

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial)
Action at:)
YAKIMA VALLEY SPRAY FACILITY)
1122 South First Street)
Yakima, Washington 98901)

ENFORCEMENT ORDER
No. DE 91TC-C453

TO: U-Haul of Inland Northwest
c/o Mr. Bryan Terjak
South 204 Fancher Road
Spokane, Washington 99212

I.

Jurisdiction

This Order is issued pursuant to the authority of
RCW 70.105D.050(1).

II.

Statement of Facts

2.1 U-Haul of Inland Northwest owns the property ("the Facility") on which contaminated soil and ground water have been found to exist. The Facility is located at 1122 South First Street in Yakima, Washington, and is within the Northwest quarter of Section 30, Township 13 North, Range 19 East.

2.2 The shallow aquifer at the Facility (static water level at about 16-18 feet below the surface) has also come to be contaminated with several contaminants, notably Tetrachloroethene, also known as perchloroethylene.

2.3 Surface and subsurface soil samples were taken at the Facility on July 12, 1989 by both WDOE and U-Haul personnel. Laboratory results indicate that the following hazardous substances are present at elevated levels which exceed single substance cleanup levels [WAC 173-340-740(3),

method B soil):

- Chlordane
- DDD
- DDE
- DDT
- Dieldrin
- Endosulfan
- Endrin
- Ethion
- Total Petroleum Hydrocarbons

2.4 Surface soil samples were taken at the Facility 1/12/91 by WDOE personnel. Laboratory results indicate that the following hazardous substances are present at elevated levels which exceed single substance cleanup levels [WAC 173-340-740(3), method B soil):

- Diesel oil
- Hydraulic oil
- Lead

2.5 Surface and subsurface soil samples were taken at the Facility during the week of 4/30/91 to 5/07/91 by Sweet-Edwards/EMCON personnel. Laboratory results indicate that the following hazardous substances are present at elevated levels which exceed single substance cleanup levels [WAC 173-340-740(3), method B soil):

- Aldrin
- DDD
- DDE
- DDT
- Dieldrin
- Dinoseb
- Endosulfan
- Endrin
- Ethion
- Heptachlor
- Lindane
- Diesel Oil
- Hydraulic Oil

2.6 Ground water samples were taken at the Facility during the week of 4/30/91 to 5/07/91 by Sweet-Edwards/EMCON personnel. Laboratory results indicate that the following hazardous substances are present at elevated levels which exceed single substance cleanup levels [WAC 173-340-720(3), method B ground water):

- Tetrachloroethene
- Trichloroethene

III.

Ecology Determinations

3.1 U-Haul of Inland Northwest is an "owner or operator" as defined at RCW 70.105D.020(6) of a "facility" as defined in RCW 70.105D.020(3).

3.2 The Facility is known as Yakima Valley Spray/U-Haul and is located at 1122 South First Street in Yakima, Washington. The boundaries of the Facility include the Burlington Northern Right-of-Way on the west, South First Street on the east, the Burlington Northern Railroad access road on the south (East Arlington Street) and the Burlington Northern Railroad access road on the north (adjacent to Evergreen Nissan).

3.3 The substances found at the Facility as described above are "hazardous substances" as defined at RCW 70.105D.020(5).

3.4 Based on the presence of these hazardous substances at the Facility and all factors known to the Department, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(10).

3.5 By letter dated August 30, 1991, Ecology notified U-Haul of Inland Northwest of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment.

3.6 Pursuant to RCW 70.105D.030(1) and 70.105D.050, the Department may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances whenever it believes such action to be in the public interest.

3.7 Based on the foregoing facts, Ecology believes the remedial action required by this Order is in the public interest.

IV.

Work to be Performed

Based on the foregoing Facts and Determinations, it is hereby ordered that U-Haul of Inland Northwest take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein.

