



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 9, 2016

Laura Skow
ES Engineering Services, LLC.
1036 W. Taft Avenue
Orange, CA 92865

Re: Further Action at the following Site:

Site Name:	Grandview Market Petrosun 1070
Site Address:	100 E. Wine Country Road, Grandview
Facility/Site ID No.:	91458995
Cleanup Site ID No.:	6845
VCP Project No.:	CE0442

Dear Ms. Skow:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Grandview Market Petrosun 1070 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 release:

- Gasoline range organics (GRO), benzene, ethyl benzene, toluene, total xylene, methyl tertiary-butyl ether (MTBE), 1, 2 dichloroethane (EDC), and lead into the soil and groundwater.

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:

- Time Oil Co. *Soil Sampling Results/Confirmation of Release at Grandview Market 100 East Wine Country Road Grandview, Washington (Property No. 01-070)*. October 6, 1998.
- Maxim Technologies, Inc. *Preliminary Soil and Groundwater Screening Time Oil Property 01-070 100 East Wine Country Road Grandview, Washington*. February 17, 2000.
- Maxim Technologies, Inc. *Remedial Investigation/Feasibility Study Time Oil Property 01-070 100 East Wine Country Road Grandview, Washington*. April 7, 2000
- Brown and Caldwell. *Groundwater Monitoring*. June 2005 through 2002.
- Brown and Caldwell. *Corrective Action Report Time Oil Property 01-070 Grandview, Washington*. August 2001
- GeoEngineers, Inc. *Groundwater Monitoring/Operation & Maintenance Report*. 2003 through 2nd Quarter 2005.
- Sound Environmental Strategies. *Groundwater Monitoring Reports and Operation and Maintenance*. 2006 through 2007.
- Environ Strategy Consultants, Inc. *Transmittal: Voluntary Cleanup Program Application Site 01-070 100 East Wine Country Road Grandview, Washington*. June 15, 2010.
- Environ Strategy Consultants, Inc. *Voluntary Cleanup Program Terrestrial Ecological Evaluation Form*. Received by Ecology June 21, 2010.
- Grandview Market Petrosun 1070 Correspondence File, Ecology's Central Regional Office.

These documents are kept at the Central Regional Office (CRO) for review by appointment only. You can make an appointment by calling the CRO at 509-454-7658.

This opinion is void if any of the information contained in this document 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.

Additional monitoring wells have been suggested to adequately characterize the contamination at the Site.

2. Establishment of cleanup standards.

Ecology has determined the use of MTCA Method A Cleanup Levels for soil and groundwater, WAC 173-340-704, is appropriate for this Site.

3. Selection of cleanup action.

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

This is the third occurrence of this Site entering the Voluntary Cleanup Program. The release has never been fully delineated, despite a previous opinion from Ecology for additional wells, dated September 27, 2010.

4. Cleanup.

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

Laura Skow
ES Engineering Services, LLC
September 9, 2016
Page 4

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.

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 stephen.thomas@ecy.wa.gov.

Sincerely,



Stephen P. Thomas
Cleanup Project Manager
Toxics Cleanup Program/CRO

cc: Hamed Adib, Eagle Canyon Capital, LLC.
Cus Arteage, City of Grandview