

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Tesoro Logistics Operations LLC

AGREED ORDER

No. DE 12989

TO: Jeffrey M. Baker  
Tesoro Companies, Inc.  
3450 South 344<sup>th</sup> Way, Suite 201  
Auburn, WA 98001-9540

**TABLE OF CONTENTS**

I.	INTRODUCTION.....	3
II.	JURISDICTION.....	3
III.	PARTIES BOUND.....	3
IV.	DEFINITIONS.....	3
V.	FINDINGS OF FACT.....	4
VI.	ECOLOGY DETERMINATIONS.....	7
VII.	WORK TO BE PERFORMED.....	8
VIII.	TERMS AND CONDITIONS.....	9
	A. Remedial Action Costs.....	9
	B. Designated Project Coordinators.....	10
	C. Performance.....	11
	D. Access.....	11
	E. Sampling, Data Submittal, and Availability.....	12
	F. Public Participation.....	13
	G. Retention of Records.....	14
	H. Resolution of Disputes.....	14
	I. Extension of Schedule.....	15
	J. Amendment of Order.....	17
	K. Endangerment.....	17
	L. Reservation of Rights.....	18
	M. Transfer of Interest in Property.....	19
	N. Compliance with Applicable Laws.....	19
	O. Land Use Restrictions.....	20
	P. Periodic Review.....	20
	Q. Indemnification.....	21
IX.	SATISFACTION OF ORDER.....	21
X.	ENFORCEMENT.....	21
	EXHIBIT A            Site Diagram	
	EXHIBIT B            Scope of Work	

EXHIBIT C          Public Participation Plan

## **I. INTRODUCTION**

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Tesoro Logistics Operations LLC (Tesoro) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Tesoro to conduct a supplemental remedial investigation (RI) at the former Chevron Pipe Line Company Pasco Bulk Terminal Site located at 2900 Sacajawea Park Road, Pasco, Franklin County, Washington. Ecology believes the actions required by this Order are in the public interest.

## **II. JURISDICTION**

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

## **III. PARTIES BOUND**

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. Tesoro agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter Tesoro's responsibility under this Order. Tesoro shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

## **IV. DEFINITIONS**

Unless otherwise specified herein, the definitions set forth in RCW 70.105D and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as the former Chevron Pipe Line Company Pasco Bulk Terminal Site and is generally located at 2900 Sacajawea Park Road, Pasco, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site and is not limited by property boundaries. Based upon factors currently known to Ecology, the

Site is generally described in the Site Diagram (Exhibit A). The Site constitutes a facility under RCW 70.105D.020(8). The Site's Facility Site ID No. is 55763995 and the Cleanup Site ID No. is 4867.

B. Parties: Refers to the State of Washington, Department of Ecology and the Tesoro Logistics Operations LLC (Tesoro).

C. Potentially Liable Person (PLP): Refers to Tesoro.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms "Agreed Order" or "Order" shall include all exhibits to this Order.

#### V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by Tesoro:

A. The Pasco Bulk Fuel Terminal at 2900 Sacajawea Park Road, Pasco, Washington has operated as a bulk fuel terminal since September 1950. Chevron Pipeline Company (Chevron) reportedly purchased the Site from Chevron Marketing in 1995. The Tidewater Terminal Company operates pipelines at the Pasco Bulk Fuel Terminal.

B. In 1976, a release of 665 barrels or about 28,000 gallons of petroleum was reported at the Site. Since the 1976 release, Chevron documented 10 releases at the Site. Of these post-1976 releases, two were over 1,000 gallons.

C. Ecology's Toxics Cleanup Program conducted an initial investigation of the facility on December 12, 2000, and informed Chevron by letter dated December 12, 2000, that the facility would be listed on Ecology's hazardous sites database. Prior to the initial investigation, the facility was administered by Ecology's Water Quality Program.

D. Franklin County Health District completed a Site Hazard Assessment of the facility in August 2001. The facility received a hazard ranking of three on a scale of one to five with one being considered the greatest potential threat to human health and the environment.

E. Between 1986 and 2000 Chevron conducted various, phased remedial activities to remove petroleum hydrocarbons from the soil, groundwater and the vadose zone. These remedial activities included direct removal of soil containing petroleum hydrocarbons, skimming of phase-separated hydrocarbons in wells, bioventing, and air sparging. Since 2000, Chevron relied on monitored natural attenuation to reduce the concentration of dissolved-phase hydrocarbons in groundwater. While Chevron submitted groundwater monitoring data to Ecology, Chevron's groundwater monitoring and the other activities it performed were not done under Ecology's Voluntary Cleanup Program or under an administrative order.

F. Chevron has performed groundwater monitoring at the Site since 1983. Groundwater monitoring reports have been submitted at least annually through 2006. Phase-separated hydrocarbons have not been observed in any of the Chevron monitoring wells since 2003. In the four monitoring wells closest to the Snake River, dissolved-phase constituents related to petroleum hydrocarbons have been below Ecology Method A cleanup levels since July 2006, and have not been detected since 2007.