4.1 Conduct a Remedial Investigation/Feasibility Study (RI/FS) consistent with WAC 173-340-350, to include, but not be limited to:

- A Facility History Report to include, at a minimum, a chronology of past owners and/or operators and the hazardous substances that they bought and/or products sold. This includes approximate annual volumes or weights for these hazardous substances.
- Facility map(s) of sufficiently large scale to document all historical and present [within the Facility confines as defined in Section III(3.2)]: buildings and structures; above and below ground tanks (including below existing buildings, structures, and parking areas); drum storage area(s); and piping, valves, and pumps. The accompanying text in the Remedial Investigation Report will address products held by tanks and drums, or carried by pipes.
The period of record for such documentation will be the same as the data provided in the Site Facility History (above).
- Above-ground and below-ground tank history (including installation date, dates used, products held, maintenance - reasons and dates, tightness test results, abandonment - reason and method, etc.).
- Adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the soil (from surface to ground water level) at the Yakima Valley Spray Facility. [See Facility confines definition in III(3.2) of this Order].

- Characterization of the aerial and vertical distribution of contaminants in the ground water including investigation of the Facility geology and hydrogeology. Include physical properties and distribution of bedrock (if present) and unconsolidated materials; ground water flow rate and gradient for affected and potentially affected ground waters; location of all public and private wells (including monitoring wells), at a minimum, within a half mile radius.
- Recommend method(s) for cleanup of soil and ground water contamination for those hazardous substances found at the Facility. The recommendation shall also include estimated costs and effectiveness of cleanup options.
- Investigate and determine the potential for off-site environmental and human health impacts of identified contamination. To include the nature and extent of off-site releases contributing to the area wide ground water contamination in Yakima otherwise known as the Yakima Railroad Area.

- 4.2 Remedial Investigation/Feasibility Study work plans and report, as well as Sampling and Analysis plans, shall be submitted to Ecology for approval prior to commencing work. At a minimum, soil samples shall be analyzed for herbicides, organochlorides, organophosphates, hydrocarbon fractions, volatile organic compounds, organic matter content, soil pH, and heavy metals.

At a minimum water samples shall be analyzed for herbicides, organochlorides, organophosphates, hydrocarbon fractions, volatile organic compounds, and heavy metals. All samples shall be analyzed through an Ecology Accredited Laboratory.

- 4.3 Previously gathered data, and analyzed soil and ground water samples may be incorporated into the RI/FS Work Plan and Final Report as long as the QA/QC procedures for this data are commensurate with QA/QC procedures for new data. Considerable

new sampling is warranted and is expected at this Facility.

- 4.4 A Health and Safety Plan shall be a part of the work plan and shall be submitted to Ecology for comment prior to commencing work.
- 4.5 A Quality Assurance/Quality Control Plan shall be a part of the work plan and shall be submitted to Ecology for comment prior to commencing work.
- 4.6 Schedule for completion of the work shall begin on the day of the effective date of this Order.

Complete and submit to Ecology:

- **Draft RI/FS work plan:** within 90 days of effective date of this Order.
 - **Final RI/FS work plan:** within 45 days from WDOE comment of draft RI/FS work plan.
 - **Perform RI field work:** within 60 days from WDOE approval of final RI/FS work plan.
 - **Draft RI/FS report:** within 60 days from field work completion.
 - **RI/FS final report:** within 45 days from WDOE approval of draft RI/FS report.
- 4.7 In accordance with WAC 173-340-840(5), sampling data shall be submitted according to Appendix 1: GROUND WATER SAMPLING DATA SUBMITTAL REQUIREMENTS. These submittals shall be provided to Ecology as required under the schedule established in provision 4.6, above.

V.

Terms and Conditions of Order

5.1 Definitions. Unless otherwise specified, the definitions set forth in ch. 70.105D RCW and ch. 173-340 WAC shall control the meanings of the terms used in this Order.

5.2 Public Notices. RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such

public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

5.3 Remedial Action Costs. U-Haul of Inland Northwest shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities; e.g., employee salary, laboratory costs, travel costs, contractor fees, and employee benefit packages; and agency indirect costs of direct activities. U-Haul of Inland Northwest shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of an itemized statement of costs may result in interest charges.

