STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

April 9, 2020

Brian Wymer
Kenan Advantage Group West, LLC
4366 Mount Pleasant Street NW
North Canton, OH 44720

RE: No Further Action at the following Site – Groundwater Model Remedy #1:

- **Site Name:** KAG Truck Spill
- **Site Address:** I90 MP 81, Cle Elum
- **Facility/Site No.:** 16970
- ***VCP* Project No.:** *CE0500*

Dear Brian Wymer:

The Washington State Department of Ecology (Ecology) received a request for an opinion on the independent cleanup of the KAG Truck Spill (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 further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

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 gasoline release from a tanker truck accident on December 4, 2015:

- Gasoline Range Organics into the soil and groundwater.
- Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX) into the soil and groundwater.

On December 4, 2015, a gasoline tanker truck collided with a bridge support structure near the Cle Elum River. The collision occurred between Mile Markers 80 and 81, on Interstate 90 (I-90) in Cle Elum. Gasoline was released to the median, which drained west (away from the river) while infiltrating into the soil and beneath the Eastbound lane.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Basis for the Opinion

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

1. *"Spill Response and Interim Remedial Action Report,"* prepared by Environmental Partners, Inc. dated September 12, 2016.

2. *"Cleanup Action Report,"* prepared by Environmental Partners, Inc. dated October 23, 2019.

Those documents are kept at the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO public records coordinator at 509-454-7658.

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 **no 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.

Ecology has determined the characterization of the Site is sufficient to establish cleanup standards and select a cleanup action.

On December 4, 2015, a gasoline tanker truck collided with the eastbound bridge over the Cle Elum River near milepost 81 on I-90. An estimated 3,000 gallons of gasoline spilled onto the road and median. Spill Response and Interim Remedial Action focused on soil removal from the median and preventing impact to surface water.

Cleanup levels (CULs) were established using a combination of values form the Terrestrial Ecological Evaluation (TEE), which is outlined in the Spill Response and Interim Remedial Action Report from September 12, 2016, and MTCA Method A levels. The TEE focused on the appropriate contaminants of concern, based on the fuel released. Laboratory experiments where conducted to determine at what concentration in soil the contaminants can be without causing adverse effects to plants and animals that come in contact with it and the animals that consume these plants and animals.

Conformational sampling of the excavation extents indicate that contamination only remained beneath the eastbound lanes of I-90. Direct push samples within the roadway confirmed that soils beneath the roadway remained contaminated. Monitoring wells were used to establish the extent of groundwater impact.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance established for the Site meet the substantive requirements of MTCA.

The following soil CULs were used at standard points of compliance across the site (all are MTCA Method A CULs, except Ethylbenzene used the TEE CUL). Ethylbenzene was the only contaminant of concern to generate a CUL below MTCA method A. The ethylbenzene CUL is from the soil biota testing; how the contaminants of concern effect vascular plants and soil biota directly.

GRO – 30 mg/kg
Benzene – 0.03 mg/kg
Toluene – 7 mg/kg
Ethylbenzene – 5.1 mg/kg
Total Xylenes – 9 mg/kg

Groundwater samples were compared to the MTCA Method A CULs at each well:

GRO – 800 µg/L
Benzene – 5 µg/L
Toluene – 1000 µg/L
Ethylbenzene – 700 µg/L
Total Xylenes – 1000 µg/L

3. Selection of cleanup action.

Ecology has determined the cleanup action selected for the Site meets the substantive requirements of MTCA.

Soil removal, outlined in the Spill Response and Interim Action Report, controlled the contaminant source. Groundwater monitoring and soil vapor extraction addressed the remaining contamination. The groundwater monitoring data can be found in both the Spill Response and Interim Action Report and the Cleanup Action Report. The Cleanup Action Report contains the soil vapor extraction data.

4. Cleanup.

Ecology has determined the cleanup performed meets the cleanup standards established for the Site. Soil samples, direct push samples, and groundwater samples confirm that remaining contamination is below cleanup levels. This cleanup is consistent with Groundwater Model Remedy #1.

Ecology determined that the final extent sampling of twelve feet between samples is sufficient to deem the remaining soil clean. A soil vapor extraction system (SVE) was constructed to address the contaminated soils remaining beneath the eastbound roadway. Five direct push samples, from the areas beneath the roadway with the highest previous concentrations, indicate soils are now clean.

Groundwater monitoring wells MW-2 and MW-5 are the only wells that had an exceedance of the CUL. Groundwater has been below CULs since February of 2016.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

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 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).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#CE0500).

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 or the termination of the Agreement, please contact me by phone at (509) 454-7833 or e-mail at kyle.parker@ecy.wa.gov.

