



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 31, 2014

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

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

- **Site Name:** Columbia Oil/Sgt. Bubs
- **Site Address:** 1345 Lee Blvd, Richland
- **Facility/Site No.:** 45583729
- **ISIS Cleanup Site ID:** 6112
- **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 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 releases:

- Total Petroleum Hydrocarbons, Gasoline and Diesel Range Organics, into the soil and groundwater.
- BTEX (benzene, toluene, ethylbenzene, and xylene) 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**

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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.
4. Quarterly Groundwater Monitoring Reports by White Shield, Inc, March 2011-December 2012.
5. Contents of file, CRO central files.

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**

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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.

**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 MTCA Method A soil and groundwater cleanup levels for Unrestricted Land Uses shall be used throughout the Site for TPH-G, TPH-D, TPH-O and constituents (BTEX).

**MTCA METHOD A Soil Cleanup Levels:**

Gasoline Range Organics (GRO): 30 mg/kg  
Diesel Range Organics (DRO): 2,000 mg/kg  
Benzene: 0.03 mg/kg  
Toluene: 7 mg/kg  
Ethylbenzene: 6 mg/kg  
Xylenes: 9 mg/kg  
Lead: 250 mg/kg

**MTCA METHOD A Groundwater Cleanup Levels:**

Gasoline Range Organics (GRO): 800 ug/liter  
Diesel Range Organics (DRO): 500 ug/liter  
Benzene: 5 ug/liter  
Toluene: 1,000 ug/liter  
Ethylbenzene: 700 ug/liter  
Xylenes: 1,000 ug/liter  
Lead: 15 ug/liter

**b. Terrestrial Ecological Evaluation (TEE).**

The site cleanup is excluded from further TEE because it resulted in contaminants in soil below 6' with environmental covenant restricting activities. Further, the site is covered by asphalt and significant contiguous habitat is not present.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. The Cleanup Action selected is appropriate for site conditions and is described as excavation and off-site disposal of accessible impacted soils above MTCA Method A cleanup levels, Environmental Covenant for inaccessible soil contamination, and groundwater monitoring after soil removal has been completed to demonstrate groundwater is below MTCA Method A cleanup levels.

**4. Cleanup.**

A remedial action was conducted at this site in March 2000. Approximately 425 cubic yards of soil were transported to Lower Valley Remediation, Mabton, WA. Inaccessible

soils remain on the property. Groundwater monitoring performed during calendar year 2011 and 2012 confirmed that contaminants are below cleanup levels in onsite monitoring wells. An environmental covenant has been filed on the property identifying locations on the property impacted with TPH above cleanup levels.

### **Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our lists of contaminated sites, including:

- Confirmed and Suspected Contaminated Sites List
- Leaking Underground Storage Tank 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).

**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).

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### 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.

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) 454-7886.

Sincerely,



Valerie Bound  
Section Manager  
CRO Toxics Cleanup Program

cc: Stuart Fricke, White Shield, Inc.  
Dolores Mitchell, VCP Financial Manager