



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 12, 2018

Ms. Marissa Goodman  
Hart Crowser  
3131 Elliott Avenue, Suite 600  
Seattle, WA 98121

**Re: Further action needed at the following site:**

- Site Name: Ward Rugh Inc.
- Site Address: 710 W University Way (aka 710 W 8th Ave)
- Assessor's Parcel No.: 397833
- Facility/Site ID No.: 47245321
- Cleanup Site ID No.: 7088
- VCP No.: CE0469

Dear Ms. Goodman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Ward Rugh Inc. site (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 action is necessary to address contamination at the Site.**

**Summary of Opinion**

---

“*Soil and Groundwater Quality Investigation*” prepared by Hart Crowser and dated July 11, 2018 was submitted for review. That report presented results of soil and groundwater sampling conducted at the Site based on “Ward Rugh Groundwater Quality Investigation” prepared by Hart Crowser and dated November 8, 2017, including subsequent site plan revisions based on Ecology’s comments on that work plan.

Underground storage tanks (USTs) were removed from the Site in 1993-1994, and a substantial quantity of contaminated soil was excavated. However, not all soil contamination had been removed, and ground water contamination was identified during the 1993-1994 activities.



Ms. Marissa Goodman  
Hart Crowser  
July 12, 2018  
Page 2

In 2018, Hart Crowser performed soil and groundwater sampling at the Site to assess current conditions. Ecology appreciates the high quality of work in the July 2018 report. The overall results from the investigation are very promising. In particular, the lack of any contaminant detections in monitoring well samples suggests that groundwater contamination impacts that were identified during 1993-1994 activities have largely attenuated.

One challenge at the Site is presented by the current shop building, which has a footprint that covers an area that includes some detections of petroleum hydrocarbons in soil that were not removed during the 1993-1994 work. Of particular interest were soil boring locations 501 and 505, which respectively had detections of heavy range oil (HRO) at 6,600 mg/kg and gasoline range organics (GRO) at 4,100 mg/kg. The Model Toxics Cleanup Act (MTCA) Method A cleanup levels for HRO and GRO are 2,000 mg/kg and 30 mg/kg (benzene present). Benzene was also detected in soil and water samples during the 1993-1994 investigation.

During the 2018 investigation, soil samples were collected as close as possible to the locations of borings 501 and 505 as well as throughout the surrounding area. Only one soil sample, collected at boring location HC4, near location 501 at a depth of 7.5 to 9 feet below ground surface (ft bgs), had a contaminant detection above Method A cleanup levels. GRO was detected at 600 mg/kg, above the Method A cleanup level of 100 mg/kg (no benzene present). Benzene was not detected in any of the soil or groundwater samples collected during the 2018 investigation.

The soil sampling results from boring location HC4 suggest that residual soil contamination likely still exists beneath the shop building. Hart Crowser has indicated that sampling within the building footprint is not possible. Therefore, in order to achieve a No Further Action (NFA) determination for the site, an Environmental Covenant would be needed. The Environmental Covenant would stipulate that the soil contamination beneath the building will be cleaned up at some time in the future after the shop building has been removed. The purpose of the Environmental Covenant is to ensure that future workers are protected from inadvertent contact with contaminated soil.

Several detections of GRO, HRO, diesel range organics (DRO), and toluene, ethylbenzene, and total xylenes were found in soil boring samples at several locations; however, none of these detections exceeded Method A cleanup levels. Detections of DRO at locations HC-5 and MW-2 (1,000 mg/kg at 7.5 to 9 ft bgs and 1,500 mg/kg at 10 to 11.5 ft bgs, respectively) are located northeast and hydraulically upgradient of the former tank pit area. These data suggest a likely upgradient offsite source of diesel contamination in the water table smear zone. Groundwater at the site is shallow ranging from 1 to 7 ft bgs. Since no cleanup levels have been exceeded, no further actions are warranted with respect to these detections.

Lead was analyzed for in soil and groundwater samples. No lead was detected above likely background concentrations (all lead concentrations were well below Method A cleanup levels). Therefore no further analysis of lead in soil or groundwater is warranted.

