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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

7008 2810 0001 3939 5590

July 9, 2009

Mr. Jeff Ahner  
Frito Lay, Vancouver  
4804 NW Fruit Valley Road  
Vancouver, Washington 98660

**Re: Opinion pursuant to WAC 173-340-515(5) on Proposed Remedial Action  
for the following Hazardous Waste Site:**

- Name: Frito-Lay Vancouver
- Address: 4804 NW Fruit Valley Road, Vancouver, Washington 98660
- Facility/Site No.: 81587474
- VCP No.: SW1024

Dear Mr. Ahner:

Thank you for submitting documents regarding your proposed remedial action for the Frito-Lay Vancouver facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether your proposed remedial action is likely to be sufficient to meet the specific substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Petroleum hydrocarbons in soil.
- Potential for petroleum hydrocarbons in groundwater.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).



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This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. Environmental Health Management, Inc., **Frito-Lay, Vancouver Processing Facility, Hydraulic Lift Area Soil Cleanup Project, Remedial Activity Report, Project Number 13001**, dated March 30, 2009.
2. Environmental Health Management, Inc., **Frito-Lay, Vancouver, Washington, Hydraulic Lift Area Petroleum Release, Remedial Investigation Workplan, Project Number 13002**, dated April 3, 2009.

The document listed above will be kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Appointments can be made by calling the SWRO resource contact at (360) 407-6365.

The Site is defined by the extent of contamination caused by the following release(s):

- Petroleum hydrocarbons in soil.
- Potential for petroleum hydrocarbons in groundwater.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of your proposed remedial action and supporting documentation listed above, **Ecology has determined that the proposed remedial action is likely to be sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:**

- Petroleum hydrocarbons in soil.
- Potential for petroleum hydrocarbons in groundwater.

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Provided that the following comments are addressed:

1. Ecology understands soil contamination above the MTCA Method A Soil Cleanup Level for unrestricted uses underlies stationary heavy lift equipment on the Site. Ecology further understands the applicant believes groundwater on the Site has not been impacted by the petroleum hydrocarbon soil contamination; this assumption is based on a single groundwater sample. Ecology recommends the remedial investigation include a hydrogeologic cross-section to describe the conceptual Site model and provide compelling evidence to substantiate why additional groundwater investigation is unwarranted and the current Site conditions are protective of groundwater.
2. In accordance with WAC 173-340-7490, a Terrestrial Ecological Evaluation (TEE) needs to be completed for the Site. If the Site qualifies for an exclusion, please fill out the TEE Exclusion form and submit it to Ecology. The form can be found on our website at <http://www.ecy.wa.gov/biblio/ecy090300.html>.
3. In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for Independent Remedial Actions shall be submitted simultaneously in both a written and electronic format. For additional information regarding electronic format requirements, see the website <http://www.ecy.wa.gov/eim>. Be advised that according to the policy, any reports containing sampling data that are submitted for Ecology review are considered incomplete until the electronic data has been entered. Please ensure that data generated during on-site activities is submitted pursuant to this policy. **Data must be submitted to Ecology in this format for Ecology to issue a No Further Action determination.** Please be sure to submit all soil and groundwater data collected to date, as well as any future data, in this format. Data collected prior to August 2005 (effective date of this policy) is not required to be submitted; however, you are encouraged to do so if it is available. Be advised that Ecology requires up to two weeks to process the data once it is received.

**This opinion does not represent a determination by Ecology that the proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action.** To obtain either of these opinions, you must submit an independent remedial action report to Ecology upon completion of the remedial action and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

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Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (360) 407-7404.

Sincerely,



Eugene Radcliff, L.G.  
Site Manager  
SWRO Toxics Cleanup Program

SR/ksc:Frito Lay Vancouver Opinion on Proposed Remedial Action

Enclosures: Site Summary  
Figure 3 – Hydraulic Lift Area Investigation Sample Locations

cc: Mr. John Ruddick, Environmental Health Management, Inc.  
Mr. Bryan DeDoncker, Clark Co Health  
Scott Rose – Ecology  
Dolores Mitchell – Ecology (without enclosures)

