



**FILE COPY**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 12, 2009

Ms. Mary Lynn Douglas  
Senior Project Manager  
Ryder Truck Rental  
1630 South Church Street, Suite 301  
Murfreesboro, TN 37130

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

- **Site Name:** Ryder Truck Rental Leasing Inc.
- **Site Address:** 19 West Washington Avenue
- **Facility/Site No.:** 17218256
- **VCP Project No.:** CE0276

Dear Ms. Douglas:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Ryder Truck Rental Leasing 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**

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1. Does your cleanup meet some cleanup standards at the Site?

**YES. Ecology has determined that your cleanup meets the following cleanup standards at the Site:**

- **Gasoline-range hydrocarbons in soil**
- **Diesel-range hydrocarbons in soil**
- **Gasoline-range hydrocarbons, diesel-range hydrocarbons, benzene, toluene, xylenes, and ethylbenzene in groundwater at select well locations**

2. Is further remedial action still necessary to meet other cleanup standards at the Site?

**YES. Further remedial action is still necessary to meet the following cleanup standards at the Site:**



Ms. Mary Lynn Douglas  
November 12, 2009  
Page 2

- **Diesel-range hydrocarbons in groundwater**
- **Arsenic in groundwater**

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:

- **Diesel-range hydrocarbons in groundwater**
- **Arsenic in groundwater**

**Enclosure A** includes a diagram of the Site, as currently known to Ecology.

Please note that 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**

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

1. 3 Kings Environmental, Groundwater Monitoring Report, October 2008.
2. 3 Kings Environmental, Groundwater Monitoring Report, October 30, 2007.
2. Correspondence File (contains multiple reports and various correspondence), Department of Ecology.

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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This opinion 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 and points of compliance you established for the Site meet the substantive requirements of MTCA.

**a. Cleanup levels.**

MTCA Method A cleanup levels for soil and ground water have been selected as the appropriate cleanup standard for the Site.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA. However, the cleanup action **does** meet the requirements for cleaning up a portion of contamination at the Site.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the following cleanup standards:

- **Gasoline-range hydrocarbons in soil**
- **Diesel-range hydrocarbons in soil**
- **Gasoline-range hydrocarbons, diesel-range hydrocarbons, benzene, toluene, xylenes, and ethylbenzene in groundwater at the following well locations:**
  - **MW-1**
  - **MW-2**
  - **MW-4**
  - **MW-5**
  - **MW-7**
  - **MW-8**
  - **MW-9**
  - **RW-2**

However, Ecology has determined the cleanup you performed does not meet the following cleanup standards:

- **Diesel-range hydrocarbons and arsenic in groundwater at the following wells:**
  - RW-1
  - RW-3

In order to receive a No Further Action determination for this Site under the VCP, four *consecutive* quarters of groundwater samples below the MTCA Method A groundwater cleanup levels for diesel-range hydrocarbons and arsenic will need to be provided to Ecology for these two wells (RW1 and RW3) and one upgradient well of your choice. *Four consecutive quarters* means a continuous series of sampling spaced three months apart that occurs over a 12-month period. Groundwater samples must be below the MTCA Method A groundwater cleanup levels for **all** four quarters.

Sampling of groundwater at the Site has reportedly been accomplished using a bailer. Such samples can no longer be considered to be representative samples due to potential loss of volatile contaminants during sample transfer from the bailer to the sample container, disturbance of the groundwater by introduction of the bailer, etc. Use of a peristaltic pump is the most common and generally preferred method (where technically feasible).

Wells no longer in use shall be decommissioned according to WAC 173-160.

### **Listing of the Site**

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Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still required at the Site, we will not remove the Site from our lists of hazardous waste sites.

### **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.

Ms. Mary Lynn Douglas  
November 12, 2009  
Page 5

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**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). As your cleanup progresses, 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 at (509) 454-7835.

Sincerely,



Brianne Plath  
Site Manager  
CRO Toxics Cleanup Program

Enclosure:        A – Diagram of the Site

cc:     David Borys, 3 Kings Environmental  
       Donald L. Werst, property owner  
       Dolores Mitchell, VCP Financial Manager