G. In July 2000, Tidewater reported a fuel line leak to Ecology. In September of 2000, after an initial investigation, Ecology sent a letter to Tidewater that informed Tidewater that Ecology believed that a release of hazardous substances had occurred at the Site and that Ecology intended to add the Tidewater property to its database of suspected hazardous waste sites. Franklin County Health District completed a Site Hazard Assessment of the release area in August 2001. The facility received a hazard ranking of three on a scale of one to five with one being considered the greatest potential threat to human health and the environment.

H. From 2000 to 2003, Tidewater conducted various remedial activities to remove petroleum hydrocarbons from the groundwater and vadose zone including free product pumping, vapor enhanced free product pumping, vadose zone vapor extraction, and air sparge/enhanced bioremediation skimming in groundwater. The active remedial activities were discontinued after free product removal was observed, asymptotic extraction levels were obtained, and monitoring

indicated plume stabilization and contraction (reduction in plume extent and concentration in groundwater).

I. Tidewater has performed groundwater monitoring at the Site since 2000. Post remediation sampling has shown removal of free product and reductions in lateral extent and concentration of petroleum hydrocarbons in groundwater.

J. On December 4, 2009, Ecology, Chevron, and Tidewater entered into Agreed Order No. 7294 that required Chevron and Tidewater to conduct a site-wide remedial investigation/feasibility study (RI/FS) at the former Chevron Pipe Line Company Pasco Bulk Terminal Site.

K. As part of the RI/FS, Chevron and Tidewater conducted further sampling of monitoring wells at the Site. One sampling event took place in June 2010 using existing Chevron and Tidewater monitoring wells and a second Site-wide sampling event took place in December 2010.

L. In October 2011, Chevron and Tidewater finalized the RI/FS report for the Site. The FS presented an evaluation of the chemicals identified in the RI, evaluated cleanup action alternatives, and recommended a preferred remedial alternative. The RI/FS's findings are as follows:

- Liquid phase petroleum hydrocarbons have been sufficiently removed and addressed at the Site based on analytical data from the June 2010 and December 2010 sampling events.
- Residual dissolved-phase petroleum hydrocarbons still remain on-site within localized areas. The lateral extent of the dissolved-phase plume has continued to decrease since active remedial actions were discontinued.

M. The RI/FS report was finalized in March 2012 after a 30-day public comment period. Ecology prepared a responsiveness summary to address the four comments received during the 30-day public review of the RI/FS report.

N. Tesoro purchased the Pasco Bulk Fuel Terminal from Chevron on June 19, 2013.

O. Sampling results from exploratory borings drilled in June 2015 and from routine groundwater monitoring which continued after the RI/FS report was finalized, demonstrated that historic releases and associated groundwater contamination plumes from the Tidewater portion of the site were separate, distinct, and not comingled with those releases and contamination associated with the portions of the Site owned by Tesoro (formerly Chevron).

P. In order to facilitate site cleanup and additional investigation, in July 2015 Ecology separated the Site into two distinct and unique sites. The Tesoro site, the former Chevron Pipe Line Company Pasco Bulk Terminal Site is the area associated with the former Chevron releases and related groundwater plumes. The other site, the Tidewater Fuel Line Leak Site, is the area associated with the Tidewater fuel line release and related groundwater plume (Exhibit A).

#### **VI. ECOLOGY DETERMINATIONS**

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by Tesoro.

A. Tesoro is an “owner or operator” as defined in RCW 70.105D.020(22) of a “facility” as defined in RCW 70.105D.020(8).

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology sent a preliminary PLP status letter to Tesoro dated October 17, 2013 pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Tesoro is a PLP under RCW 70.105D.040 and notified Tesoro of this determination by letter dated November 21, 2013

D. Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require Tesoro to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the

foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that Tesoro take the following remedial actions at the Site and that these actions be conducted in accordance with WAC 173-340 unless otherwise specifically provided for herein:

A. Tesoro will plan, implement, and report on the conduct of a supplemental Remedial Investigation (RI) for the former Chevron Pipe Line Company Pasco Bulk Terminal Site. Attached hereto as Exhibit B is a Scope of Work for the completion of a supplemental RI. Exhibit B is incorporated by reference as an integral and enforceable part of the Order.

B. Tesoro will submit all necessary plans to implement the Scope of Work (Exhibit B) to Ecology for review and approval according to the Schedule of Deliverables included in Exhibit B. Within 30 days of the effective date of the Order, Tesoro shall submit a project plan consisting of a RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work to be Performed for review and approval. In an effort to streamline the process, previously approved plans may be used to satisfy the requirements of this Order. Upon approval by Ecology, Tesoro will proceed with field implementation of the plans in accordance with an agreed upon schedule.

C. Plans shall include a detailed description of site conditions, work to be performed, personnel requirements, and schedules for implementation and deliverables for the following tasks:

- a. TASK I. Project Plan including RI Work Plan, Sampling and Analysis Plan, and Health and Safety Plan.
- b. TASK II. Conduct RI Field Investigations.
- c. TASK III. Remedial Investigation/Feasibility Study Report.

These tasks and each element thereof shall be designed, implemented, and completed in accordance with the Model Toxics Control Act (Chapter 70.105D RCW) and its implementing



regulation (Chapter 173-340 WAC) as amended, and all applicable federal, state, and local laws and regulations.

