



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 7, 2011

Donald Roberts
DR Roberts Enterprises, LLC
1345 Lee Boulevard
Richland, WA 99352

Re: Further Action at the following Site:

- **Site Name:** Columbia Oil/Sgt. Bubs
- **Site Address:** 1345 Lee Blvd, Richland, WA
- **Facility/Site No.:** 45583729
- **VCP Project No.:** CE0344

Dear Mr. Roberts:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the former Columbia Oil/Sgt. Bubs 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 release(s):



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- Total Petroleum Hydrocarbons, Gasoline and Diesel Range Organics, into the soil and groundwater.
- BTEX (benzene, toluene, ethylbenzene, and xylene) in soil and groundwater.
- Naphthalene in soil and groundwater.
- Trimethylbenzene (1,3,5 and 1,2,4) in 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. "UST Closure Report: Sgt Bubs," White Shield inc., June 2, 2000.
2. "Phase II Environmental Site Assessment: Columbia Oil Company-Sgt Bubs Site," Blue Mountain Environmental Consulting, Inc., April 19, 2005.
3. "Monitoring Well Installation and Sampling Report: Former Columbia Oil/Sgt Bubs Site," White Shield, Inc., July 16, 2010.

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling 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

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 sufficient to establish cleanup standards and select a cleanup action.

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. Specifically, the MTCA Method A

soil and groundwater cleanup levels for total petroleum hydrocarbons [gasoline and diesel range organics] and BTEX.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. Source removal of contaminated soil (426 tons) occurred during March 2000 with quarterly groundwater monitoring proposed during calendar year 2011 to assess the effectiveness of the cleanup.

4. Cleanup.

Ecology has determined the cleanup you performed does not meet the cleanup standards at the Site. Specifically, quarterly groundwater monitoring is required to demonstrate cleanup completion. All four monitoring wells are required to be sampled for a minimum of four consecutive quarters with all contaminants below MTCA Method A cleanup levels for every sampling event. Additional monitoring and/or remedial action may be required if contaminants are in groundwater at greater than MTCA Method A cleanup levels.

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 you

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performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

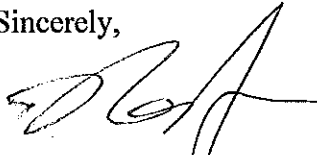
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 509-457-7127 or e-mail at norm.hepner@ecy.wa.gov.

Sincerely,



Norman Hepner, P.E.
CRO Toxics Cleanup Program