



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 8, 2010

Mr. Chuck Hinckley  
2310 Rudkin Road  
Union Gap, WA 98903

**Re: Further Action at the following Site:**

- **Site Name:** Gearjammer Truck Plaza
- **Site Address:** 2310 Rudkin Road
- **Facility/Site No.:** 26981244
- **VCP Project No.:** CE 0312

Dear Mr. Hinckley:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Gearjammer Truck Plaza 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**

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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**

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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:

- Total Petroleum Hydrocarbons diesel (TPHD) into the Ground Water.

The Site is described and defined in the text and in Figures 1 through 6 in the June 21, 2010; March 19, 2010; November 11, 2009; and August 27, 2009, Groundwater Monitoring Reports by Blue Mountain Consulting.

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**

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

1. Groundwater Monitoring Reports, Gearjammer Truck Plaza; Blue Mountain Environmental Consulting; June 21, 2010; March 19, 2010; November 11, 2009; and August 27, 2009.
2. Ecology letter of February 4, 2009; Richard Bassett.
3. Limited Groundwater Sampling & Analysis Report; Sage Earth Sciences, Inc.; June, 2000.

Those documents are kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact at (509) 454-7839.

This opinion is void if any of the information contained in those documents is materially false or misleading.

### **Analysis of the Cleanup**

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Ecology has concluded that **further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

Diesel groundwater contamination has decreased significantly since May 23, 2000 (reference 3) when sampling analyses found TPHd at 14,000 ug/L (MTCA cleanup level is at 500 ug/L).

In the last four quarterly groundwater reports, there was no longer a report of free product in MW-3 (reference 1).

Yet, in the recent four Blue Mountain quarterly groundwater reports, TPHd was still above (580 ug/L) or close to (310 ug/L) the MTCA cleanup value of 500 ug/L (Table 720-1 Method A Cleanup Levels for Ground Water) in two of its four submittals (reference 1). An additional four quarters of sampling for just TPHd (reduced number of contaminant monitoring and analyses) at all three Site wells is required and may bring the Site to cleanup.

### **Limitations of the Opinion**

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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).

**Contact Information**

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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](http://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 [rba461@ecy.wa.gov](mailto:rba461@ecy.wa.gov).

Sincerely,



Richard Bassett  
CRO Toxics Cleanup Program

cc: Peter Trabusiner, Blue Mountain