



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 23, 2016

Mr. Eric Hetrick
Chevron Environmental Management Co.
6101 Bollinger Canyon Rd.
San Ramon, CA 94583

Re: No Further Action at the following Site:

Site Name:	LaBamba Restaurant
Site Address:	3202 Main Street, Union Gap
Facility Site No.:	4171173
Cleanup Site No.:	3347
VCP Project No.:	CE0394

Dear Mr. Hetrick:

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

- Petroleum Hydrocarbons in soil and groundwater.

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



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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:

- Ecology Correspondence File, 2003 – Present.
- PBS Engineering and Environmental (PBS), 2003. *Phase I Environmental Site Assessment, Commercial Restaurant, 3202 Main, Union Gap, Washington.* March.
- PBS, 2003. *Limited phase II Environmental Site Assessment, 3202 Main Street, Union Gap, Washington.* May.
- Leidos Engineering, LLC (Leidos), 2013. *Draft - Site Assessment Work Plan, La Bamba Restaurant/Former Unocal Service Station No. 372654, 3202 Main Street, Union Gap, Washington.* October.
- Leidos, 2016. *Site Assessment Summary Report, La Bamba Restaurant/Former Unocal Service Station No. 372654, 3202 Main Street, Union Gap, Washington.* May.

These 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 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 at the Property to clean up contamination associated with 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**. Characterization of the Site consisted of Site soil and groundwater investigations in 2003 and 2014, a geophysical survey to identify any Underground Storage Tanks (USTs) and utilities, and four consecutive quarters of groundwater monitoring in 2015. The terrestrial ecological and vapor intrusion pathways were evaluated and determined to be incomplete.

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

- i.* MTCA Method A Soil cleanup levels for unrestricted land uses were selected. These cleanup levels are primarily based on protection of groundwater for drinking water use.
- ii.* MTCA Method A Groundwater cleanup levels were selected. The cleanup levels are based on drinking water beneficial uses.

b. Points of Compliance

The standard point of compliance was selected for both soil and groundwater.

- i.* Soil: The standard point of compliance is defined as throughout the Site.
- ii.* Groundwater: The standard point of compliance is 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.

3. Selection of cleanup action.

No cleanup action was selected for the Site.

The 2003 investigation identified petroleum hydrocarbon concentrations exceeding cleanup levels in groundwater grab samples collected from temporary wells. Groundwater data obtained from the temporary wells is considered appropriate for screening purposes only, and not considered to be equivalent to representative samples collected from permanent monitoring wells. The 2014 investigation and subsequent groundwater monitoring did not identify any contaminant concentrations exceeding cleanup levels in soil or groundwater.

The reduction in petroleum concentrations between 2003 and 2014 is likely due to natural attenuation processes reducing the contaminant concentrations at the Site.

4. Cleanup.

As noted above in Item 3, no cleanup action was selected or performed at the Site, but natural attenuation processes have likely contributed to the reduction of petroleum hydrocarbons.

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A release of petroleum hydrocarbons related to the historical use of the Site as a fueling station has likely occurred; however, contaminant concentrations in soil and groundwater are, at present, either below the laboratory detection limits or significantly below the selected cleanup levels at the standard point of compliance.

The source or magnitude of a historical release of petroleum hydrocarbons is unknown; however, the Site characterization performed was sufficient to determine an active release is not presently occurring and continuing to contribute to Site contamination, and contaminant concentrations in soil and groundwater are protective of human health and the environment.

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).

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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 (#CE0394).

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 JenniferLind@ecy.wa.gov.

Sincerely,



Jennifer Lind
Toxics Cleanup Program-CRO

Enclosures (1): A – Description, Diagram, and Data Summary Tables

cc: Matt Alexander, Interim VCP Financial Manager
Enrique Navarrete
Russell Shropshire, Leidos Engineering