



FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

January 17, 2007

**CERTIFIED MAIL**

7005 1820 0006 5951 6843

Mr. Leslie Roy  
Roy Farms  
401 Walter Road  
Moxee, WA 98936

Dear Mr. Roy:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 401 Walter Road, Moxee, WA, ERTS #C1195, Facility Site ID #89739294

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation (II). The II is based upon the Ecology file which contains the December 2001 and July 1991 reports titled "Site Assessment Engineering Report, Underground Storage Tank Removal" and "Site Assessment Engineering Report, Leaking Underground Storage Tank Removal" by PLSA Engineering and Surveying.

One 1,000-gallon and one 8,000-gallon underground storage tank (UST) used to store gasoline were removed in May 1993. Confirmatory sampling of the tank basin was non-detect for gasoline and its associated compounds.

One 8,000-gallon UST containing diesel was removed in February 1991. Two samples were taken due to diesel odors present that identified diesel and xylene contamination in excess of Method A cleanup levels. The tank basin was over-excavated until it posed a threat to an adjacent building and encountered refusal at depth due to a cemented cobble/gravel/sand layer. Final sampling showed diesel soil contamination up to 8,888 ppm and xylene contamination up to 48 ppm, exceeding the Method A cleanup levels of 2,000 ppm and 9 ppm respectively. Soil contamination above the Method A cleanup levels remains under the adjacent office building.

Under the Model Toxics Control Act (MTCA), Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpage.HTM>. It is Ecology's decision that the above-referenced property will be added to this database because of residual diesel soil contamination above the MTCA Method A cleanup level.



Roy Farms, Inc.  
January 17, 2007  
Page 2

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).

It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants **no further action**, you are encouraged to participate in the Voluntary Cleanup Program (VCP). Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Mark Dunbar, CRO VCP Coordinator, at (509) 454-7842.

If you have any questions regarding this letter, please feel free to contact me at (509) 454-7290.

Sincerely,



Brian T. Deeken  
Site Manager  
Toxics Cleanup Program

Enclosure