



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

February 23, 2016

Richard Hahn
1219 N 22nd Avenue
Yakima, WA 98902

Re: Further Action at the following Site:

Site Name: Hahn Motor Company
Site Address: 1201 S 1st Street, Yakima
Facility Site ID No.: 502
Cleanup Site ID No.: 4927
VCP Project No.: CE0434

Dear Mr. Hahn:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Hahn Motor Company 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 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:

- Waste Oil and associated chemicals released from Underground Storage Tanks (USTs) into soil and groundwater.

- Petroleum products and other chemicals released from interior sumps to soil and groundwater.

Currently, the Site is part of the Yakima Railroad Area's (FSID# 500) tetrachloroethylene (PCE) plume.

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:

- Earth Consultants, Inc., 1989. *Preliminary Integrity Assessment of Two USTs and Three Industrial Waste Water Sumps, 1201 S 1st St. and 307 E Arlington St., Yakima, WA.* October 1989.
- PETCO, Inc., 2008. *UST Decommissioning & Site Assessment Report for UST Site #200130, 1201 S 1st St., Yakima, WA.* February 2008.
- Department of Ecology Correspondence File, 1989-2015.

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, Jackie Cameron, 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 establish cleanup standards and select a cleanup action.

Groundwater in the vicinity of the waste oil USTs has concentrations of petroleum exceeding cleanup levels, and concentrations of petroleum in soil at the base of the UST excavation appear to increase with depth. The testing performed did not meet Ecology's requirements for waste oil releases, and other contaminants are suspected.

Soil samples collected adjacent to the two interior sumps had concentrations or detections of petroleum products and Volatile Organic Compounds (VOCs) including PCE. Additional contaminants and higher concentrations are suspected with further characterization of soil and groundwater.

The automotive washing bay sump is believed to drain to a nearby drywell. The drywell should be decommissioned and soil and groundwater in the vicinity should be characterized.

WAC 173-340-350 requires "sufficient investigations to characterize the distribution of hazardous substances present at the site, and threat to human health and the environment." Further investigation of both soil and groundwater near the USTs, both sumps, and drywell connected to the automotive washing bay sump are required to adequately characterize the Site.

The investigation should consist of sufficient sampling and analyses to demonstrate a Contaminant of Potential Concern (COPC) is not affecting the Site; **and** to define the location, quantity, extent, and concentration of all Contaminants of Concern (COCs) known to be affecting the Site.

The investigation should meet the analytical requirements and recommendations for waste oil releases as discussed in the following Ecology documents:

- Guidance for Site Checks and Site Assessments for Underground Storage Tanks (Pub. #90-52)
- Guidance for Remediation of Petroleum Contaminated Sites (Pub. #10-09-057)
- Model Toxics Control Act Regulation and Statute (Pub. #94-06)

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site **do not** meet the substantive requirements of MTCA.

The characterization of the Site is not sufficient to establish cleanup standards and points of compliance.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site **does not** meet the substantive requirements of MTCA.

The characterization of the site is not sufficient to select a cleanup action.

4. Cleanup.

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

The interim action performed at the Site consisted of decommissioning USTs and limited removal of impacted soil surrounding the USTs.

Additional characterization is necessary to select a cleanup action.

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.

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

Sincerely,



Jennifer Lind
CRO Toxics Cleanup Program

cc: Doug and Connie Bettarel
Dolores Mitchell, VCP Financial Manager