



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

February 8, 2010

Ms. Duarte-Wilkinson  
Tesoro Refining and Marketing Company  
3450 South 344<sup>th</sup> Way, Suite 201  
Auburn, WA 98001-5931

**Re: No Further Action at a Property associated with a Site:**

- **Site Name:** Tesoro Refining & Marketing Co Blaine
- **Site Address:** 530 Peace Portal DR, Blaine
- **Facility/Site No.:** 43142599
- **VCP Project No.:** NW2215

Dear Ms. Duarte-Wilkinson:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Tesoro Refining & Marketing Co Blaine 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.

**Issues Presented and Opinion**

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1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

**NO. Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site.**

2. Is further remedial action still necessary elsewhere at the Site?

**YES. Ecology has determined that further remedial action is still necessary elsewhere at the Site.**

The extent of off-property contamination is not known (SES, February 11, 2005).

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 on the next page.



## **Description of the Property and the Site**

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This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

### **1. Description of the Property.**

The Property includes the following tax parcel in Whatcom County, which were affected by the Site and addressed by your cleanup:

- 415136 510064 0000.

**Enclosure A** includes a legal description of the Property. **Enclosure B** includes a diagram of the Site that illustrates the location of the Property within the Site.

### **2. Description of the Site.**

The Site is defined by the nature and extent of contamination associated with the following release:

- Gasoline-range Total Petroleum Hydrocarbon (TPHg) into the Soil and Ground Water.
- Benzene, toluene, ethylbenzene, and xylene (BTEX) into the Soil and Ground Water.

The release has affected more than one parcel of real property, including the parcel identified above.

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

### **3. Identification of Other Sites that may affect the Property.**

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the Property is affected by other sites.

## **Basis for the Opinion**

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- 1: Sound Environmental Strategies Corporation, Groundwater Monitoring Report, First and Second Semester 2008, Tesoro Refining and marketing Company, Facility No. 62154, Blaine, Washington. January 8, 2009.

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2. Washington State Department of Ecology. No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site and Recommended Groundwater Monitoring. September 27, 2006.
3. Tesoro Petroleum Companies, Inc. letter for Tesoro Station #62154 at 530 Peace Portal Drive, Blaine, WA and Ecology VCP site NW-1281. October 23, 2005.
4. Sound Environmental Strategies Corporation, 2005a, Tesoro Service Station #62154 at Blaine, WA Groundwater Monitoring Report. October 20, 2005.
5. Sound Environmental Strategies Corporation, 2005b, Tesoro Service Station #62154 at Blaine, WA Groundwater Monitoring Report. May 2, 2005.
6. Sound Environmental Strategies Corporation, 2005c, Tesoro Service Station #62154 at 530 Peace Portal Drive, Blaine, WA Voluntary Cleanup Program Cleanup Action Report. February 11, 2005.
7. Sound Environmental Strategies Corporation, 2004a, Tesoro Service Station #62154 at Blaine, WA Final UST Decommissioning Report. June 2, 2004.
8. Sound Environmental Strategies Corporation, 2004b, Tesoro Service Station #62154 at Blaine, WA Groundwater Monitoring Event Report. May 25, 2004.
9. Sound Environmental Strategies Corporation, 2003a, Tesoro Service Station #62154 at Blaine, WA June 2003 Groundwater Monitoring Event Report. October 20, 2003.
10. Sound Environmental Strategies Corporation, 2003b, Tesoro Service Station #62154 at Blaine, WA 2003 Groundwater Monitoring Program Report. July 2003.
11. Sound Environmental Strategies Corporation, 2003c, Tesoro Service Station #62154 at Blaine, WA March 2003 Groundwater Monitoring Event Report. April 15, 2003.
12. Sound Environmental Strategies Corporation, 2003d, Tesoro Service Station #62154 at Blaine, WA 2001-2002 Groundwater Monitoring Program Report. January 6, 2003.
13. Sound Environmental Strategies Corporation, 2002a, Tesoro Service Station #62154 at Blaine, WA September 2002 Groundwater Monitoring Event Report. October 31, 2002.
14. Sound Environmental Strategies Corporation, 2002b, Tesoro Service Station #62154 at Blaine, WA June 2002 Groundwater Monitoring Event Report. July 2, 2002.
15. Sound Environmental Strategies Corporation, 2002c, Tesoro Service Station #62154 at Blaine, WA 2001-2002 Groundwater Monitoring Report. March 22, 2002.

16. Sound Environmental Strategies Corporation, 2002d, Tesoro Service Station #62154 at Blaine, WA December 2001 Groundwater Monitoring Event Report. January 16, 2002.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425-649-7190.

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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#### **1. Cleanup of the Property located within the Site.**

Ecology has concluded that **no further remedial action** is necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

##### **a. Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property. The Site is described above and in **Enclosure B**.

##### **b. Establishment of cleanup standards for the Site.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA. MTCA Method A cleanup levels for soil and ground water are appropriate for the Site. The point of compliance is soil and ground water throughout the Property.

##### **c. Selection of cleanup for the Property.**

Ecology has determined the cleanup you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

The cleanup remedy selected for the Property included:

- oxygen-releasing compound added to 5 groundwater monitoring wells and nine other boring locations (March 2002),

- removal of the three underground storage tanks (USTs), associated piping, dispenser islands (March 2004), and
- demolition of structures on the Property and excavation of soil with levels of TPHg and BTEX above MTCA Method A cleanup levels for soil (November 2004). Approximately 2,400 tons of petroleum contaminated soil was removed from the Property and disposed of off-site.

