



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 15, 2014

Frank Stauff
PMF Investments, LLC
15015 Main Street, Suite 203
Bellevue, WA 98007

Re: Further Action at the following Site:

- **Site Name:** Hiland Auto Garage
- **Site Address:** 3001 West Kennewick Avenue, Kennewick
- **Facility/Site No.:** 4438
- **VCP Project No.:** CE0405

Dear Mr. Stauff:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the above-referenced 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 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 release:

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- Diesel range organics, heavy oils, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), polychlorinated biphenyls (PCBs), lead, and arsenic into the soil.
- Please note a parcel of real property can be affected by multiple sites. The 395 Cleaners facility (# 20896) also affects parcel(s) of real property associated with this Site. This opinion does not apply to any contamination associated with the 395 Cleaners facility.

Basis for the Opinion

This opinion is based on the information contained in the documents listed below:

1. SLR International Corporation, October 8, 2013. *Remedial Excavation Report Former Auto Service Garage – Kennewick Plaza Shopping Center West Kennewick Avenue and South Ely Street Kennewick, Washington.*
2. SLR International Corporation, October 8, 2013. *Subsurface Investigation Report Former Auto Service Garage – Kennewick Plaza Shopping Center West Kennewick Avenue and South Ely Street Kennewick, Washington.*
3. ATC Associates Inc., April 28, 2000. *Report of Site Characterization and Independent Cleanup Action Kennewick Plaza Shopping Center West Kennewick Avenue and South Ely Street Kennewick, Washington 99336.*
4. ATC Associates Inc., February 9, 2000. *Interim Report of Site Characterization and Independent Cleanup Action Kennewick Plaza Shopping Center West Kennewick Avenue and South Ely Street Kennewick, Washington 99336.*
5. Contents of Ecology Site file.

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 Cleanup

Ecology has concluded that **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 not sufficient to select a cleanup action.

The Site is described as releases from a former automotive repair shop that operated from the early 1950s to 1976, contaminating the Site's soil with diesel range organics, heavy oils, cPAHs, PCBs, cadmium, lead, and arsenic. The original sources of the releases are unknown, but have been attributed to dumping of waste oil and other petroleum products. A geophysical survey was conducted in December 1999 and yielded possible buried objects, but none of significance were discovered during remedial excavations.

In December 1999, soil contaminated with heavy oils was indentified at depths of 10-16 ft. below ground surface (bgs) from soil borings and a remedial excavation. Excavation confirmation samples were not analyzed for benzene, toluene, ethylbenzene, and xylenes (BTEX), dibromoethane, 1-2 (EDB), dichloroethane, 1-2 (EDC), and Methyl Tert-Butyl Ether (MTBE), cPAHs, halogenated HVOCs, and PCBs. Stockpile samples contained concentrations of PCBs above MTCA Method A soil cleanup levels.

In March 2000, soil contaminated with cPAHs, arsenic, cadmium, and lead were identified at depths of 2.5-10 ft. bgs within test pits. Diesel range organics, heavy oils, and non-carcinogenetic PAHs were detected below MTCA Method A soil cleanup levels within the test pits. Soil contaminated with heavy oils (16 ft. bgs) and cPAHs (5 ft. bgs) were also identified from samples collected from soil borings in the vicinity of the December 1999 excavation. Diesel range organics and heavy oils were detected below MTCA Method A cleanup levels at other depths as deep as 25 ft. bgs. BTEX and MTBE were not detected in selected samples. PCBs were not detected in selected shallow samples from the test pits. Groundwater was not encountered within the deepest soil boring (31 ft. bgs). Samples were not analyzed for EDB, EDC, and HVOCs.

In June 2013, samples collected from five soil borings drilled to a maximum depth of 25.9 ft. bgs along the outer edges of the Site did not contain detections of diesel range organics, heavy oils, or cPAHs. Concentrations of metals were below MTCA Method A cleanup levels. Samples were not analyzed for BTEX, EDB, EDC, MTBE, PCBs, and HVOCs.

