



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 20, 2013

Mr. Glen Hayman
Hayman Environmental, LLC
18425 NE 95th Street, Suite 201
Redmond, WA 98052

Re: No Further Action at the following Site:

- Site Name: Noland Decoto Flying Service
- Site Address: 2804-2810 W Washington Avenue, Yakima
- Facility/Site No.: 39563633
- ISIS Cleanup Site ID: 6025
- VCP Project No.: CE0389

Dear Mr. Hayman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Noland Decoto Flying Service 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?

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:

- Former Heating Oil UST: Total Petroleum Hydrocarbons Diesel Range Organics (TPH-DRO) into the Site's soil and groundwater.

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A detailed description and diagram of the Site, as currently known to Ecology is present in the *Report on Potential Sources Soil Investigation and Focused Groundwater Investigation*, Hayman Environmental, LLC, June 5, 2013.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

1. *Report of Sample Reanalysis: Noland Decoto Site*, Hayman Environmental, LLC, September 10, 2013
2. *Report on Potential Sources Soil Investigation and Focused Groundwater Investigation*, Hayman Environmental, LLC, June 5, 2013
3. *Noland-Decoto Flying Service: Limited Soil Investigation Report*, Fulcrum Environmental Consulting, Inc. July 25, 2008
4. *Project JMK-SIL-2180: 2801-2810 West Washington Avenue*, JMK Environmental Solutions Inc., November 6, 2006
5. *Site Assessment Engineering Report Underground Storage Tank Removal: Noland-Decoto Flying Service*, PLSA Engineering & Surveying, March 2000
6. 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.

Analysis of the Cleanup

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 from a former Heating Oil UST that was removed in 1999, contaminating the Site's soil and groundwater with Total Petroleum Hydrocarbons (TPH-DRO).
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-DRO.

MTCA METHOD A Soil Cleanup Levels:

TPH: Diesel Range Organics (DRO): 2,000 mg/kg (for protection of groundwater)

MTCA METHOD A Groundwater Cleanup Levels:

TPH: Diesel Range Organics (DRO): 500 ug/liter

b. Terrestrial Ecological Evaluation (TEE).

The site cleanup resulted in no contamination remaining above MTCA limits of 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 accessible petroleum contaminated soil has been excavated from the source location and groundwater monitoring has confirmed that contaminant concentrations are below MTCA cleanup levels. Based on visual evidence during excavation activities, inaccessible petroleum contamination is present under the building at levels below soil residual saturation (based on groundwater monitoring data) and are therefore protective of direct contact. If these soils are removed from the Site during future redevelopment activities, the soils are required to be properly characterized prior to reuse/disposal. Four consecutive quarters of groundwater monitoring conducted in 2000/2001 showed levels of TPH-DRO below MTCA Method A cleanup levels.

Listing of the Site

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

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

Limitations of the Opinion

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

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Liabe 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.

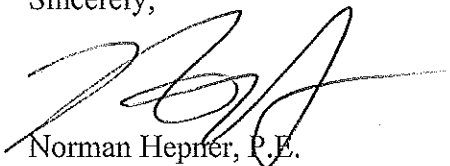
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

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. 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: Dan Langdon, Yakima Airport Land Company, LLC
Dolores Mitchell, VCP Financial Manager