



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 10, 2014

Mr. Sky Allphin
Chem-Safe Environmental, Inc.
400 South Main Street
P.O. Box 616
Kittitas, WA 98934

Re: Further Action at the following Site:

- **Site Name:** Chem-Safe Environmental, Inc.
- **Site Address:** 400 South Main Street, Kittitas
- **Facility/Site No.:** 58926155
- **VCP Project No.:** CE0371

Dear Mr. Allphin:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Chem-Safe Environmental, Inc. 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 characterize and/or 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:

- Chlorinated solvents into the soil and/or groundwater,

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, Soil Sampling Event, Chem-Safe Environmental, Inc., 400 South Main Street, Kittitas, Washington, Landau Associates, July 30, 2013.
2. Site Inspection reports and photos from Kittitas County Health Department and Ecology W2R, and personal communications with James Rivard, Wendy Neet and Gary Bleeker.

Those documents are kept at the Central Regional Office (CRO) of Ecology 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 Investigation

Ecology has concluded that **further investigation and/or remedial action** is necessary to characterize and/or 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 not sufficient to characterize releases, establish cleanup standards and select a cleanup action.

- Testing soil and groundwater was not conducted in at least some locations at which release potential was identified during Health Department and Ecology site inspections, e.g. the location of perchloroethylene drums and leaking Gaylord.
- Testing soil and groundwater at the locations at which releases or potential releases were actually identified during inspections are best professional practice, and required under MTCA regulations.

Limitations of the Opinion

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.

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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.

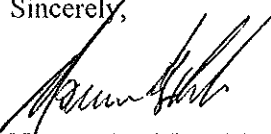
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Contact Information

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. If you have any questions about this opinion, please contact me by phone at 509-454-7837 or e-mail at nope461@ecy.wa.gov.

Sincerely,



Norman D. (Norm) Peck
CRO Toxics Cleanup Program

cc: ABC Holdings, LLC
Holly R. Myers, Kittitas County Health Department, Environmental Health Division
Zera Lowe, Kittitas County Prosecuting Attorney
VCP Financial Manager

