

FACT SHEET

Administrative Order and Penalty Issued

The State of Washington Department of Ecology has issued an administrative order under the Model Toxics Control Act (Chapter 70.105D RCW) requiring the owner of property on which soil and groundwater contamination from a leaking underground gasoline storage tank has occurred to take immediate measures to prevent the migration of contamination and to clean up the site. The site is located generally south of Sunnyside, Washington, and immediately northwest of the intersection of Midvale Road and Emerald Road. A \$3,000 penalty has also been assessed against the owner under another law (Chapter 90.48 RCW) for allowing contamination to enter a drainage canal located east of the site. The drainage canal flows into Sulphur Creek, which is a tributary of the Yakima River.

Background

Owner of the property is Arthur Leyendekker. A gasoline service station is operated on the property under the name Kellogg's Korner. On April 26, 1990 Ecology investigation of a complaint revealed contamination in the drainage canal. A leaking underground storage tank was taken out of service and removed by the owner. Contaminated soil was excavated. Absorbent booms were placed in the canal to prevent migration of visible petroleum product downstream in the canal. Ecology issued a Notice of Violation in May, 1990, and considered the response from the owner in determining that the order and penalty were appropriate.

What is Being Done?

The order requires that the owner install a trench and at least three wells, or an equivalent system, to prevent the migration of contamination in the short term. The owner is further required to conduct a site hazard assessment to provide information to assure that the site is properly cleaned up in the long term. Ecology will oversee the project to ensure that the order is satisfied.

Is There a Current Health Risk at the Site?

Although some constituents of gasoline, particularly benzene, have adverse health impacts associated with them, the actual acute health risk to the community is judged to be low for two reasons: the public is unlikely to be exposed to the contaminated soil and drinking water supplies are not known to be contaminated. If you detect any gasoline odor or taste from well water near this site, please contact Ecology by telephone at (509) 454-7296.

How Can You Be Involved?

Ecology wants your comments on the enforcement order. Comments are not being sought on the penalty, because it was issued under a different law and process than the Model Toxics Control Act. This process allows the owner the opportunity to appeal the penalty or to request Department of Ecology to mitigate the penalty. In the case of the order, Ecology will review written comments received and revise the order, if necessary. Written comments and requests for updates may be submitted to the site manager:

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Documents that concern the order will be available for public viewing at the above address, as well as the following repository:

Yakima Valley Regional Library
Sunnyside Branch
621 Grant Avenue
Sunnyside

The period for public comment for the order will extend from August 28, 1990, through September 28, 1990.