



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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December 6, 2012

Alan Hopkins  
Portnoy Environmental, Inc.  
1414 W. Sam Houston Pkwy N., Ste. 170  
Houston, TX 77043

**Re: No Further Action at the following Site:**

- **Site Name:** NW Pipeline ST Unocal Finley Meter Station
- **Site Address:** 231610-A E. Game Farm Road, Kennewick
- **Facility/Site No.:** 323
- **VCP Project No.:** CE0366

Dear Mr. Hopkins:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the above-referenced 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**

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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**

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This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:



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- Mercury (Hg) and arsenic (As) into the soil.

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

Please note that 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**

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

1. Site Assessment and Remedial Action Report, Unocal Finley Meter Station, East Game Farm Rode, Kennewick, Washington 99337, May 2012, Portnoy Environmental, Inc.

Those documents are kept at the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact, Roger Johnson, 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**

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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 your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

2. **Establishment of cleanup standards.**

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

- a. **Cleanup levels.**

The cleanup level for arsenic is based on bioassay testing to establish regionally protective Terrestrial Ecological Evaluation Site-Specific levels protective of environmental receptors and is less than the MTCA Method A cleanup standard at 14 mg/kg.

The cleanup level for mercury is the MTCA Method A Cleanup standard of 2.0 mg/kg in soil, based on protection of groundwater for drinking water.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. The remedial action carried out at this site was excavation of mercury contaminated soils with off-site disposal at a RCRA Subtitle D landfill. No arsenic-contaminated soils above cleanup levels were found at this site.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

**Listing of the Site**

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

**Limitations of the Opinion**

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**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.030(1)(i).

**Termination of Agreement**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (CE0365).

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 or the termination of the Agreement, please contact me at 509-454-7837.

Sincerely,

*Matthew C. Durkee* for

Norman D. (Norm) Peck  
Site Manager  
CRO Toxics Cleanup Program

Enclosures: A – Description and Diagram of the Site

cc: Aaron Galer, Northwest Pipeline GP  
Eric Koltes, Environmental Partners, Inc.  
Scott Peters, Williams Natural Gas Pipeline Co., Inc.  
Dolores Mitchell, VCP Financial Manager