

From: [South, David \(ECY\)](#)
To: [Jessica Ferrell](#)
Cc: [Kristy Hendrickson](#); [Kevin Daniels](#); [Brad Marten](#)
Subject: Union Station Delisting
Date: Monday, March 15, 2010 2:36:00 PM

Thank you for your letter of February 24, 2010. Although Ecology is always eager to remove sites from the hazardous sites list, we cannot delist the Union Station site at this time. The site does not meet the requirement that ground water cleanup levels be met at the designated point of compliance. Benzene in particular is not in compliance at the point of compliance, exceeding both its cleanup level and its background screening level. This is documented in your letter of February 24th on page 4, Item 2.

There may also be some confusion about the difference between cleanup levels and background screening levels. Background screening levels are used to assess whether contamination is coming onto the site and to assess whether additional actions are warranted. Cleanup levels are used to assess whether contaminant concentrations in groundwater leaving the site are protective of human health and the environment.

TPH concentrations in groundwater also exceed MTCA cleanup levels. The Cleanup Action Plan specifies that, "If TPH is detected, the data will be reviewed to evaluate whether groundwater is adequately protected pursuant to WAC 173-340-720(3)(c)". See Cleanup Action Plan Table 1, footnote **) This cite, from the version of the regulation current at the time of entry of the Consent Decree, requires ground water cleanup levels protect beneficial uses of groundwater other than drinking water. In the case of Union Station, ground water cleanup levels must protect marine surface water. At the time of entry of the Consent Decree, TPH cleanup levels to protect marine surface water were not available.

The current regulation does include TPH cleanup levels to protect surface water. WAC 173-340-730(3)(b)(C) states that for petroleum mixtures the cleanup levels in Table 720-1 may be used. These are the Method A ground water cleanup levels. (One can also use equations 730-1, but this gives concentrations quite a bit lower than the Method A table). Hence, TPH concentrations at the ground water point of compliance exceed cleanup levels.

The TPH concentrations protective of surface water is information that was developed after the Consent Decree was entered. Hence, the degree to which TPH concentrations leaving the site threaten marine surface water is a circumstance at the Facility that represents a threat to human health and the environment that was previously unknown to Ecology.

On a more practical level, one of the key reasons the Union Station site needs to remain on the Hazardous Sites List is that ground water contamination is leaving the site and migrating to downgradient sites. Property transactions in the area often involve reviewing the Hazardous Sites List. It would not be appropriate to remove this site from the list, as then people would not be aware of it.

Please let me know if you have any questions.

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