## **Enclosure A**

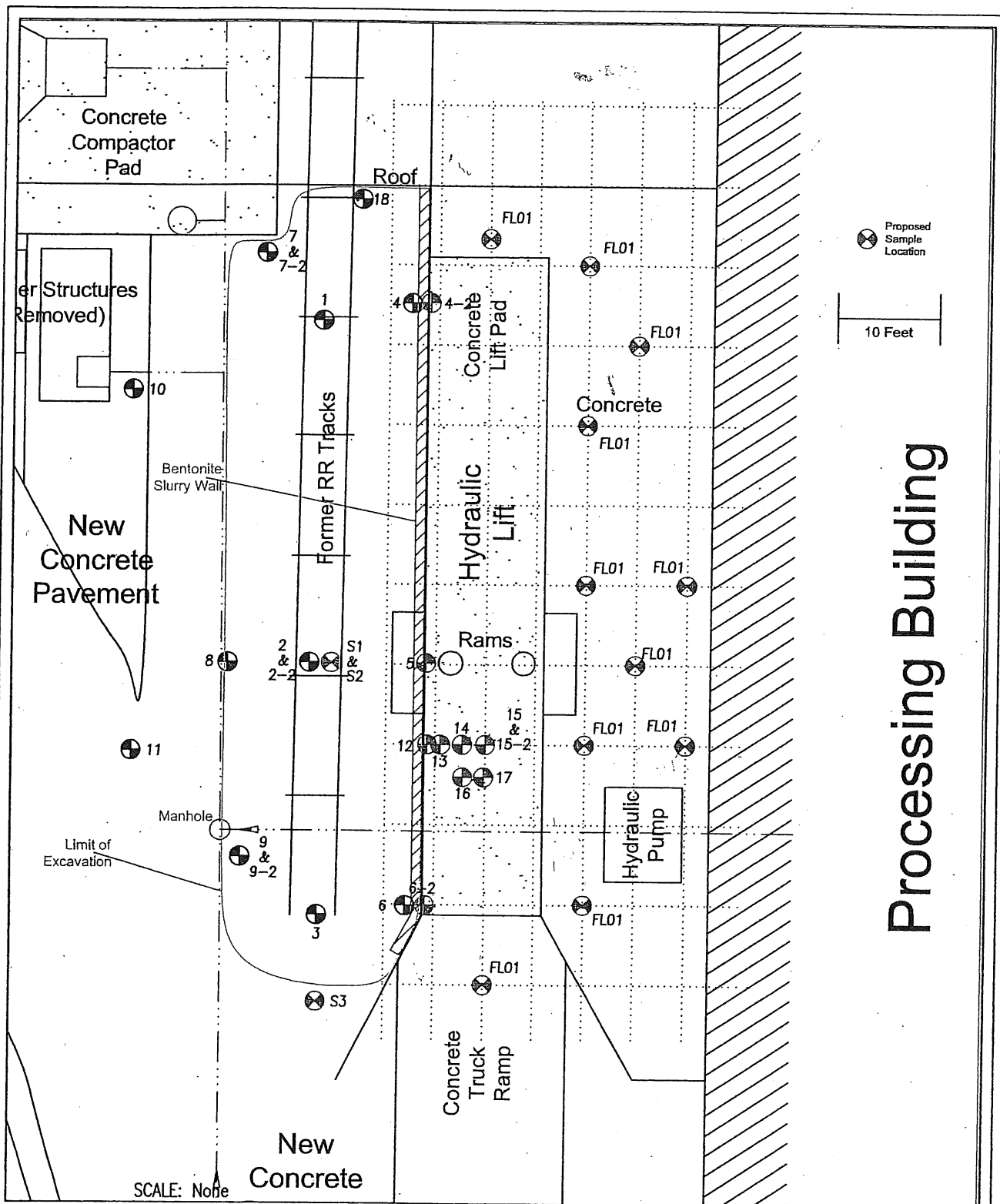
### **Site Summary**

The Frito-Lay Vancouver facility (Site) is located at 4808 NW Fruit Valley Road in Vancouver, Clark County, Washington. The Site has been used for agricultural purposes since at least the late-1800s until the 1970s when it began operations under Frito-Lay. The parcel on which facility is located encompasses approximately 17 acres and most of the parcel is covered by impervious surface. The Site is bordered on the east by NW Fruit Valley Road, on the south by agricultural land, on the west by undeveloped land and a parking lot, and on the north by semi-developed and undeveloped land. The site is currently used as a food processing facility. The Clark County Assessor's office notes the Frito-Lay property has an assigned tax parcel number of 6727033.

The Site is located in the Portland Basin, the underlying rocks are mostly Eocene and Miocene age volcanic and sedimentary rocks that are overlain by the Troutdale formation, Pleistocene-hocene alluvium and finally by Pleistocene glacial flood deposits. The soils overlying the flood deposits are described as gray, dense sands grading up to brown clay/silt surface layers ranging in depth from 10 feet below ground surface (bgs) to 35 ft bgs. Groundwater around the Site is reported to range from 11 feet bgs to 32 feet bgs. The direction of groundwater flow beneath the Site has not been determined; however, based on surface topography, groundwater flow appears to be to the west.

