



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

September 21, 2020

Han Chang  
10121 Hwy 12  
Naches, WA 98937

**RE: Further Action at the following Site:**

- **Site Name:** Pit Stop Naches
- **Site Address:** 10121 Hwy 12, Naches
- **Facility/Site No.:** 505
- **Cleanup Site No.:** 4928
- **VCP Project No.:** CE0449

Dear Han Chang:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Pit Stop Naches 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:

- Petroleum Diesel into the Soil and Groundwater.
- Petroleum Gasoline into the Soil and Groundwater.

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.

### **Basis for the Opinion**

---

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

1. *“Associated Environmental Group, LLC, Technical Memorandum – Data Gap Investigation April 2020,”* August 2020.
2. *“Associated Environmental Group, LLC, Remedial Investigation Report,”* September 2018.
3. *“Associated Environmental Group, LLC, Subsurface Investigation Report,”* May 2017.

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 [CROPublicRequest@ecy.wa.gov](mailto:CROPublicRequest@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 your characterization of the Site is not sufficient to establish cleanup standards and select a cleanup action.

Soil and groundwater samples for gasoline, as well as the groundwater sample for diesel, at boring B-6 are above MTCA Method A Cleanup Levels.

The extent of impact from contamination has not been established at the site. A monitoring well co-located at boring B-6 will aid further investigation of contaminant impact.

Ecology requires a minimum of four clean quarters of sampling, prior to eligibility for a No Further Action Determination. A clean quarter of sampling is when contamination is not detected in the sample. Continued quarterly sampling of MW-1, MW-2, MW-9, MW-10, MW-11, and a new monitoring well co-located with boring B-6 is required. Ecology's Guidance for Remediation of Petroleum Contaminated Sites defines groundwater monitoring criteria.

## 2. Establishment of cleanup standards.

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

The Remedial Investigation Report established the cleanup levels, listed below, for soil and groundwater. The established cleanup levels are based on MTCA Method A cleanup levels for unrestricted use. The established levels are:

<b>CONSTITUENT</b>	<b>SOIL</b>	<b>GROUNDWATER</b>
<b>GASOLINE-RANGE TPH</b>	30 mg/kg	800 µg/L
<b>DIESEL/OIL-RANGE TPH</b>	2,000 mg/kg	500 µg/L
<b>BENZENE</b>	0.03 mg/kg	5.0 µg/L
<b>TOLUENE</b>	7 mg/kg	1,000 µg/L
<b>ETHYLBENZENE</b>	6 mg/kg	700 µg/L
<b>XYLENES</b>	9 mg/kg	1,000 µg/L
<b>LEAD</b>	250 mg/kg	15 µg/L

Standard points of compliance are used throughout the site for both soil and groundwater.

## 3. Selection of cleanup action.

Cleanup actions at the site include soil excavation and offsite disposal of contaminated soils from the former dispenser area. No cleanup actions have taken place to address groundwater contamination nor to address contamination from the UST release.

Continued quarterly sampling of MW-1, MW-2, MW-9, MW-10, MW-11, and a new monitoring well co-located with boring B-6 is required. Four clean quarters of sampling may make the site eligible for no further action, Eight quarters might be required if petroleum is detected, below cleanup levels, in groundwater samples.

**4. Cleanup.**

Ecology has determined the cleanup you performed does not meet any cleanup standards at the Site.

In 1998 soil excavation and disposal occurred at the former dispenser area, no other cleanup action has occurred. Other site activities conducted at the site were to determine the extent of contamination, as part of the remedial investigation process.

**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 MTCRA, 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**

---

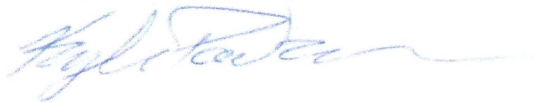
Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup.

Han Chang  
September 21, 2020  
Page 5

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](http://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](mailto:Kyle.Parker@ecy.wa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Parker", with a long horizontal flourish extending to the right.

Kyle Parker  
Toxics Cleanup Program  
Central Regional Office

cc: Scott Rose, Associated Environmental Group