D. If at any time after the first exchange of comments on drafts Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this section, Ecology may complete and issue the final deliverable. Ecology will provide advance written notice of any decision to complete a deliverable.

E. If the Parties agree on an interim action under Section VI.E, Tesoro shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). Tesoro shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and Tesoro is required to conduct the interim action in accordance with the approved Interim Action Work Plan.

F. Except where necessary to abate an emergency situation, Tesoro shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

## **VIII. TERMS AND CONDITIONS**

### **A. Remedial Action Costs**

Tesoro shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under RCW 70.105D, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). For all costs incurred, Tesoro shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification

of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

**B. Designated Project Coordinators**

The project coordinator for Ecology is:

Patrick Cabbage  
4601 N Monroe St  
Spokane, WA 99205-1295  
(509) 329-3543

The project coordinator for Tesoro is:

Jeffrey M. Baker, P.E.  
3450 South 344th Way, Suite 201  
Auburn, WA 98001-9450  
(253) 896-8708

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and Tesoro, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

**C. Performance**

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

Tesoro shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

**D. Access**

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that Tesoro either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing Tesoro's progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by Tesoro. Tesoro shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by Tesoro where remedial activities or investigations will be performed

pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by Tesoro unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any applicable health and safety plan(s) and briefing(s), including reviewing and signing acknowledgement forms regarding compliance with such plan(s) and briefing(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

**E. Sampling, Data Submittal, and Availability**

With respect to the implementation of this Order, Tesoro shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, Tesoro shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by Tesoro pursuant to implementation of this Order. Tesoro shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow Tesoro and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.E (Access), Ecology shall notify Tesoro prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

**F. Public Participation**

Ecology shall maintain the responsibility for public participation at the Site. However, Tesoro shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify Tesoro prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by Tesoro that do not receive prior Ecology approval, Tesoro shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Mid Columbia Library  
1320 West Hopkins Street  
Pasco, WA 99301-5097
- b. Ecology's Eastern Regional Office  
4601 N Monroe St  
Spokane, WA 99205-1295

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Eastern Regional Office in Spokane, Washington.

**G. Retention of Records**

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, Tesoro shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, Tesoro shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right Tesoro may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If Tesoro withholds any requested records based on an assertion of privilege, Tesoro shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

**H. Resolution of Disputes**

1. In the event that Tesoro elects to invoke dispute resolution Tesoro must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), Tesoro has fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute ("Informal Dispute Notice").

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve

the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision ("Informal Dispute Decision") stating: the nature of the dispute; Tesoro's position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. Tesoro may then request regional management review of the dispute. This request ("Formal Dispute Notice") must be submitted in writing to the Eastern Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute ("Decision on Dispute") within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII.E (Work to be Performed) or initiating enforcement under Section X (Enforcement).

#### **I. Extension of Schedule**

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline

for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

- a. The deadline that is sought to be extended;
- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on Tesoro to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of Tesoro including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by Tesoro;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.K (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of Tesoro.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give Tesoro written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.K (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:



- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.K (Endangerment).

**J. Amendment of Order**

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.L (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and Tesoro. Tesoro shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H(Resolution of Disputes).

**K. Endangerment**

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct Tesoro to cease such activities for such period of time as it deems necessary to abate the danger. Tesoro shall immediately comply with such direction.

In the event Tesoro determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, Tesoro may cease such activities. Tesoro shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities.

Upon Ecology's direction, Tesoro shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with Tesoro's cessation of activities, it may direct Tesoro to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, Tesoro's obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.I (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

**L. Reservation of Rights**

This Order is not a settlement under RCW 70.105D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against Tesoro to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against Tesoro regarding remedial actions required by this Order, provided Tesoro complies with this Order.

Ecology nevertheless reserves its rights under RCW 70.105D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, Tesoro does not admit to any liability for the Site. Although Tesoro is committing to conducting the work required by this Order under the terms of this Order, Tesoro expressly reserves all rights available under law, including but not limited to the right to

seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

**M. Transfer of Interest in Property**

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Tesoro without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to Tesoro's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, Tesoro shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, Tesoro shall notify Ecology of said transfer. Upon transfer of any interest, Tesoro shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

**N. Compliance with Applicable Laws**

1. All actions carried out by Tesoro pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order;

2. Pursuant to RCW 70.105D.090(1), Tesoro is exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, Tesoro shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

Tesoro has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or Tesoro determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this

Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or Tesoro shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Tesoro shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by Tesoro and on how Tesoro must meet those requirements. Ecology shall inform Tesoro in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. Tesoro shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and Tesoro shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

**O. Land Use Restrictions**

In consultation with Tesoro, Ecology will prepare the Environmental (Restrictive) Covenant consistent with WAC 173-340-440 and RCW 64.70. After approval by Ecology, Tesoro shall record the Environmental (Restrictive) Covenant with the office of the Franklin County Auditor within ten (10) days of the completion of performance monitoring. The Environmental (Restrictive) Covenant shall restrict future activities and uses of the Site as agreed to by Ecology and Tesoro. Tesoro shall provide Ecology with the original recorded Environmental (Restrictive) Covenant within thirty (30) days of the recording date.