During a pavement removal project in 2004, Frito-Lay personnel discovered total petroleum hydrocarbons in the diesel range (TPH-D) and oil range (TPH-O). The spill was attributed to a 1991 spill that occurred as a result of a failure and collapse of the hydraulic lift, spilling diesel fuel from the vehicle that was on the lift and oil presumably from the lift itself. During subsequent investigations and cleanup activities in 2004 and 2005, Frito-Lay discovered that TPH-D and TPH-O soil contamination above the MTCA Method A Cleanup Level for unrestricted uses was present under the hydraulic lift area.

The remedial investigation work plan dated April 3, 2009, describes additional characterization activities to fully delineate the Site. Soil samples will be collected on the east-side of the hydraulic lift to provide additional data with the intent to finish delineating the soil contamination. A groundwater sample is also proposed to be collected and analyzed.



<b>ENVIRONMENTAL HEALTH MANAGEMENT, INC.</b> PO Box 1746 Lake Oswego, Oregon 97035 (503) 267-4620	DRAWN BY: KIM	FRITO LAY Vancouver Hydraulic Lift Area Investigation Sample Locations	<b>FIGURE</b> <div style="font-size: 48pt; text-align: center;">3</div>
	APPROVED BY: JHR		
	DATE: 12/15/08		
	JOB NO.: 13002		
	SCALE: None		



# Voluntary Cleanup Program

Washington State Department of Ecology  
Toxics Cleanup Program

## VCP INTERNAL REVIEW CHECKLIST

Site Name: Frito-Lay Vancouver **If applicable (property-specific):**  
Facility / Site No.: 81587474 Tax Parcel(s) No.:  
VCP Project No.: SW1024 Property Address:  
Site Manager: Eugene Radcliff Date submitted for internal review: 6/ 29 /2009

### What opinion are you providing the Applicant in the attached draft Letter?

- |  |  |
|--|--|
| <input type="checkbox"/> Site Likely NFA   | <i>PROPERTY-SPECIFIC</i>                                 |
| <input type="checkbox"/> Site Likely FA  | <input type="checkbox"/> Property Likely FA              |
| <input type="checkbox"/> NFA at Site ( <i>Please attach all previous opinion letters for review</i> )    | <input type="checkbox"/> Property Likely NFA, FA at Site |
| <input type="checkbox"/> Partial Sufficiency, FA at Site   | <input type="checkbox"/> Further Action at Property      |
| <input type="checkbox"/> Further Action at Site  | <input type="checkbox"/> Property NFA, FA at Site        |
| <input checked="" type="checkbox"/> Other (Please identify, such as Proposed or Completed RI, FS, etc.): | Opinion on work plan.                                    |

- Have you informed the VCP Unit Manager and the Data Coordinator of information submitted by applicant?  
☒ Yes ☐ No – If No, please do so to ensure a Project Activity is created in ISIS.

**Report Received Date/Project Activity Initiation Date:** 4/10/2009

**Due Date for Response to Applicant (90 days from Initiation Date):** 7/9/2009

- VCP application reviewed to ensure all information is current? ☒ Yes ☐ No  
If No, please be sure to provide the Data Coordinator with any changes needed.
- BARTS: If issuing NFA opinion, notify applicant that letter will be held until final payment is received.  
Have you completed your site logs? ☒ Yes ☐ No
- Is this a *regulated* UST/LUST site? ☒ Yes ☐ No If Yes, coordinate with LUST staff.
- Do any other government agencies or Ecology Programs have interest in site activities?  
☒ Yes ☐ No If Yes, please be sure to cc: the appropriate agency/program contact.
- Has the environmental sampling data been entered into EIM?  
☐ Yes ☒ No If Yes, when? Date:  
Will additional data be generated requiring EIM submittal?  
☒ Yes ☐ No
- If site is to be de-listed based on an NFA opinion, have you coordinated with COEES?  
☐ Yes ☐ No ☒ Not Applicable
- Has the lateral and vertical nature and extent of contamination at the site been adequately characterized for all media?  
☐ Yes ☒ No If No, please be sure data gaps are clearly identified in the opinion letter.
- Are institutional controls, such as an environmental covenant, needed for the site?  
☐ Yes ☐ No ☒ Unknown at this time (Feasibility Study not completed yet)