STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 11, 2015

Brian Franklin
Franklin Kennewick, LLC
15015 Main Street, Suite 203
Bellevue, WA 98007

Re: No 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~~ CE0425

Dear Mr. Franklin:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Hiland Auto Garage 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 it's 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:

- Diesel range organics, heavy oils, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), polychlorinated biphenyls (PCBs), cadmium, lead, and arsenic into the soil.

A detailed description and diagram of the Site, as currently known to Ecology, was included in

your March 30, 2015 submittal, *Additional Subsurface Investigation Report, Former Hiland Auto Garage, 3001 West Kennewick Avenue, Kennewick, Washington, Facility/Site No. 4438, VCP Project No. CE0405.*

Please note the 395 Cleaners facility (facility site # 20896), which has contamination from solvents, also affects this parcel (#103891012524001). 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 following documents:

1. SLR International Corporation, March 30, 2015. *Additional Subsurface Investigation Report, Former Hiland Auto Garage, 3001 West Kennewick Avenue, Kennewick, Washington, Facility/Site No. 4438, VCP Project No. CE0405.*

2. 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.*

3. SLR International Corporation, July 22, 2013. *Subsurface Investigation Report Former Auto Service Garage – Kennewick Plaza Shopping Center West Kennewick Avenue and South Ely Street Kennewick, Washington.*

4. 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.*

5. 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.*

6. Contents of file, CRO Site file.

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 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 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 was 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 at 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. Only two samples were analyzed for BTEX, EDB, EDC, MTBE, and HVOCs, which is not considered adequate for screening, and the laboratory reporting limits for EDB and EDC exceeded MTCA cleanup levels. No samples were analyzed for PCBs. The remedial excavations extended to a maximum depth of 16.5 ft. bgs.

In February 2015, samples collected from seven soil borings drilled to a maximum depth of 23.5 ft. bgs under each of the backfilled remedial excavations did not contain detections of gasoline range organics, diesel range organics, heavy oils, BTEX, EDB, EDC, MTBE, PCBs, or HVOCs.

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

a. Cleanup levels.

The MTCA Method A soil cleanup levels for Unrestricted Land Uses shall be used throughout the Site.

MTCA Method A Cleanup Levels:

Hazardous Substance	**Soil (mg/kg)**
Gasoline range organics	30/100
Diesel range organics	2,000
Heavy oils	2,000
Benzene	0.03
Toluene	7
Ethylbenzene	6
Xylenes	9
Ethylene Dibromide (EDB)	0.005
1, 2 Dichloroethane (EDC)	0.003*
MTBE	2
Naphthalenes	5
cPAHs	0.1
PCBs	1
Tetrachloroethylene	0.05
Lead	250
Cadmium	2
Arsenic	20

* = Method B soil protective of groundwater cleanup level is applicable because a Method A soil cleanup level has not been established.

b. Terrestrial Ecological Evaluation (TEE).

The site qualifies for an exclusion from the process under WAC 173-340-7491(1)(c)(i).

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for 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 meets the cleanup standards established for the Site.

In December 1999, ATC Associates Inc. oversaw excavation of ~256 cubic yards (301 tons) of contaminated material from on 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. In February 2015, samples collected from seven soil borings drilled to a maximum depth of 23.5 ft. bgs under each of the backfilled remedial excavations did not contain detections of gasoline range organics, diesel range organics, heavy oils, BTEX, EDB, EDC, MTBE, PCBs, or HVOCs.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank List.

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).

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 (#CE0405).

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 by phone at (509) 454-7835 or e-mail matthew.durkee@ecy.wa.gov.

Sincerely,

Matthew D. Durkee

Matthew Durkee, LHG
Site Manager
CRO Toxics Cleanup Program

cc: Timothy Jackson, Wallace Properties-Kennewick, LLC
Greg Lish, SLR International Corporation
William Carroll, Pacific Crest Environmental
Dolores Mitchell, VCP Financial Manager