**d. Cleanup of the Property.**

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards within the Property. A NFA opinion letter for the Property (September 27, 2006) was contingent on two rounds of ground water confirmation sampling conducted during wet and dry seasons below MTCA Method A cleanup levels.

Confirmation sampling conducted in 2008 resulted in levels of TPHg and BTEX in groundwater below MTCA Method A cleanup levels.

**2. Cleanup of the Site as a whole.**

Ecology has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for the Property, it constitutes only an **“interim action”** for the Site as a whole.

**Listing of the Site**

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Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Property will remain listed as part of the Site because the cleanup of the Property does not change the boundaries of the Site.

**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**:

- Change the boundaries of the Site.
- 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).

**Contact Information**

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Thank you for cleaning up your Property under the Voluntary Cleanup Program (VCP). We look forward to working with you to clean up the remainder of the Site.

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, please contact me by phone at 425-649-7038 or by e-mail at [rols461@ecy.wa.gov](mailto:rols461@ecy.wa.gov).

Sincerely,



Russ Olsen  
NWRO Toxics Cleanup Program

ro/lg/kp

Enclosures (2): A – Legal Description of the Property  
B – Description and Diagrams of the Site (including the Property)

cc: Daniel Krause, Sound Environmental Strategies  
Dolores Mitchell, Ecology (without enclosures)  
Sara Nied, Ecology

## **Enclosure A**

### **Legal Description of the Property**

**Site Name:** Tesoro Refining & Marketing Co Blaine

**Site Address:** 530 Peace Portal DR, Blaine

**Facility/Site No.:** 43142599

**VCP Project No.:** NW2215

**Parcel No:** 415136 510064 0000, Whatcom County

**Section:** 36 **Township:** 41 **Range:** 1W  $\frac{1}{4}$  **Section:** SE

## **Enclosure B**

### **Description and Diagrams of the Site (including the Property)**



Enclosure B.

Site Description

**Site Name:** Tesoro Refining & Marketing Co Blaine  
**Site Address:** 530 Peace Portal DR, Blaine  
**Facility/Site No.:** 43142599  
**VCP Project No.:** NW2215  
**Parcel No:** 415136 510064 0000, Whatcom County  
**Section:** 36 **Township:** 41 **Range:** 1W  $\frac{1}{4}$  **Section:** SE

The Site consists of soil and ground water contamination associated with retail service stations that operated on the site. Chemicals of concern are Gasoline-range Total Petroleum Hydrocarbon (TPHg) and benzene, toluene, ethylbenzene, and xylene (BTEX) in soil and ground water.

The boundaries of the Site extended past the boundaries of the Property (530 Peace Portal Drive) and may be co-mingled with sources that originated from service stations that surrounded the Property. South of the Property is a Chevron service station and a former Gull station was east of the Property. A Shell service station was once located to the north of the Property across "F" Street. Interstate 5 is approximately 500 feet northeast of the Property and Semiahmoo Bay is less than 1000 feet northwest of the Property. A creek, on the north side of "F" Street, flows to the northwest into Semiahmoo Bay.

The Site and Property is relatively flat at approximately 45 feet above mean sea level. The Property is underlain by stiff clay to a depth of 4 – 6 feet below ground surface (bgs). The clay is underlain by silty clay and/or sand. Ground water was observed between 2 – 7 feet bgs and appears to be in a perched zone. Ground water flow has been inferred to flow in a north-northeast direction towards "F" Street.

Petroleum contamination was first observed at the property in 1991. Six monitoring wells were installed on the Property and were monitored approximately two times per year until 2002 when the wells were sampled on a quarterly basis for one year.

In 2004, three underground storage tanks (USTs), associated piping, and dispenser islands were removed and the buildings demolished and removed in 2004.

Active remediation at the property consisted of:

- oxygen-releasing compound added to 5 groundwater monitoring wells and nine other boring locations (March 2002),
- removal of the three underground storage tanks (USTs), associated piping, dispenser islands (March 2004), and
- demolition of structures on the Property and excavation of soil with levels of TPHg and BTEX above MTCA Method A cleanup levels for soil (November 2004). Approximately 2,400 tons of petroleum contaminated soil was removed from the Property and disposed of off-site.

Confirmation soil samples indicated that soil remaining at the Property is below MTCA Method A cleanup levels.

September 27, 2006, Ecology issued a No Further Action (NFA) letter with post-remediation constraints for the Property. The NFA letter was contingent on ground water monitoring collected in February and September of 2008 at MW4 with analytical results below MTCA Method A cleanup levels for ground water. This sampling was completed with TPHg and BTEX in ground water below MTCA Method A cleanup levels.

Summary of MTCA Cleanup Levels for Soil at Property  
(MTCA Cleanup Regulation, Chapter 173-340 WAC, Publication No. 94-06  
Revised November 2007)

	TPHg	Benzene	Toluene	ethylbenzene	xylene
Ground water (ug.l)	800*	5	1,000	700	1,000
Soil (mg/Kg)	30*	0.03	7	6	9

\*concentration if benzene is present