Ms. Marissa Goodman  
Hart Crowser  
July 12, 2018  
Page 3

The July 2018 report recommends quarterly groundwater monitoring for an additional three quarters. **Ecology concurs with this recommendation.** Ecology recommends that Hart Crowser submit a NFA request for Ecology review after completion of three quarterly monitoring rounds (assuming results are unchanged). Laboratory analytical data could be submitted after each quarterly event in order to meet MTCA reporting requirements. After the three additional monitoring events, submittal of a complete monitoring report presenting all results collected to date should be submitted. As discussed above, Ecology will require an Environmental Covenant be recorded with the Kittitas County Clerk prior to issuing an NFA. After Ecology deems that the collected data are sufficient, Ecology will assist with the Environmental Covenant process, including preparing a draft Environmental Covenant.

Note that prior to our being able to issue an NFA, all data collected to date must be uploaded into Ecology's Environmental Information Management (EIM) system and all invoices for Ecology's review time under the VCP must be paid in full. Lastly, because the site has been ranked and is listed on the Hazardous Sites List (HSL), Ecology must meet public notice requirements under MTCA prior to issuing an NFA.

### **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:

- Petroleum hydrocarbons (gasoline, heavy oil, and diesel) into Soil and Groundwater.

The Site is located at 710 University Way, in Ellensburg, Washington. Underground storage tanks used for fueling operations at the Site were removed in 1993-1994.

### **Basis for the Opinion**

---

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

1. *Soil and Groundwater Quality Investigation, Ward Rugh, 710 W. University Way* prepared by Hart Crowser, July 11, 2018.
2. *Ward Rugh Groundwater Quality Investigation Work Plan*, prepared by Hart Crowser, November 8, 2017.
3. *Lust Closure Interim Cleanup Report*, prepared by White Shield, Inc., January 1994.

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 Ecology public records coordinator at (360) 407-6040 or emailing [PublicRecordsOfficer@ecy.wa.gov](mailto:PublicRecordsOfficer@ecy.wa.gov). 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

Soil was characterized both during the 1993-1994 UST removals and during the 2018 investigation. As discussed above, soil contamination likely exists underneath the shop footprint and is currently inaccessible. No further action to characterize soil contamination appears to be warranted until such time that the shop structure is no longer present.

#### Extent of Groundwater Contamination

Contamination in groundwater was characterized both during the 1993-1994 UST removals (pit water samples) and during the 2018 investigation (monitoring well samples). As discussed above, no contaminants were detected in the groundwater samples collected in 2018. Continued quarterly monitoring is warranted to verify this finding. Monitoring wells were located downgradient of the release areas defined in 1993-1994; however, in some cases (e.g. MW-6) the wells were located at a distance downgradient of the releases due to the shop building.

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

Soil and groundwater results for site constituents have been compared with Method A cleanup levels:

Hazardous Substance	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
Diesel Range Organics	2,000	500
Heavy Oil Range Organics	2,000	500
Gasoline Range Organics	100 (benzene absent)	1,000 (benzene absent)
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000

As discussed above, data collect to date indicated that lead is not be a site constituent of concern.

**3. Selection of cleanup action.**

Contaminated soil was removed during UST removals that took place in 1993-1994. No active remediation of contaminated groundwater has evidently taken place; however, site data suggest that natural attenuation of contamination in groundwater have taken place in the over 24 years since the contamination was characterized in 1993-1994.

**4. Cleanup.**

Although some soil contamination remains outside of the shop building footprint (e.g. at soil boring location HC-4), it appears that the majority of remaining soil contamination is likely present beneath the shop building. For this reason, no further remedial action appears to be warranted until such time that the shop building is no longer present.

**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).

**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).

Ms. Marissa Goodman  
Hart Crowser  
July 12, 2018  
Page 6

Thank you for the work you've done 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](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) 454-7835 or e-mail at [frank.winslow@ecy.wa.gov](mailto:frank.winslow@ecy.wa.gov).

Sincerely,



Frank P. Winslow  
Site Manager  
CRO Toxics Cleanup Program

cc: Jeff Slothower, LWHSD

Ecology Site File