



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 27, 2018

Mr. Joe Rounds
Farallon Consulting
1809 7th Avenue, Suite 1111
Seattle, WA 98101

Re: No Further Action (NFA) Request for the following site:

- Name: Kelloggs Korner
- Address: 270 Midvale Rd Sunnyside, WA 98944
- Facility Site No.: 473
- Cleanup Site No.: 4921
- VCP No.: CE0441

Dear Mr.Rounds:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Kelloggs Korner (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.

Issues Presented and Opinions

1. Is further remedial action necessary to clean up contamination at the Site?

YES. Ecology has determined that further remedial action (additional monitoring) is necessary to confirm that remedial actions have been sufficient to clean up contamination at the Site.

Summary of Opinion

A release of petroleum hydrocarbons (gasoline) to soil and groundwater at the Site was first identified in 1990. Since that time, several investigations and remedial actions have taken place. The most recent investigations were conducted by Farallon Consulting in 2015 and 2017. The 2015 investigation included subsurface soil and groundwater sampling at the Site (FB-06 through FB-15) to assess the current conditions of petroleum contamination in soils and groundwater at the Site. The 2017 investigation included the installation and sampling of monitoring wells (FMW-1 through FMW-5) to assess the currents status of off-property soil and groundwater contamination.

Although Ecology has expressed some reservations regarding the depths of soil sampling in 2015 and the locations of off-property monitoring wells in 2017, the preponderance of evidence indicates that gasoline related contamination of soil and groundwater, including gasoline range organics (GRO) and benzene, toluene, ethylbenzene, and total xylenes (BTEX) are now below MTCA Method A cleanup levels.



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In order to verify this finding, additional groundwater monitoring at locations FMW-1, FMW-4, and FMW-5 are requested prior to issuing an NFA, consistent with Section 10 of Ecology's Guidance for Remediation of Petroleum Contaminated Sites, revised June 2016. The monitoring should be for a minimum of four consecutive quarters. If Site constituents of concern are detected in these monitoring wells, Ecology may require additional monitoring rounds prior to issuing an NFA.

In addition to monitoring for NWTPH-Gx and BTEX, these monitoring wells should be sampled at least one time for MTBE, EDB, EDC, and total lead. Note that for total lead in groundwater, Ecology recommends collecting and analyzing groundwater samples for both total (unfiltered) and dissolved (filtered) lead, and also reporting field turbidity measurements. Although MTCA requires analysis of total (unfiltered) lead, it allows for also analyzing dissolved (filtered) lead in case turbidity results in elevated lead concentrations.

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 releases:

- Gasoline-range organics, BTEX, and lead into the Soil and Groundwater.

The Site is at the northwest corner of Midvale Road and Emerald Road in Sunnyside, Washington and includes contamination that has migrated south of Emerald Road and east of Midvale Road. The Site includes a former service station that was demolished and is currently undeveloped (vacant) land. The property to the south of Emerald Road and west of Midvale Road is currently used for agriculture, and the property south of Emerald Road and east of Midvale Road is currently used as a milk hauling (transportation) facility.

Basis for the Opinion

This opinion and analysis was based on the information contained in the following documents:

1. *Remedial Investigation Report, Kelloggs Korner, Midvale and Emerald Roads, Sunnyside, Washington*, prepared by Farallon Consulting, dated April 2018.
2. Letter re *Request for Opinion Letter on Remedial Investigation, Kelloggs Korner*, prepared by Farallon Consulting, dated April 9, 2018.
3. Letter re *Subsurface Investigation, Kelloggs Korner*, prepared by Farallon Consulting, dated March 31, 2016.

Those documents are kept in the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO public records coordinator 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

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.

Extent of Soil Contamination

The extent of soil contamination was characterized during previous investigations. The 2015 subsurface investigation offset three sampling locations that had soil contamination in 1991. All constituents of concern were below or close to detection limits in soil samples collected during the 2015 investigations. Although Ecology had expressed some reservations regarding the depths sampled in 2015, the preponderance of evidence indicates that the gasoline impacts to soil above Method A cleanup levels are no longer present.

Extent of Groundwater Contamination

Groundwater data collected in 2015 and 2017 indicates that all constituents of concern were below or close to detection limits in groundwater samples collected from these locations during the 2015 and 2017 investigations. Although Ecology had expressed some reservations regarding the locations sampled in 2017, the preponderance of evidence indicates that the gasoline impacts to groundwater above Method A cleanup levels are no longer present.

Notwithstanding the above, Ecology cannot issue a No Further Action (NFA) determination until the status of groundwater contamination has been verified via quarterly groundwater monitoring.

2. Establishment of cleanup standards.

Substance-specific standards.

The 2016 and 2018 reports referenced Method A cleanup levels. Method A cleanup levels for Unrestricted Land Uses include:

Hazardous Substance	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
Gasoline Range Organics	30 (benzene present)	800 (benzene present)
	100 (benzene absent)	1,000 (benzene absent)
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
MTBE	0.1	20
Total lead	250	15

A standard point of compliance (throughout the Site) has been selected.

The information submitted include the Terrestrial Ecological Evaluation (TEE) form ECY 090-300. This form indicated that the simplified TEE and Table 749-2 applies. The only Site constituent of concern in Table 749-2 is lead, with an unrestricted land use cleanup level of 220 mg/kg.

Ecology has determined the cleanup levels and points of compliance you established for the Site, with the addition of the 220 mg/kg cleanup level for lead, meet the substantive requirements of MTCA.

3. Selection of cleanup action.

Remedial actions conducted at the Site reportedly included soil excavation, product recovery, and groundwater interception trenches. The soil excavation reportedly occurred in 1990 and no information has been available regarding the amounts and areas of soil excavated, nor where the soil was disposed of. Although the disposition of the excavated soil is unknown, because 38 years have passed since this interim action, Ecology considers this not to be an over-riding concern for the Site.

Ecology has determined the cleanup action selected for the Site, soil excavation and offsite treatment/disposal and product recovery, along with natural attenuation that has likely taken place since 1990 have potential to meet the substantive requirements of MTCA.

4. Cleanup.

Ecology has determined the cleanup performed has potential to meet the cleanup standards established for the Site. The remedial efforts and natural attenuation that have taken place since 1990 appear to have resulted in soil and groundwater concentration below cleanup levels. Additional quarterly monitoring is needed to verify this finding.

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).

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). 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, please contact me by phone at (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,



Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

cc: Niels Brown, Executor of the Estate of Arthur Leyendekker

