



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 27, 2017

Han Chang  
10121 Hwy 12  
Naches, WA 98937

Re: Further Action at the following Site:

|                    |                      |
|--------------------|----------------------|
| Site Name:         | Pit Stop Naches      |
| Site Address:      | 10121 Hwy 12, Naches |
| Facility Site No.: | 505                  |
| Cleanup Site No.:  | 4928                 |
| VCP Project No.:   | CE0449               |

Dear Mr. Chang:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Pit Stop Naches 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 releases:

- Gasoline and Diesel Range Petroleum Hydrocarbons (GRPH and DRPH) with associated Volatile Organic Compounds (VOCs) into groundwater.
- Lead into groundwater.
- GRPH with associated VOCs into soil.

Additional Contaminants of Concern (COCs), or impacted media, may be identified with further site characterization.



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:

- White Shield, Inc. (White Shield); *Exploratory Investigation for Petroleum Contaminants at the Pit Stop, Naches, WA*; July 1991
- Northwest Envirocon, Inc.; *Limit Site Cleanup at the BP Pit Stop, Naches, WA*; June 20, 1998
- Associated Environmental Group, LLC (AEG); *Phase II Environmental Site Assessment, Naches Pit Stop, 10121 Hwy 12, Naches, WA*; March 4, 2016
- AEG; *Subsurface Investigation Report, Naches Pit Stop, 10121 Hwy 12, Naches, WA*; July 8, 2016
- Department of Ecology Correspondence File

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**

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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:

#### **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.

##### **a. Summary of Site characterization activities:**

In 1991, four exploratory test pits were excavated to determine if a release from the Underground Storage Tanks (USTs) or abandoned dispenser island had occurred. A release of petroleum hydrocarbons to soil and groundwater at both locations was confirmed. Tank testing showed all three USTs were leaking at the time of the investigation. Reported petroleum concentrations indicate free product was likely present during the investigation.

In 1998, Petroleum Contaminated Soil (PCS) was excavated from the area of the abandoned dispenser island.

In 2016, two subsurface investigations were performed to characterize the Site. In total, eight soil borings were advanced, with seven completed as groundwater monitoring wells. Three groundwater sampling events/results have been reported for MW-2; all other monitoring wells have been sampled on two occasions.

Summary of 2016 soil sampling results:

All reported sampling results for soil were below the lab reporting limits **except** for one sample with DRPH concentrations below the MTCA Method A Cleanup Level (CUL).

Summary of 2016 groundwater sampling results:

One groundwater sample collected in January 2016 at MW-2 had concentrations of GRPH and DRPH exceeding CULs. MW-2 is located south, and approximately down-gradient, of the former dispenser island.

Two groundwater samples collected in May 2016 at MW-4 and MW-7 had concentrations of lead exceeding CULs. MW-4 and MW-7 are located along the western property boundary and a significant distance up-gradient of the known releases.

No other groundwater samples had detections of petroleum contamination above the lab reporting limits.

- b. Data gaps in Site characterization include:
- i. Soil and groundwater samples collected in 2016 are not sufficient to characterize the Site as they were not collected in areas of known petroleum contamination identified during the 1991 test pit excavations.
  - ii. Additional characterization is also necessary to identify the source and extent of lead concentrations in groundwater at the west side of the property.

### **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).

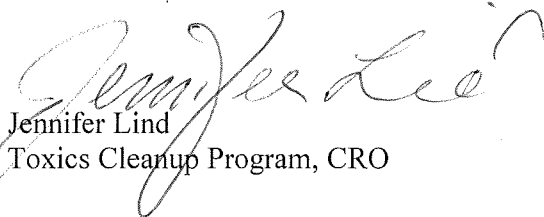
**Contact Information**

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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 [Jennifer.Lind@ecy.wa.gov](mailto:Jennifer.Lind@ecy.wa.gov).

Sincerely,



Jennifer Lind  
Toxics Cleanup Program, CRO

cc: Scott Rose, AEG  
Matt Alexander, VCP Financial Manager