Sincerely,

Kyle Parker
Toxics Cleanup Program
Central Regional Office

cc: Scott Anfinson – Department of Transportation
Josh Bernthal - Environmental Partners, Inc.
VCP Financial Manager

Enclosures (1): Enclosure A - Site Description and Site Map

Enclosure A

Site Description

On December 4, 2015, a gasoline tanker truck collided with the Inerstate 90 (I-90) eastbound lane bridge before crossing the Cle Elum River. The collision occurred between Mile Markers 80 and 81, on I-90, Cle Elum, Washington. Gasoline released to the median and drained west (away from the Cle Elum River). Soil contamination extended 280 feet west, 40 feet north, and infiltrated beneath the eastbound lanes. Groundwater plume extended south beneath the eastbound lanes to monitoring wells MW-02 and MW-05 (approximately 120 feet).

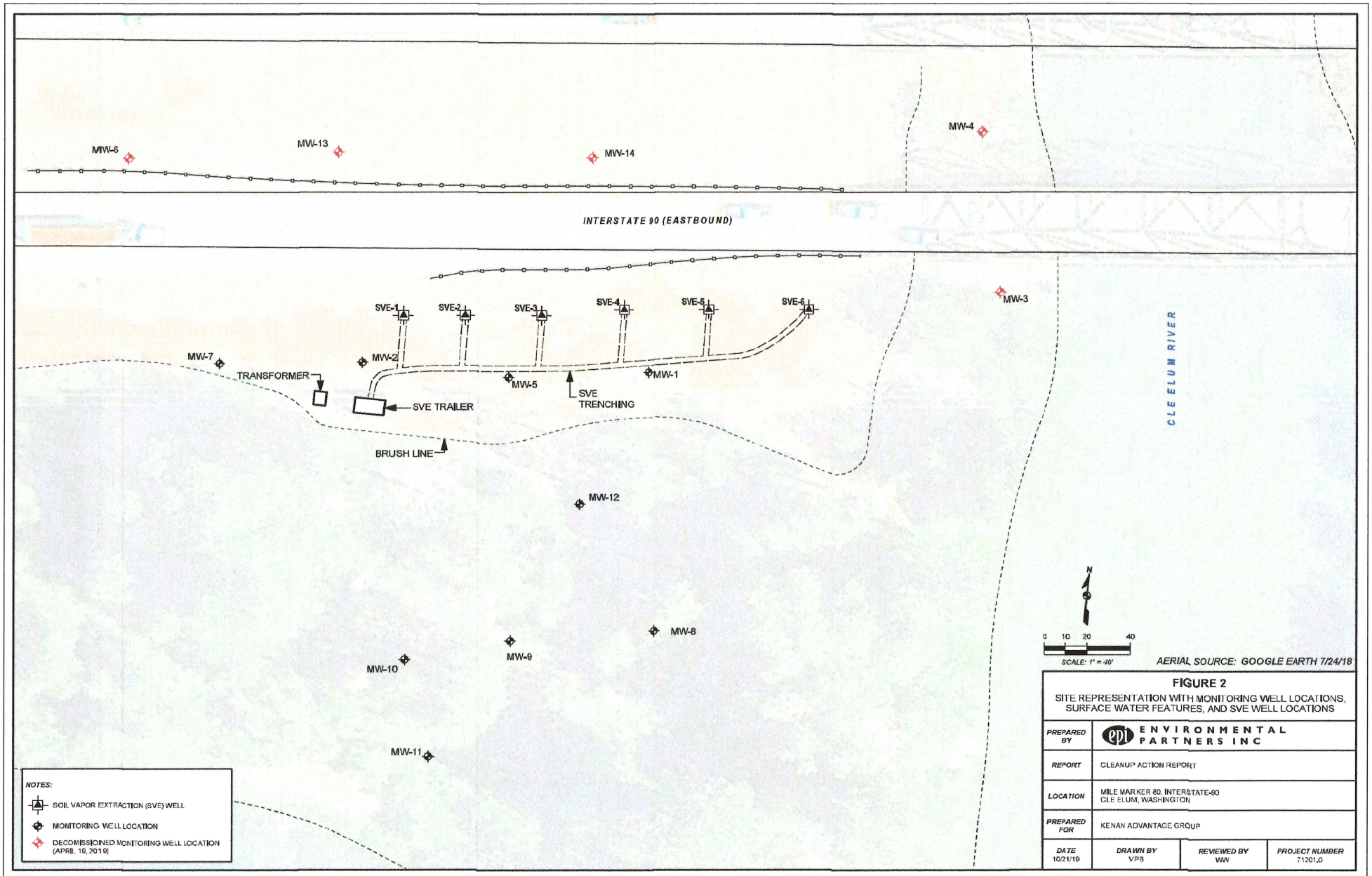

FIGURE 2

SITE REPRESENTATION WITH MONITORING WELL LOCATIONS, SURFACE WATER FEATURES, AND SVE WELL LOCATIONS

PREPARED BY	epi ENVIRONMENTAL PARTNERS INC		
REPORT	CLEANUP ACTION REPORT		
LOCATION	MILE MARKER 80, INTERSTATE-90 CLE ELUM, WASHINGTON		
PREPARED FOR	KENAN ADVANTAGE GROUP		
DATE 10/21/19	DRAWN BY VPB	REVIEWED BY WW	PROJECT NUMBER 71201.0