**P. Periodic Review**

As remedial action, including groundwater monitoring, continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as

a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of cleanup action at the Site the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

**Q. Indemnification**

Tesoro agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of Tesoro, its officers, employees, agents, or contractors in entering into and implementing this Order. However, Tesoro shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

**IX. SATISFACTION OF ORDER**

The provisions of this Order shall be deemed satisfied upon Tesoro's receipt of written notification from Ecology that Tesoro has completed the remedial activity required by this Order, as amended by any modifications, and that Tesoro has complied with all other provisions of this Agreed Order.

**X. ENFORCEMENT**

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
- C. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

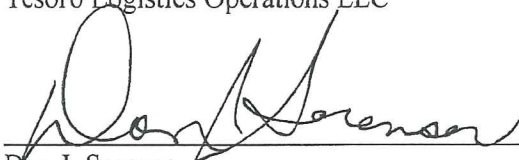
2. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.

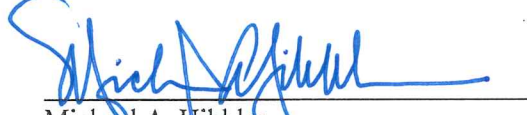
This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: 23 March 2016

Tesoro Logistics Operations LLC

  
\_\_\_\_\_  
Don J. Sorenson  
Vice President, Operations  
(210) 626-6195

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

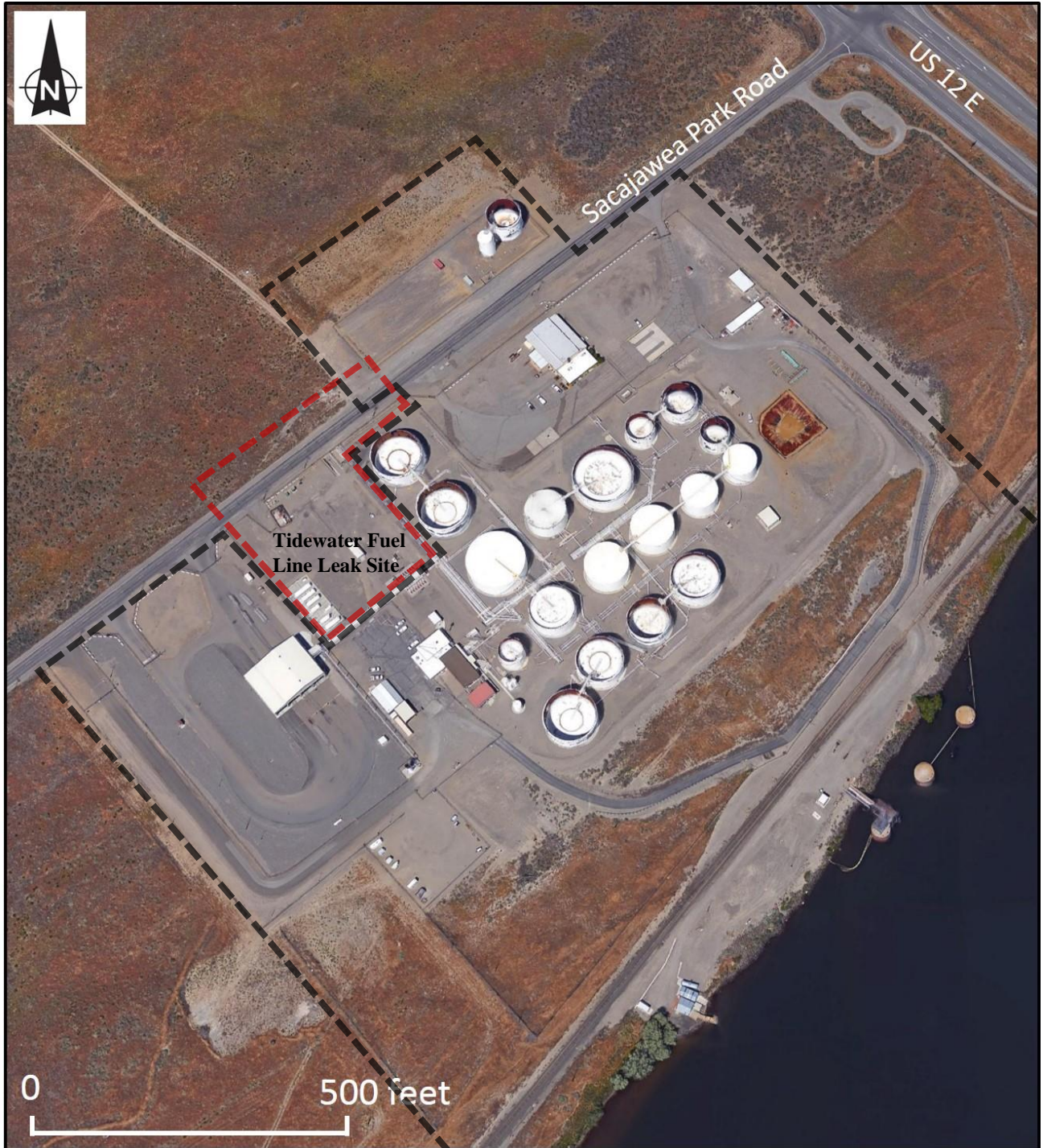
  
\_\_\_\_\_  
Michael A. Hibbler  
Section Manager  
Toxics Cleanup Program  
Eastern Regional Office  
(509) 329-3568



