



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 25, 2019

Joey Land
1 East 1st Avenue
Kennewick, WA 99336

Re: No Further Action (NFA) Determination for:

- **Site Name:** Bear Mart Auto Sales
- **Site Address:** 1 East 1st Avenue, Kennewick
- **Facility Site Number:** 6411794
- **Cleanup Site ID Number:** 7700

Dear Joey Land:

The Department of Ecology (Ecology) appreciates your cooperation with the above-referenced Site. As you know, environmental work was recently completed by GeoEngineers. As a result of the work completed, Ecology has determined no further remedial action is necessary. Please refer to the following for site history, contamination information, and data analysis regarding Ecology's determination.

One 300-gallon underground storage tank (UST) was discovered in 1992 in the alley behind the site building during repair of a utility pole. Documentation summarized by the Washington State Department of Ecology (Ecology) stated that the UST contained a mixture of water and other constituents including naphtha and lead or the tank originally contained heating fuel but more recently had been used for waste paint and thinners. Groundwater was encountered during previous assessment and remedial activities. Depth to groundwater was about 15 to 20 feet below ground surface (bgs).

Soil samples collected during the UST removal and a subsequent assessment contained total petroleum hydrocarbon (TPH) concentrations greater than the applicable cleanup levels at the time of the sampling. Contaminated soil was excavated and aerated onsite before off-site disposal. Documentation of the disposal was not available. Ecology conducted a Site Hazard Assessment in 2014 and ranked the site a "2" based on the remaining presence of contaminants in soil after the excavation. Ecology considered mineral spirits/white spirits/naphtha, TPH and lead as the contaminants of concern.



Joey Land
July 25, 2019
Page 2

In 2018, Ecology received funding through the Model Remedies Grant Program (the Grant Program) to provide additional site characterization to assist a limited number of leaking underground storage tank (LUST) sites towards closure. The intent of these proposed activities was to further characterize previously identified petroleum impacts at LUST sites still awaiting receipt of a NFA determination from Ecology. As a result, the Bear Mart Auto Sales site was selected to receive a portion of these funds.

To perform the proposed characterization activities funded by the Grant Program, Ecology retained GeoEngineers of Spokane, Washington. GeoEngineers subsequently coordinated and directed the advancement of four soil borings at the Site on May 1, 2019. Four soil samples were collected in the vicinity of the former UST to evaluate for the presence of residual hydrocarbons beneath this area of the Site. Laboratory analyses of these samples did not detect concentrations of petroleum hydrocarbons or associated constituents above their associated MTCA Method A cleanup levels (CULs). A more detailed summary of these activities is provided in the attached Soil Assessment Report.

Determination

Ecology has evaluated the results of the further characterization activities completed in May of 2019 and concluded **no further remedial action** is necessary to clean up residual petroleum hydrocarbon contamination at the Site. That conclusion is based on the following analysis:

- Decommissioning and removal of the original, on-Site UST has removed the source of petroleum hydrocarbons and related constituents beneath the Site;
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the soil samples, collected at the Site on May 1, 2019, above their respective MTCA Method A CULs.

As a result of this information, Ecology is issuing a NFA determination for the Site using Model Remedy No. 1, as identified in Ecology's "Model Remedies for Sites with Petroleum Contaminated Soils (Publication No. 15-09-043, September 2015)." Under this option, it has been determined that the historic removal of contaminated soil has achieved Method A CULs beneath the Site.

This determination is based on the information contained in the Site Summary Report and associated analytical reports and documentation. Additional documents related to the reported historical release of petroleum hydrocarbons from the Site UST system are kept at the Central Region Office of Ecology for review.

Limitations

1. This 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 resources damages resulting from the release or releases of hazardous substances at the site.

This opinion does not:

- Change the boundaries of the site.
- 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. This 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 address whether the actions taken at this site are substantially equivalent. Courts make that determination. See RCW 70.105D080 and WAC 173-340-545.
3. 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

If you have any questions about this opinion, please contact me by e-mail at jeff.newschwander@ecy.wa.gov or by phone at (509) 454-7842.

Sincerely,



Jeff Newschwander
Site Manager
Toxics Cleanup Program
Central Region Office

Enclosure: (1) GeoEngineers, Inc. "Soil Assessment," dated June 26, 2019