



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 23, 2013

Mr. Chuck Cline  
AEG LLC  
605 11<sup>TH</sup> Avenue SE, Suite 201  
Olympia, WA 98501

**Re: Proposed Compliance Monitoring Work Plan for the following Site:**

- **Site Name:** Pik-a- Pop 15
- **Site Address:** 1802 East Nob Hill Boulevard, Yakima
- **Facility/Site No.:** 506
- **ISIS Cleanup Site ID No.:** 4929
- **VCP Project ID No.:** CE0387

Dear Mr. Cline:

Thank you for submitting the *Proposed Compliance Monitoring Work Plan* for review by the Washington State Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing an independent remedial action under the Model Toxics Control Act (MTCA). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issues Presented and Opinion**

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1. Upon completion of the proposed compliance monitoring, will further remedial action likely be necessary to clean up contamination associated with the Site?

**NO. Ecology has determined that no further remedial action will likely be necessary to clean up contamination associated with 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**

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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:

- TPH and constituents (benzene, toluene, ethylbenzene, and xylene) into the soil and groundwater from a leaking UST system.



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Please note that the Yakima Railroad, FSID #500 likely affects this Property. This opinion does not apply to any contamination associated with the Yakima Railroad Site.

### **Basis for the Opinion**

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

- "Proposed Compliance Monitoring Work Plan," AEG LLC, June 26, 2013.
- "Site Assessment Engineering Report on Petroleum Release at Maid O'Clover, Inc.," PLSA Engineering & Surveying, July 1992.
- "Results of a Site Assessment Investigation at Maid O'Clover Facility," Environmental Science and Engineering, March 25, 1991.

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.

### **Analysis of the Cleanup**

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Ecology has concluded that, upon completion of your proposed compliance monitoring, **no further remedial action** will likely be necessary to clean up contamination associated with 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 propose a compliance monitoring plan. The Site is described in the AEG's June 26, 2013 Proposed Compliance Monitoring Work Plan. The release and site characterization occurred prior to 1991 and was associated with a leaking turbine pump on the westernmost 10,000-gallon gasoline UST.

#### **2. Establishment of cleanup standards.**

- a. Ecology has determined the cleanup levels and points of compliance (throughout the Site soils and groundwater throughout the Site) you established for the Site meet the substantive requirements of MTCA. The cleanup levels selected are protective of human health and the environment.

**MTCA METHOD A Soil Cleanup Levels:**  
Gasoline Range Organics (GRO): 30 mg/kg

Benzene: 0.03 mg/kg  
Toluene: 7 mg/kg  
Ethylbenzene: 6 mg/kg  
Xylenes: 9 mg/kg

**MTCA METHOD A Groundwater Cleanup Levels:**  
Gasoline Range Organics (GRO): 800 ug/liter  
Benzene: 5 ug/liter  
Toluene: 1,000 ug/liter  
Ethylbenzene: 700 ug/liter  
Xylenes: 1,000 ug/liter

**3. Selection of cleanup action.**

Ecology has determined the cleanup action conducted at the Site in the early 1990's meets the substantive requirements of MTCA; however, compliance monitoring to determine the effectiveness of the remedy was never accomplished. The cleanup consisted of a pump and treat system to recover free product released to the groundwater. The compliance monitoring program proposed in the June 26, 2013 work plan is adequate to demonstrate the effectiveness of the groundwater remedy. For soil contamination likely present on this Site (an operating gas station), an environmental covenant is permissible provided soils are protective of groundwater (based on groundwater monitoring).

**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**:

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

**3. Opinion is limited to proposed cleanup.**

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

**4. 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).

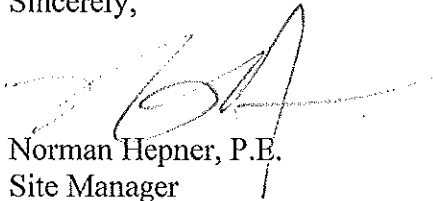
**Contact Information**

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Thank you for choosing to clean up your Site under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. 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 by phone at 509-457-7127 or e-mail at [norm.hepner@ecy.wa.gov](mailto:norm.hepner@ecy.wa.gov).

Sincerely,



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

cc: Dolores Mitchell, VCP Financial Manager  
Sue Smith, R.H. Smith Distributing Co., Inc.