



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

December 24, 2015

Ms. Susan Smith
R.H. Smith Distributing Co., Inc.
P.O. Box 6
Grandview, Washington 98930-1044

Re: No Further Action at the following Site:

Site Name: PIK A POP 15
Site Address: 1802 E Nob Hill Boulevard, Yakima
Facility/Site No.: 506
VCP Project No.: CE0387

Dear Ms. Smith:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the PIK A POP 15 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 dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

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:

- Gasoline-range petroleum hydrocarbons and constituents (benzene, toluene, ethylbenzene, and xylenes) into the soil and groundwater from a leaking Underground Storage Tank (UST) turbine pump.



Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note the parcel(s) of real property associated with this Site are also located within the projected boundaries of the Yakima Railroad facility (#500). At this time, we have no information that those parcel(s) are actually affected. This opinion does not apply to any contamination associated with the Yakima Railroad facility.

Basis for the Opinion

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

- Environmental Science & Engineering, Inc. (ESE), Inc., 1991. *Results of a Site Assessment Investigation at Maid O'Clover Facility, 1802 E. Nob Hill Boulevard, Yakima, WA.* March 1991.
- PLSA Engineering & Surveying (PLSA), 1992. *Site Assessment Engineering Report on Petroleum Release at Maid O'Clover, Inc., Yakima, WA.* July 1992.
- Tetra Tech, Inc., 2004. *Phase I Environmental Site Assessment, Maid O'Clover #202, 1802 East Nob Hill Boulevard, Yakima, WA.* March 2004.
- Tetra Tech, Inc., 2004. *Limited Phase II Environmental Site Assessment, Maid O'Clover Service Station, 1802 East Nob Hill Boulevard, Yakima, WA.* July 2004.
- WA Dept. of Ecology, 2005. *VCP Further Action Opinion, Dynamart Yakima Nob Hill/Former Maid O'Clover, 1802 East Nob Hill Boulevard, Yakima, WA.* March 2005.
- Tetra Tech, Inc., 2006. *Limited File Review of Gasoline Station, 1802 East Nob Hill Boulevard, Yakima, WA.* May 2006.
- Associated Environmental Group, LLC (AEG), 2013. *Proposed Compliance Monitoring Work Plan, Gateway 76 Nob Hill Pik A Pop 15, 1802 E. Nob Hill Blvd., Yakima, WA.* June 2013.
- WA Dept. of Ecology, 2013. *VCP Likely No Further Action Opinion, Pik a Pop 15, 1802 East Nob Hill Boulevard, Yakima, WA.* July 2013.
- AEG, 2013. *Limited Subsurface Investigation and September 2013 Quarterly Groundwater Monitoring, Gateway 76 Nob Hill Facility, 1802 E. Nob Hill Blvd., Yakima, WA.* November 2013.
- AEG, 2014. *December 2013 and April 2014 Quarterly Groundwater Sampling Results Summary, Gateway 76 Nob Hill/Pik a Pop 15, 1802 E. Nob Hill Blvd., Yakima, WA.* June 2014.

- AEG, 2015. *July 2014 Quarterly Groundwater Sampling Results Summary, Gateway 76 Nob Hill/Pik a Pop 15, 1802 E. Nob Hill Blvd., Yakima, WA.* September 2015.
- Ecology Correspondence File.

Those documents are kept at the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, Jackie Cameron, at 509-575-2027.

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 above and in **Enclosure A**.

In 1991, two (2) separate releases of gasoline were discovered associated with a leaking turbine pump on the westernmost 10,000-gallon UST.

Sufficient characterization of the Site was performed to define the extent of the contamination, and soil and groundwater were determined to be the only impacted media.

2. Establishment of cleanup standards.

a. Ecology has determined the cleanup levels and points of compliance (standard) you established for the Site meet the substantive requirements of MTCA. The cleanup levels selected are protective of human health and the environment, and are discussed below:

1) **MTCA Method A Soil Cleanup Levels** for unrestricted land uses were selected. These cleanup levels are based on the protection of groundwater for drinking water use.

- | | |
|--|------------|
| ▪ Gasoline-Range Petroleum Hydrocarbons (in the presence of benzene) | 30 mg/kg |
| ▪ Benzene | 0.03 mg/kg |
| ▪ Toluene | 7 mg/kg |
| ▪ Ethylbenzene | 6 mg/kg |
| ▪ Xylenes | 9 mg/kg |

2) **MTCA Method A Groundwater Cleanup Levels** were selected. The cleanup levels are based on drinking water beneficial uses.

- Gasoline-Range Petroleum Hydrocarbons 800 ug/L
(in the presence of benzene)
- Benzene 5 ug/L
- Toluene 1,000 ug/L
- Ethylbenzene 700 ug/L
- Xylenes 1,000 ug/L

3) **Points of Compliance**

- **Soil:** The standard point of compliance defined as throughout the Site, was established for soil.
- **Groundwater:** The standard point of compliance, defined as throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site, was established for groundwater.

3. **Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site, consisting of a pump and treat system to recover free product released to the groundwater, meets the substantive requirements of MTCA.

4. **Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

In 1992, a pump and treat system was installed to recover free product released to the groundwater. The majority of the free product was recovered from MW-3, approximately 650-gallons, located adjacent to the USTs. Compliance with Site cleanup standards was determined by four (4) consecutive quarters of groundwater performance sampling conducted between September 2013 and July 2014.

Contaminated soil was not identified in any of the borings advanced at the Site surrounding the USTs, but it is reasonably expected that soil within the source area is impacted.

A cap, consisting of concrete pavement and asphalt pavement, was selected as an engineering control to prevent or limit exposure to soil contamination.

An Environmental Covenant was filed with Yakima County as a mechanism to execute land use restrictions (institutional controls); prohibiting or limiting activities that may interfere with the integrity of the cap or result in exposure to soil contamination remaining at the Site.

The cleanup performed has achieved, and will maintain, Site cleanup standards by removing the source of contamination.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Land Use Restrictions

To implement the institutional control, an Environmental Covenant has been recorded on the following parcel of real property in Yakima County:

- TAX PARCEL NO.: 19132942431

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

2. Operation and maintenance of engineered controls.

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered control is necessary at the Site:

- Maintenance of the concrete pavement and asphalt pavement cap restricting access to residual soil contamination.

Ecology has approved the operation and maintenance plan you submitted for this engineered control. A copy of the plan is included in Section 2.b of the Covenant (**Enclosure B**).

3. Performance of confirmational monitoring.

Confirmational monitoring is necessary at the Site to confirm the long-term effectiveness of the cleanup. The monitoring data will be used by Ecology during periodic reviews of post-cleanup conditions. Ecology has approved the monitoring plan you submitted. A copy of the plan is included in Section 2.c of the Covenant (**Enclosure B**).

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

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:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.
- Leaking Underground Storage Tank 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.

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).

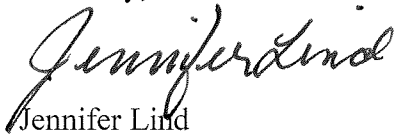
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Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (VCP Project No. CE0387).

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) 454-7839 or e-mail at Jennifer.Lind@ecy.wa.gov.

Sincerely,



Jennifer Lind
CRO Toxics Cleanup Program

Enclosures (2): A – Description and Diagrams of the Site
 B – Environmental Covenant for Institutional Controls

cc: Michael Chun, AEG
 Dolores Mitchell, VCP Financial Manager, ECY