



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 3, 2007

Mr. Gary Ekstedt
Yakima County Department of Public Services
128 North Second St., Room 408
Yakima, WA 98901

**Re: Partial Sufficiency and Further Action Determination under
WAC 173-340-515(5) for the following Hazardous Waste Site:**

- Name: Yakima County Powerhouse Rd UST Removal
- Address: 5961 West Powerhouse Road
- Facility/Site No.: 6598529
- VCP No.: CE0253

Dear Mr. Ekstedt:

Thank you for submitting your independent remedial action report for the Powerhouse Road Underground Storage Tank (UST) removal site facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Petroleum Hydrocarbon Contaminated Soil and Groundwater Remediation report, Environmental Management Services, May 4, 2007.

FILE COPY



2. Quaterly Groundwater Monitoring Report – 1st Quarter 2007, Environmental Management Services, May 4, 2007.

The documents listed above will be kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Appointments can be made by calling the CRO resource contact at (509) 454-7658.

The Site is defined by the extent of contamination caused by the following release(s):

- Petroleum products in soil;
- Petroleum products in groundwater.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) performed at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s):**

- Petroleum products in soil.

However, the independent remedial action(s) performed at the Site are not sufficient to meet MTCA's substantive requirements for characterizing and addressing the following release(s):

- Petroleum products in groundwater.

Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at this Site under MTCA.

Three monitoring wells were installed at the Site. Groundwater should be sampled and analyzed for heavy oil range hydrocarbons on a quarterly basis to confirm the effectiveness of the soil and groundwater remediation activities. After groundwater has tested below the MTCA Method A cleanup levels in all three wells for four consecutive quarters, Ecology will consider the substantive requirements for groundwater cleanup to have been met.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (509) 454-7836.

Sincerely,



Mark Dunbar
Toxics Cleanup Program
Central Regional Office
Washington State Department of Ecology

Enclosures: A

NOTE: This opinion letter constitutes a new form letter under which Ecology will issue technical consultation and advice pursuant to WAC 173-340-515. This opinion letter changes certain terminology to more closely reflect MTCA and its implementing regulations. This opinion letter takes the place of, and is functionally equivalent to, the "interim" or "conditional" No Further Action (NFA) letters issued by Ecology in the past.