Maintenance Report, October 2000.
7. Brown and Caldwell, Monitoring and Recovery Well Installation, October 2000.
8. Brown and Caldwell, Bioslurping System Installation Report, October 2000.
9. Brown and Caldwell, Operation and Maintenance Report, January 2001.
10. GeoEngineers, UST Site Assessment, July 2003.
11. Blue Mountain Environmental Consulting, Inc., Apex Winery Site Assessment, October 2006.
12. Ecology's Correspondence File.

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

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

### **Analysis of the Cleanup**

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Ecology has concluded that **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 above and in **Enclosure A**.

**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.**

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

**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 at 107 W. Lincoln Ave in Sunnyside, Washington. Also, a dual-phase extraction system was installed and operated at the Site, in addition to numerous groundwater monitoring wells. These actions have led to a decrease of contaminant levels in soil and groundwater.

**4. Cleanup.**

Ecology has determined the cleanup you performed does not meet cleanup standards at the Site. Even though you have conducted numerous cleanup actions, benzene and MTBE remain in groundwater at the Site. Therefore, the cleanup performed has not yet achieved cleanup standards.

Four consecutive quarters of groundwater samples with contaminant levels below the MTCA Method A groundwater cleanup levels needs to be demonstrated on down-gradient wells at the Site. In addition, all cleanup infrastructure, including resource protection wells, need to be decommissioned in accordance with WAC 173-160.

**Limitations of the Opinion**

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**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 70.105D.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 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).

**Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

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, please contact me at (509) 454-7835.

Sincerely,



Brianne Plath  
Site Manager  
CRO Toxics Cleanup Program

Enclosure

cc: Ryan Bixby, Sound Environmental Strategies  
In Sook and Joon Hee Lee Chang, Sun Investment, Inc.  
Dolores Mitchell, VCP Financial Manager (without enclosures)