VIEW



EXHIBIT A

Former Chevron Pipe Line Company Pasco Bulk Terminal Site



-  Approximate boundary of the former Chevron Pipe Line Company Pasco Bulk Terminal Site
-  Approximate boundary of the Tidewater Fuel Line Leak Site

## EXHIBIT B

### FORMER CHEVRON PIPE LINE COMPANY PASCO BULK TERMINAL SITE SCOPE OF WORK SUPPLEMENTAL REMEDIAL INVESTIGATION/FEASIBILITY STUDY

This Scope of Work is to investigate contamination at the former Chevron Pipe Line Company Pasco Bulk Terminal site (Site), located at 2900 Sacajawea Park Road, Pasco, Washington. This scope of work prepared by the Washington Department of Ecology (Ecology) is to be used by the potentially liable persons (PLPs) to develop Work Plans in order to complete a Supplemental Remedial Investigation/Feasibility Study (RI/FS) at the Site.

The RI is to supplement existing data and determine the nature and extent of contamination at the Site. The FS will evaluate remedial alternatives that are applicable for Site cleanup. The information and data gathered during the RI/FS will be used to identify if additional data needs to be collected and determine an appropriate remedial action. Parts of this Scope of Work that have already been completed as part of previous RI/FS work for the Site may be used to complete the requirements described below. The PLPs will furnish all personnel, materials, and services necessary for, or incidental to, performing the Remedial Investigation at the Site.

The RI/FS shall contain the following tasks:

#### Task I: RI/FS Project Plan

##### A. Supplemental RI/FS Work Plan

A work plan outlining procedures for the Remedial Investigation must be prepared which includes the following information:

##### 1. Background Summary

Any pertinent Site information including, but not limited to:

- a. Maps – topographical, property lines, underground and aboveground tank locations, sumps, piping, pumping stations, well locations, surface water bodies near the vicinity of the Site, previous Site investigations; all maps will be consistent with the requirement set forth in WAC 173-340-840(4) and be of sufficient detail and accuracy to locate and report all current and future work performed at the Site.
- b. A discussion of Site history, including the location of current and former operations and activities at the Site.
- c. General geology and hydrogeology of the Site area and a brief discussion of local climate.



2. Evaluation of Existing Data

A discussion of activities and data already collected during previous investigations, including but not limited to the identification of existing and proposed locations for groundwater monitoring wells, and the potential requirement for additional data.

3. Task II Work Plans and Schedules

B. Sampling and Analysis Plan

The PLPs must prepare a Sampling and Analysis Plan for use during all Site characterization studies. The Sampling and Analysis Plan must contain:

1. Field Sampling and Testing Plans – The plan will describe in detail the sampling, testing, and data gathering methods, locations, frequency and other field study procedures that will be used for obtaining data required to complete the RI/FS. The Sampling and Testing Plan will include the following:
  - a. Specific sampling methods, including number and type of QA/QC samples.
  - b. Sampling locations and designations, including access considerations.
  - c. Types of media to be sampled and the number of samples of each.
  - d. Schedule and task assignments.
  - e. Supplies and equipment.
  - f. Monitoring well construction requirements.
  - g. Analytical procedures, methods, and detection limits.
  - h. Sample custody procedures, including holding times, containers, and preservation.
  - i. Shipping and handling arrangements.
2. Quality Assurance Project Plan (QAPP)
  - a. Field quality assurance/quality control (QA/QC) methods.
  - b. Chain of custody procedures.

- c. Decontamination procedures.
  - d. Laboratory QA/QC methods.
  - e. Electronic data management, archival, and transmittal protocols.
3. Health and Safety Plan
- a. Level of protection.
  - b. Hazard evaluation.
  - c. Waste characteristics.
  - d. Special considerations and emergency information.

C. Public Participation Plan

Ecology will prepare a Public Participation Plan in accordance with WAC 173-340-600. The PLPs will be provided an opportunity to provide feedback about the Plan and participate in the implementation.

Task II: Remedial Investigation

The purpose of the Remedial Investigation is to obtain the information necessary to supplement and verify existing data. That information will be used to characterize the Site and sources, types, and extent of contamination present to sufficiently complete the Feasibility Study. The resulting data must meet the criteria set out in the QAPP and be of sufficient quality to develop an appropriate remedial action for the Site. The investigation will meet the requirements stated in WAC 173-340-350 and, more specifically, must include the following elements:

A. Site Characterization

Collect analytical data on groundwater and soils contamination in the vicinity of the Site. Considering information on historical operations and hydrogeology, the data must be sufficient to delineate the depth, areal extent, velocity and direction of contaminant movement, type, and concentration of contaminants.

- 1. Collect background information from the previous environmental investigations, other Ecology information, and any other historical data.

