



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

December 1, 2009

Ms. Anastasia Duarte-Wilkinson  
Tesoro Petroleum Companies, Inc.  
3450 South 344<sup>th</sup> Way, Suite 201  
Auburn, WA 98001-5931

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

- **Site Name:** HICO Store 648 (Tesoro No. 62174)
- **Site Address:** 1960 NE Terre View Drive, Pullman, WA
- **Facility/Site No.:** 46584958
- **VCP Project No.:** EA0099

Dear Ms. Wilkinson:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the HICO Store 648 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**

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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 dependent on the continued performance and effectiveness of the post-cleanup controls specified below.**

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:

- Petroleum hydrocarbons into the Soil.
- Petroleum hydrocarbons, MTBE and EDB into the Ground Water.



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

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is 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. Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington: Kleinfelder letter date March 15, 2006
2. Groundwater Monitoring Report and Model Toxics Control Act (MTCA) Evaluation, Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington: Kleinfelder, Inc., February 2005.
3. UST Closure and Site Assessment Report, Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington: Kleinfelder, Inc., March 17, 2003.

Those documents are kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling Kari Johnson at 509/329-3415.

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**.

The lateral and vertical extent of petroleum contamination in soil and ground water was defined in the report listed above.

#### **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.

For soil, the cleanup levels were established using MTCA Method A and are based on protection of ground water. The land use is classified as Unrestricted. The cleanup levels are as follows:

- Gasoline-range hydrocarbons: 30 mg/kg
- Benzene: 0.03 mg/kg

The point of compliance for soil is throughout the soils at the Site. This is the standard point of compliance.

For ground water, the cleanup levels were established using MTCA Method A and are based on the protection of drinking water beneficial uses. The cleanup levels are as follows:

- Gasoline-range hydrocarbons: 800 ug/l
- Benzene: 5 ug/l
- Ethylbenzene: 700 ug/l
- Xylenes: 1000 ug/l
- MTBE: 20 ug/l
- EDB: 0.01 ug/l

### 3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The selected cleanup includes the following:

#### SOIL

- Removal of source (underground storage tank system).
- Excavation and removal of contaminated soil.

#### GROUND WATER

- Installation of ground water monitoring wells.
- Monitoring and collecting samples of ground water.
- Recording of restrictive covenant on ground water use.

### 4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls specified below.

The source (underground storage tank system) was removed and contaminated soil was excavated and removed from the Site. Ground water monitoring wells were installed and

monitored from 2001 through 2005. Off-site monitoring wells were not impacted. Extent of shallow ground water contamination is limited to area near the former underground storage tanks.

### **Post-Cleanup Controls and Monitoring**

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Post-cleanup controls are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

**1. Compliance with institutional controls.**

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- No ground water from the contaminated zone may be taken for any use from the Property. This zone included all ground water extracted from the upper 32 feet of the subsurface.

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Whitman County:

- 1-1190-00-02-02-003

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

### **Periodic Review of Post-Cleanup Conditions**

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Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

### **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 and 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).

**Termination of Agreement**

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#EA0099).

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 by phone at 509/329-3522 or e-mail at [paca461@ecy.wa.gov](mailto:paca461@ecy.wa.gov).

Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

Enclosures (2): A – Description and Diagram of the Site  
B – Environmental Covenant for Institutional Controls

cc: Michael D. Wagoner  
Dolores Mitchell, VCP Financial Manager (without enclosures)

