



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 5, 2010

Mr. Phillip A. Whitney
126702 W. King Tull Rd.
Prosser, WA 99350

RE: Release of Hazardous Substances
126702 W. King Tull Rd., Prosser, WA 99350
ERTS No. 618271

Dear Mr. Whitney:

On February 22, 2010, the Washington State Department of Ecology (Ecology) was notified of a release or potential release at the above-referenced property. Therefore, under Chapter 70.105D Revised Code of Washington (RCW), Ecology is required to conduct an initial investigation and determine any threat to human health or the environment.

An initial investigation was conducted by Ecology personnel, and accompanied by Benton Health Department personnel, on March 2, 2010. Mr. Phil A. Whitney (Andy), the property owner, and two employees were present during the site visit.

The 4.7 acre parcel was densely filled with discarded items. Poor housekeeping practices were observed in terms of chemical storage, etc. There were multiple areas where soil staining was observed near heavy equipment, below saddle tanks of trucks, adjacent to an above-ground waste oil tank, around two creosote open tanks, and in several open areas. One piece of heavy equipment was dripping (suspected to be petroleum) during the site visit. In addition, the parcel was densely littered with above and underground storage tanks (ASTs and USTs), drums, chemical containers, batteries (a couple in deteriorated condition), refrigeration units, tires, heavy equipment, farm machinery, vehicles, fruit industry waste (suspected to be seeds and diatomaceous earth), garbage, scrap metal, wood, and debris. Chemicals stored on site were identified either through labeling or the site contact and included waste oil and other petroleum products, creosote, paints, boiler water treatment, dispersants, antifreeze, and ZEP industrial cleaning product. However, most of the containers with contents were not labeled and were in poor condition. Past practices on the property that are likely to be responsible for contamination include chemical and waste oil storage, a recent waste oil spill from an AST (estimated less than 50 gallons), a fire behind the residence in 2007, creosote wood treating, a methamphetamine

production operated by a former tenant through 2007, equipment repair of farm machinery and vehicles, disposal of garbage and fruit industry waste, and storage of leaking machinery or other dumped items (ex. vehicle fluids, refrigerants, batteries).

Under the Model Toxics Control Act (MTCA), Ecology maintains a listing of confirmed or suspected contaminated sites. This listing is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpag.HTM>. It is Ecology's decision that this property will be added to this database because of the suspected soil and groundwater contamination.

Ecology typically has 90 days to complete an initial investigation. It is our policy to work cooperatively with persons to accomplish prompt and effective site cleanups. Cooperating with Ecology in planning or conducting remedial actions is *not* an admission of guilt or liability. If a complete cleanup can be accomplished during this timeframe, we will be able to issue a "no further action" determination at the close of our investigation.

Ecology is available to offer assistance to ensure appropriate actions are taken. We recommend the following to address the contamination:

1. The property owner should hire a licensed hazardous waste contractor to remove of all hazardous waste and empty containers.
2. Following the removal of hazardous waste and debris, a licensed contractor and consultant should be hired to evaluate the site, excavate and properly dispose of impacted soils, and perform sampling (including confirmation sampling) to evaluate the extent of contamination and the effectiveness of remediation activities, and prepare a summarizing report.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise.

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I have enclosed a Focus sheet to assist you in familiarizing yourself with the MTCA regulations. If you have any questions regarding this letter or the requirements under the Model Toxics Control Act, please call me. My phone number is (509) 454-7833.

Sincerely,



Laura Klasner, P.E.
Site Manager/Initial Investigations
Toxics Cleanup Program

Enc: Focus Sheet: MTCA Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites
Hazmat Spill Contractor List

cc: Frosti Smith, TCP-CRO, Ecology