In September 2013, final remedial excavation confirmation samples did not contain detections of gasoline range organics, diesel range organics, heavy oils, cPAHs, or metals above cleanup levels MTCA Method A soil cleanup levels. Samples were not analyzed

for BTEX, EDB, EDC, MTBE, PCBs, and HVOCs. The remedial excavations extended to a maximum depth of 16.5 ft. bgs.

The vertical and lateral extent of cPAHs identified in the March 2000 SX-4 and SX-5 test pits has not been characterized.

Screening for BTEX, EDB, EDC, MTBE, PCBs, and HVOCs is required for waste oil and unknown oil releases. No samples from the 2013 remedial investigation or final remedial excavation confirmation samples were analyzed for these compounds.

Additional soil borings/test pits and soil samples may be needed to fully characterize the extent of contamination and the range of concentrations at the Site. Ecology's *Guidance for Remediation of Petroleum Contaminated Sites* recommends 20 to 35 soil borings per acre and 30-50 soil samples per acre.

Depth to groundwater at the Site is unknown, but is greater than 31 ft. bgs.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels you established for the Site meet the substantive requirements of MTCA. A point of compliance for soil has not been established for the site.

a. Cleanup levels.

The use of MTCA Method A soil cleanup levels for Unrestricted Land Uses is appropriate throughout the Site.

b. Terrestrial Ecological Evaluation (TEE).

The TEE is required to be completed. If appropriate, please provide the basis and supporting documentation for an exemption from the TEE process.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the soils at the Site meets the substantive requirements of MTCA.

The cleanup action selected for the contaminated soil is described as an excavation and off-site disposal of impacted soils above MTCA Method A soil cleanup levels to the maximum extent practicable.

4. Cleanup.

Ecology has determined the cleanup you performed does not meet all cleanup standards at the Site.

In December 1999, ATC Associates Inc. oversaw excavation of ~256 cubic yards (301 tons) of contaminated material from an excavation that was disposed at the Chemical Waste Management landfill in Arlington, Oregon and the Roosevelt Regional Landfill in Roosevelt, Washington. It is possible between 40-60 tons of material was unaccounted for during loading and transport either because of a miscalculation of quantity, a stockpile was stolen, or it was transported to the wrong landfill. This discrepancy is still unresolved, but a number of steps were made at the time to resolve the situation including a press release published in the Tri-Cities Herald and a police investigation.

In September 2013, SLR International Corporation oversaw the excavation of ~376 cubic yards (613 tons) of contaminated material from four excavations that was disposed of at the Roosevelt Regional Landfill in Roosevelt, Washington.

Final remediation excavation confirmation samples were not analyzed for BTEX, EDB, EDC, MTBE, PCBs, and HVOCs and it is possible these remain in soil on the Site.

Soil contaminated with cPAHs remains on the Site.

5. Professional License Requirements

Any site investigation/cleanup document containing geologic or engineering work (generally, interpretation of geologic or groundwater data, design calculations, plans, or as-built plans) must be submitted under the seal of the appropriately licensed professional.

6. Environmental Information Management System (EIM)

In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for Independent Remedial Actions shall be submitted simultaneously in both a written and electronic format. For additional information regarding electronic format requirements, see the website <http://www.ecy.wa.gov/eim>.

Data must be submitted to Ecology in this format for Ecology to issue a No Further Action determination.

An EIM data submittal has been received for the 2013 remedial investigation and excavation confirmation samples for this Site.

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.

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.

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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) 454-7835 or e-mail at matthew.durkee@ecy.wa.gov.

Sincerely,



Matthew Durkee, LG
Site Manager
CRO Toxics Cleanup Program

cc: Dolores Mitchell, Ecology
Timothy Jackson, Wallace Properties-Kennewick, LLC
Greg Lish, SLR International Corporation