2. Hydrogeology

An investigation of the regional and Site specific geologic and hydrogeologic characteristics affecting groundwater flow beneath the Site

- a. Evaluate and monitor all existing monitoring wells.

- b. Install new groundwater monitoring wells and soil borings where needed.
- c. Measure water levels in all wells and new borings.
- d. Characterize regional stratigraphy and lithology based on well logs, maps, and any other information available.
- e. Estimate hydraulic conductivity and porosity based on well logs, samples, and other general information available.
- f. Prepare maps showing water levels and regional/Site hydrogeology.

3. Soils

- a. Install soil borings and/or test pits, where needed.
- b. Characterize soil samples using the Unified Soil Classification System (USCS).
- c. Prepare logs for all borings and test pits.

B. Source and Contamination Characterization

- 1. Sampling locations will be selected to characterize the contamination.
- 2. Collect soil and groundwater samples sufficient to delineate nature and extent of contaminants and their impact to the environment.
- 3. Analytical data collected must help describe the nature, extent, and potential sources of contamination.

C. Potential Receptor Information

Collect data on the surrounding human and ecological populations that may be in contact with contaminants and potential routes of exposure for those populations.

- 1. Public Use/Site Access – Potential uses of the affected properties and the presence or absence of controls on Site access.
- 2. Potential Groundwater/Surface Water Uses – Any consumptive, recreational, or other use of groundwater and surface water in the area, and by which populations.
- 3. Environmental Receptors – Information on the presence of endangered or threatened species, potential habitats, and ecological environments.

### Task III: Supplemental RI/FS Report

The PLPs will complete a report documenting the Supplemental Remedial Investigation/Feasibility Study as required by WAC 173-340-350(7) and (8). This report will include the following elements:

#### A. Remedial Investigation

##### 1. Background Information

- a. Site History.
- b. Previous Studies.

##### 2. Nature and Extent of Contamination

The PLPs will prepare an assessment and description of the degree and extent of contamination. This should include:

- a. Data Analysis – Analyze all data collected during Task II and prepare supporting maps and tables.
- b. Lab reports, previous investigations, well and boring logs, and any other documentation of characterization activities must be included.

##### 3. Applicable Relevant and Appropriate Requirements (ARARs) Analysis

Identify Applicable local, State and Federal Laws for cleanup of the Site in accordance with WAC 173-340-710.

##### 4. Cleanup Levels/Risk Assessment Analysis

Perform a baseline Model Toxics Cleanup Act (MTCA) cleanup levels analysis/baseline risk assessment characterizing the current and potential threats to public health and the environment that may be posed by hazardous substances at the facility. The assessment will integrate cleanup standards and risk assessment as required by WAC 173-340-357 and WAC 173-340-708.

##### 5. Discussion and Recommendations

- a. Interpret and discuss data to determine the nature and extent of the contamination and to support final recommendations for the Site.
- b. A summary of all possible and suspected source areas of contamination based on the data collected will be included.

- c. Any known or potential risks to the public health, welfare, and the environment should be discussed.
- d. Recommendations should be provided identifying additional data requirements.

B. Feasibility Study

- a. Identification of contamination to be remediated.
- b. Identification and initial screening of treatment technologies.
- c. Proposed remedial alternatives and evaluation with respect to MTCA criteria.
- d. Recommended alternative.

**Schedule of Deliverables**

<u>Deliverables</u>	<u>Date Due</u>
Effective date of Order	Start
PLPs to Submit Agency Review Draft RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work to be Performed	30 days after start
PLPs to Submit Revised RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work to be Performed	30 days after PLPs receive Ecology’s comments on Draft Documents
PLPs to Submit Final RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work to be Performed	14 days after PLPs receive Ecology’s written approval of Revised RI/FS Work Plan
PLPs to begin implementation of RI	60 days after PLPs receive Ecology’s written approval of Revised RI/FS Work Plan
PLPs to Submit Agency Review Draft RI/FS Report	As approved in RI/FS Work Plan
PLPs to Submit Revised, Public Review Draft RI/FS Report	30 days after PLPs receive Ecology’s comments on Draft Document
PLPs to Submit Final RI/FS Report	30 days after PLPs receive Ecology’s written approval of Revised RI/FS Report draft
Progress Reports	Every 3 months after characterization has begun.

**EXHIBIT C**

**FORMER CHEVRON PIPE  
LINE COMPANY PASCO BULK  
TERMINAL SITE**

**Draft Public Participation Plan**

**Agreed Order  
for a  
Remedial Investigation/  
Feasibility Study**

Prepared by:  
Washington State Department of Ecology

**Para asistencia Español:** Greg Bohn, (509) 454-4174

**Если вам нужна помощь на русском, звоните:** Larissa Braaten (509) 710-7552

**November 2015**

## **Getting Involved in the Cleanup at the former Chevron Pipe Line Company Pasco Bulk Terminal Site**

The Washington State Department of Ecology (Ecology) encourages the public to learn about and get involved in decision-making opportunities at the former Chevron Pipe Line Company Pasco Bulk Fuel Terminal site. Opportunities are available during specific stages of the investigation and cleanup of contamination at the site. The site is located near 2900 Sacajawea Park Road in Pasco, Franklin County, Washington (See Appendix A – Site Map Figure 1).

