



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

February 7, 2012

Mr. Kevin Freeman  
ARCADIS US, Inc.  
2310 N Molter Road, Suite 101  
Liberty Lake, WA 99019

**Re: No Further Action at the following Site:**

Site Name: ARCO #04437 (3D AM/PM Yakima Avenue)  
Site Address: 601 Yakima Ave, Yakima  
Facility/Site ID No.: 62627394  
VCP Project No.: CE0331  
ISIS Cleanup Site ID No.: 6404

Dear Mr. Freeman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the above-referenced 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?

**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**

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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:

- Diesel-range organics, gasoline-range organics, oil-range organics, and constituents (BTEX) into soil AND groundwater

A detailed diagram of the Site as currently known to Ecology was included as the Site Plan in your December 13, 2010 submittal, Site Closure for ARCO Facility No. 04437.

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 is 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. *"Site Closure Report for ECY F/S No. 62627394, VCP Project No. CE0331, ARCO Facility No. 04437, 601 East Yakima Avenue, Yakima, Washington,"* ARCADIS, Inc., November 3, 2011.
2. *"Site Closure for ARCO Facility No. 04437, Ecology ID 62627394, 601 East Yakima Avenue, Yakima, WA 98901,"* ARCADIS, Inc., December 13, 2010.
3. *"Groundwater Monitoring Reports,"* Delta Environmental Consultants, Inc., July 2005 through August 2010.
4. *"Environmental Oversight during Underground Storage tank (UST) Removal and Retail Facility Upgrade Activities, ARCO Facility No. 4437, 601 East Yakima Avenue, Yakima, WA 98901, Delta Project No. G0BJP-RR51,"* Delta Environmental Consultants, Inc., April 1, 2005.
5. Contents of file, CRO central files.

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling Roger Johnson at (509) 454-7658.

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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#### **1. Characterization of the Site.**

Ecology has determined that your characterization of the Site is sufficient to select a cleanup action.

#### **2. Establishment of cleanup standards.**

Ecology has determined the cleanup levels you established for the Site meet the substantive requirements of MTCA.

**a. Cleanup levels.**

The MTCA Method B soil and MTCA Method A groundwater cleanup levels for Unrestricted Land Uses shall be used throughout the Site.

**b. Terrestrial Ecological Evaluation (TEE).**

The site qualifies for a primary exclusion from the process under WAC 173-340-7491(1)(a).

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. The Cleanup Action selected is appropriate for site conditions and is described as excavation and off-site disposal of impacted soils above MTCA Method B cleanup levels; and groundwater monitoring after soil removal has been completed to demonstrate natural attenuation has occurred. The supplemental 2011 investigation demonstrated the protectiveness of the remedy for soil direct contact and groundwater protection.

**4. Cleanup.**

A soil removal cleanup action had been conducted at this site in November 2004. Groundwater monitoring/sampling also occurred from years 2005 through 2010. Based on the supplemental 2011 soil investigation, it has been demonstrated that soil contamination remaining is protective of human health and that the groundwater cleanup standards have been met through a valid statistical demonstration.

**Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our Confirmed and Suspected Contaminated Sites List.

**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**:

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- 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).


**Termination of Agreement**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (CE0331).

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 or the termination of the Agreement, please contact me at (509) 457-7127.

Sincerely,

  
Norman Hepner, P.E.  
CRO Toxics Cleanup Program

cc: Dolores Mitchell, VCP Financial Manager