



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 30, 2020

Scott Hensrude
2912 Cedar Street
Everett, WA 98201

RE: Further Action at the following Site:

- **Site Name:** Fifth Wheel Truck Repair
- **Site Address:** 307 East Arlington, Yakima
- **Facility/Site No.:** 554
- **VCP Project No.:** CE0513

Dear Scott Hensrude:

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

YES. Ecology has determined that 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 releases:

- Tetrachloroethylene (PCE) and its associated degradation products into the soil and groundwater.
- Metals into the soil and ground water.
- Petroleum products into the soil and suspected in ground water.



Please note the Yakima Railroad facility (# 500) also affects parcel(s) of real property associated with this Site. This opinion does not apply to any contamination associated with the Yakima Railroad facility.

Basis for the Opinion

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

1. *“Aspect Consulting, Environmental Review and Workplan for Site Closure,”* March 18, 2020
2. *“Maxim Technologies, Inc., Environmental Investigation and Remediation Fifth Wheel Truck Repair Facility,”* May 2, 1996
3. *“Huntingdon Engineering and Environmental, Inc., Site History Report Fifth Wheel Truck Repair Facility,”* June 1995
4. *“Huntingdon Engineering and Environmental, Inc., Remedial Investigation – Interim Report Fifth Wheel Truck Repair Facility,”* May 25, 1995
5. *“PLSA Engineering and Surveying, Sampling Report for Fifth Wheel Truck Repair,”* October 22, 1993
6. *“PLSA Engineering and Surveying, Engineering Report on Intermediate Cleanup and Site Closure for Fifth Wheel Truck Repair,”* April 1991
7. *“PLSA Engineering and Surveying, Engineering Report on Drywell Intermediate Cleanup for Fifth Wheel Truck Repair Premises,”* February 1991
8. *“Earth Consultant, Inc., Preliminary Integrity Assessment of Two Underground Storage Tanks (UST)s and Three Industrial Waste Water Sumps,”* October 25, 1989

Those documents are kept in 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 or emailing RecordsOfficer@ecy.wa.gov.

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 **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 current characterization of the Site is not sufficient to establish cleanup standards and select a cleanup action.

The Environmental Review and Workplan for Site Closure (March 2020) outlines work to be done to address data gaps in the current site characterization. The workplan as outlined should provide the needed data to establish cleanup standards and to select a cleanup action at the site.

2. Establishment of cleanup standards.

Ecology understands the plan is to use MTCA Method A unrestricted for soil and MTCA Method B for analytes that do not have established Method A (email response on July 29, 2020).

Please note that other requirements apply to the cleanup action based on the type of the action or location of the Site. Those requirements are specified in the Environmental Review and Workplan for Site Closure.

3. Selection of cleanup action.

Ecology looks forward to reviewing the results of the Data Gaps Investigation and the Environmental Covenant described in the Environmental Review and Workplan for Site Closure.

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).

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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 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.180.*

Contact Information

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

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 509-454-7833 or e-mail at Kyle.Parker@ecy.wa.gov.

Sincerely,



Kyle Parker
Site Manager
Toxics Cleanup Program
Central Regional Office

KP:rl

cc: Ali Cochrane, Aspect Consulting LLC