The Public Participation Plan (Plan) overviews the Model Toxics Control Act (MTCA), which guides the formal cleanup process at sites in Washington State, and outlines when public notice will occur, the amount of time the public has to comment, where the potentially affected area is located, and ways the public may provide feedback. It also provides site background, a community profile, and concerns expressed by community members near the site.

### **Purpose of the Plan**

The Public Participation Plan has three main purposes:

- Promoting public understanding of Ecology’s responsibilities, planning, and cleanup activities at the site.
- Gathering information from the public that assists Ecology and the potentially liable persons (PLPs) in conducting the investigation and planning for cleanup in a manner that is protective of human health and the environment.
- Informing the community living near the site, as well as the general public, about cleanup activities and how to participate in the decision-making process.

### **Overview of the Public Participation Plan and the Model Toxics Control Act (MTCA)**

The Plan is required by MTCA, a “citizen-mandated” law that became effective in 1989 to provide guidelines for cleaning up contaminated sites in Washington State. This law sets standards to ensure cleanup is protective of human health and the environment. A glossary of MTCA terms is in Appendix C of this Plan.

Ecology’s Toxics Cleanup Program investigates reports of contamination that may threaten human health and the environment. If contaminants are confirmed during an investigation, the site is generally ranked and placed on a Hazardous Sites List (HSL). This list can be viewed on Ecology’s website: [http://www.ecy.wa.gov/programs/tcp/mtca\\_gen/hazsites.html](http://www.ecy.wa.gov/programs/tcp/mtca_gen/hazsites.html).

The former Chevron Pipe Line Company Pasco Bulk Terminal site is ranked a three on the Hazardous Sites List. A rank of one represents the highest level of concern and five the lowest. Current and former owners or operators, as well as any other PLPs of a site, may be held responsible for cleanup of contamination based on MTCA. The PLPs identified by Ecology for this site is Tesoro Logistics Operations LLC (Tesoro).

Public participation is an important part of cleanup under the MTCA process. The participation needs are assessed at each site according to the level of public interest and degree of risk posed by contaminants. Individuals who live near the site, community groups,



businesses, government, other organizations and interested parties are provided an opportunity to become involved in commenting on the cleanup process.

The Plan includes requirements for public notice, such as identifying reports about the site and the repositories where reports may be read, providing public comment periods, and holding public meetings or hearings. Other forms of participation may be community interviews, citizen advisory groups, questionnaires, or workshops.

### **Public Participation Grants and Technical Assistance**

Citizen groups may apply for public participation grants during open application periods: <http://www.ecy.wa.gov/programs/swfa/grants/ppg.html>. These grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues.

### **Amendments**

The Plan was developed by Ecology and complies with the MTCA regulations (Chapter 173-340600 WAC). It will be reviewed as cleanup progresses and may be amended if necessary. Amendments may be submitted to Ecology's public involvement coordinator, Erika Bronson ([erika.bronson@ecy.wa.gov](mailto:erika.bronson@ecy.wa.gov), 509-329-3546), for review and consideration. Ecology will determine final approval of the Plan as well as any amendments.

### **Review of Documents and Project Contacts**

Documents relating to the cleanup may be reviewed at the repositories listed on page 4 of this Plan. If individuals are interested in knowing more about the site or have comments regarding the Public Participation Plan, please contact one of the individuals listed on the following page.

<b>Contacts</b>	
<p><b>Washington Department of Ecology</b> Eastern Regional Office 4601 N. Monroe Spokane, WA 99205</p> <p>Patrick Cabbage, Site Manager Toxics Cleanup Program (509) 329-3543 <a href="mailto:patrick.cabbage@ecy.wa.gov">patrick.cabbage@ecy.wa.gov</a></p> <p>Erika Bronson, Public Involvement Toxics Cleanup Program (509) 329-3546 <a href="mailto:erika.bronson@ecy.wa.gov">erika.bronson@ecy.wa.gov</a></p> <p>Nicole Vermillion, Public Disclosure (509) 329-3415 <a href="mailto:nicole.vermillion@ecy.wa.gov">nicole.vermillion@ecy.wa.gov</a></p> <p><b>Para asistencia Español</b> Greg Bohn <a href="mailto:greg.bohn@ecy.wa.gov">greg.bohn@ecy.wa.gov</a> (509) 454-4174</p> <p><b>Если вам нужна помощь на русском, звоните</b> Larissa Braaten <a href="mailto:Larissa.braaten@ecy.wa.gov">Larissa.braaten@ecy.wa.gov</a> (509) 710-7552</p>	<p><b>Tesoro Logistics Operations LLC</b> Jeffrey M. Baker Lead Engineer, Environmental Tesoro Companies, Inc. 3450 South 344<sup>th</sup> Way, Suite 201 Auburn, WA 98001</p>

## **SITE BACKGROUND**

### **Site Overview**

Ecology is proposing to enter into an Agreed Order with Tesoro Logistics Operations LLC (Tesoro) to conduct a supplemental Remedial Investigation and Feasibility Study (RI/FS) at the former Chevron Pipe Line Company Pasco Bulk Fuel Terminal site. The site was formerly owned by Chevron Pipe Line Company until Tesoro purchased the site in June 2013. The site is located on the bank of the Snake River near 2900 Sacajawea Park Road in Pasco, Franklin County, Washington. (See Appendix A – Site Map Figure 1).

