



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

May 14, 2012

Mr. Aaron Galer  
Northwest Pipeline GP - Williams  
295 Chipeta Way #1  
Salt Lake City, UT 84108

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

- **Site Name:** Northwest Pipeline Medical Lake
- **Site Address:** 23600 Espanola Road, Medical Lake, WA
- **Facility/Site No.:** 679
- **VCP Project No.:** EA0225

Dear Mr. Galer:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Northwest Pipeline Medical Lake 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 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 release:

- Mercury into the Soil.

**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(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 document:

Site Assessment and Remedial Action Report, Spokane West Meter Station: Portnoy Environmental, Inc., December 2011.

This document is 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 mercury in soil 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 groundwater. The land use is classified as unrestricted. The cleanup levels are as follows:

- Mercury (inorganic): 2 mg/kg

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

**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**

- Excavation and removal of contaminated soil.

#### 4. **Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Site assessments identified the extent of soil contamination. Contaminated soil was excavated and transported off-site for disposal.

#### **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 hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

#### **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**

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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 (#EA0225).

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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 [patti.carter@ecy.wa.gov](mailto:patti.carter@ecy.wa.gov).

Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

PC:eh

Enclosures: A – Description and Diagram of the Site  
cc: Alan Hopkins, PEI  
Dolores Mitchell, VCP Financial Manager (without enclosures)

## Site Description

- Mercury impacted soils were identified during a site assessment in 1990. Additional site assessments were conducted in 2008 – 2009 to determine the extent of contamination.
- Contaminated soil was excavated in 2010 and removed from the Site. Approximately 92.81 tons of non-hazardous soil was transported to the Graham Road Landfill in Spokane for disposal. Three bags of WT02 soil were transported to Arlington, Oregon for disposal. Two drums of soil were disposed of at Chemical Waste Management Retort facility in Wisconsin.
- Confirmation samples indicated that all contaminated soil had been removed from the Site.

(PEI, December 2011)

# Site Diagram

