



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 19, 2018

Angie Goodwin
Hart Crowser
3131 Elliot Ave, Suite 600
Seattle, WA 98121

Re: Opinion on Proposed Sampling and Analysis Work Plan of the following Site:

- **Site Name:** Kens Auto Wash II
- **Site Address:** 1013 East University Way, Ellensburg
- **Facility/Site No.:** 3892
- **Cleanup Site No.:** 5208
- **VCP Project No.:** CE0414

Dear Angie Goodwin:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Kens Auto Wash II 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

Is the proposed Sampling and Analysis Plan (SAP) work plan sufficient to assess the Direct Contact and Vapor Intrusion exposure pathways for the contaminants of concern?

YES. Ecology has determined that the proposed SAP work plan is sufficient to assess the Direct Contact and Vapor Intrusion exposure pathways for the contaminants of concern at the Site. The SAP work plan is approved.

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

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Gasoline range organics into the Soil and Groundwater.
- Benzene, toluene, ethylbenzene, and xylenes (BTEX) into the Soil and Groundwater.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. *“Sampling and Analysis Plan, Ken’s Auto Wash, 1013 East University Way, Ellensburg, Washington”*, prepared by Hart Crowser dated December 17, 2018.
2. *“Remedial Investigation and Feasibility Study, Ken’s Auto Wash 1013 East University Way, Ellensburg, Washington”*, prepared by Hart Crowser dated November 14, 2006

Those documents are kept at the Central Regional Office for review by appointment only. You can make an appointment by calling the Records Officer 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 Proposed Investigation Work Plan

Ecology approves the proposed investigation work plan. The conclusion is based on the following analysis:

- 1. Approval of proposed Sampling and Analysis work plan is based on the following:**
 - a. The SAP work plan provides for assessment of two potential exposure pathways that were not previously assessed.
 - b. The SAP work plan provides comprehensive coverage of sampling points to collect soil and soil vapor samples within the areas of concern as indicated in the 2006 Remedial Investigation and Feasibility Study. The areas of concern include the former dispenser island.
 - c. The SAP work plan is also responsive to other comments provided by Ecology on the draft SAP dated September 27, 2018.

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 proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. 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

Thank you for choosing to clean up your Property under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may resubmit your proposal for our review. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

Angie Goodwin
Hart Crowser
December 19, 2018
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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) 454-7836 or e-mail at john.mefford@ecy.wa.gov.

Sincerely,



John Mefford
Toxics Cleanup Program
Central Regional Office

JM:rl

Enclosures (1): A – Description and Diagram of the Site

cc: Secret Assets University Way Property LLC

Enclosure A

Description and Diagram of the Site