5.4 Designated Project Coordinators.

The project coordinator for Ecology is:

Dick Bassett
Department of Ecology
106 South 6th Avenue
Yakima, Washington 98902-3387

U-Haul of Inland Northwest shall notify Ecology of its project coordinator within ten (10) calendar days of receiving this Order. The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and U-Haul of Inland Northwest, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or U-Haul of Inland Northwest change project coordinator(s), written notification shall be provided to Ecology or U-Haul of

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Inland Northwest at least ten (10) calendar days prior to the change.

5.5 Performance. All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. **U-Haul of Inland Northwest** shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Facility.

Except where necessary to abate an emergency situation, **U-Haul of Inland Northwest** shall not perform any remedial actions at Yakima Valley Spray/U-Haul outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

5.6 Access. Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Facility at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by **U-Haul of Inland Northwest**.

Ecology shall provide reasonable notice before entering property unless an emergency prevents notice. **U-Haul of Inland Northwest** shall provide the Ecology Site Manager with a Yakima-area contact and phone number for notice for timely access to the Facility.

Ecology shall allow split or replicate samples to be taken by **U-Haul of Inland Northwest** during an inspection unless doing so interferes with Ecology's sampling. **U-Haul of Inland Northwest** shall allow split or replicate samples to be taken by Ecology and shall provide seven (7) days notice before any sampling activity.

5.7 Public Participation. U-Haul of Inland Northwest shall prepare and/or update a public participation plan for the site. Ecology shall maintain the responsibility for public participation at the facility. U-Haul of Inland Northwest shall help coordinate and implement public participation for the Facility.

5.8 Retention of Records. U-Haul of Inland Northwest shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of U-Haul of Inland Northwest, a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.

5.9 Dispute Resolution. U-Haul of Inland Northwest may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory to this Order. Ecology resolution of the dispute shall be binding and final. U-Haul of Inland Northwest is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

5.10 Reservation of Rights. Ecology reserves all rights to issue additional orders or take any action authorized by law in the event or upon the discovery of a release or threatened release of hazardous substances not addressed by this Order, upon discovery of any factors not known at the time of issuance of this Order, in order to abate an emergency, or under any other circumstances deemed appropriate by Ecology.

Ecology also reserves all rights regarding the injury to, destruction of, loss of natural resources resulting from the release or threatened release of hazardous substances from Yakima Valley Spray/U-Haul.

In the event Ecology determines that conditions at the Facility are creating or have the potential to create a danger to the health or welfare of the people on the Facility or in the surrounding area or to the environment, Ecology may order U-Haul of Inland Northwest to stop further implementation of this Order for such period of time as needed to abate the danger.

5.11 Transference of Property. No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Facility shall be consummated by U-Haul of Inland Northwest without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest U-Haul of Inland Northwest may have in the Facility or any portions thereof, U-Haul of Inland Northwest shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, U-Haul of Inland Northwest shall notify Ecology of the contemplated transfer.

5.12 Compliance with Other Applicable Laws. All actions carried out by U-Haul of Inland Northwest pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

VI.

Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon U-Haul of Inland Northwest's receipt of written notification from Ecology that U-Haul of Inland Northwest has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Order have been complied with.


VII.

Enforcement

- 7.1 Pursuant to RCW 70.105D.050, this Order may be enforced as follows:
- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
 - B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Facility.
 - C. In the event U-Haul of Inland Northwest refuses, without sufficient cause, to comply with any term of this Order, U-Haul of Inland Northwest will be liable for:
 - (1) up to three times the amount of any costs incurred by the state of Washington as a result of U-Haul of Inland Northwest refusal to comply; and
 - (2) civil penalties of up to \$25,000 per day for each day U-Haul of Inland Northwest refuses to comply.
 - D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of ch. 70.105D RCW.

Effective date of this Order: DEC 16 1991

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

BY 
Mr. Anthony W. Grover
Section Manager
Toxics Cleanup Program
Central Regional Office