The Agreed Order between Tesoro and Ecology for this site continues the formal process under MTCA. The Agreed Order is a legal document issued by Ecology that formalizes the agreement between Ecology and Tesoro to assess the contamination and the need for cleanup actions at the site. The purpose of the supplemental Remedial Investigation is to gather more information to determine the nature and extent of petroleum contamination that may be in soil and groundwater. The Feasibility Study will evaluate cleanup options.

The 33-acre site houses 21 aboveground storage tanks and has been used as a bulk fuel storage facility since 1950. Fuel is transported through pipe lines from Salt Lake City, Utah to the terminal in Pasco. Pipe lines also transfer fuel from the barge loading and unloading facility, which is located at the Snake River, to the terminal.

Fuel may then be moved from the terminal by truck to retail stations or by barge to locations downstream along the Columbia River.

In the mid-1980s, petroleum product was discovered in certain groundwater monitoring wells at the site, and petroleum sheen was observed along the bank of the Snake River. Groundwater in the area varies in depth from about 75 feet below ground surface (bgs) at the top of the bluff near the aboveground fuel storage tank area to 15 feet bgs along the top portion of the riverbank.

Investigations were conducted in 1986 to determine the source of contamination. A pipe that transferred aviation fuel was found to be leaking and all terminal-related pipelines were removed from the subsurface in the area of the sheen. In 1987, contaminated soil and fuel product were removed from the subsurface and along the shoreline and backfilled with clean soil. Additional cleanup actions were taken to address the groundwater contamination near the aboveground storage tanks, and additional monitoring wells were installed.

In 2000 a release of gasoline was discovered that resulted from a hole in the Tidewater transfer pipe line at the site. Tidewater conducted soil and groundwater investigations and implemented cleanup activities to address the contaminants. Tidewater conducted soil and groundwater investigations and implemented cleanup activities to address the contamination. Ecology investigated the site and added it to the hazardous sites list in late 2000.

In December 2009, Ecology entered into an Agreed Order with Chevron (site owner before Tesoro) that required a site-wide RI/FS, which included sampling groundwater monitoring wells for petroleum contamination.

The new Agreed Order between Ecology and Tesoro requires Tesoro to supplement the 2009 RI/FS for the site. This will provide additional information about past and current site conditions, cleanup actions that have been completed and their effectiveness, and determine what needs to be done at the site to further protect human health and the environment.

### **Contaminants of Concern**

The primary contaminants of concern that are known at this time are petroleum products which include diesel, aviation fuel and gasoline in soil and groundwater.

## **COMMUNITY BACKGROUND**

### **Community Profile**

Pasco is located where the Columbia, Snake and Yakima rivers merge. The City of Pasco is one of the fastest growing in Washington State with a population over 50,000. In 2006, more

than 56 percent of the population was of Hispanic or Latino origin, and more than 38 percent of the businesses were owned by women. More than 54 percent of the population speaks a language other than English, generally Spanish.

The former Chevron Pipe Line Company Pasco Bulk Terminal site lies along the Snake River near where it merges with the Columbia River. The site is located near the Sacajawea State Park and is surrounded mainly by industrial property with the exception of a low-income mobile home park approximately one mile southwest of the site. Industries in the area are agriculture and transportation which includes a rail line that travels along the Snake River adjacent to the site. The federal government's Hanford Nuclear Reservation is located upstream from the site along the Columbia River.

### **Community Concerns**

Initial interviews were conducted on June 27, 2009, with people living in the Lakeview Manufactured Home Community at 1505 S. Road 40 E, Pasco, Washington. A local Spanish interpreter assisted in conducting the interviews. We conducted 15 interviews and knocked on 12 other doors with no answers. All of the residents were Spanish-speaking with 3 being bilingual. Most of the families we interviewed had at least 3 children; many had 5-6 children. The following are some of the concerns expressed by residents:

- Several individuals indicated their tap water smelled or tasted bad, and they were using tap water for cooking only, were using water filters, or were on bottled water. One homeowner indicated yellow water was coming out of the tap.
- A couple of women stated that their children were not allowed to play in the sprinkler water used in the yards at the trailer court. They said the water smelled bad and left a white residue on cars. They had been told by the trailer court manager not to let the children play in the sprinkler water. They wanted to know if there was something from the site or from pesticides in the water.
  - Ecology staff explained to residents that current information about groundwater indicates that contaminants from the site do not appear to be moving in groundwater toward the trailer park area. Residents were encouraged to contact their local health district about drinking water and sprinkler/irrigation water to determine what might be the source of the problem. Ecology provided information about these concerns to the Department of Health as well as the local Pasco Regional Health District.
- Several residents asked if they could be harmed by an explosion from the white tanks at the site. They were worried about the tanks exploding or pipes leaking.
  - Ecology staff explained that the companies were following regulatory standards to ensure safety of the tanks and the local residents.
- A man asked about the fish in the river near the site. He wanted to know if the fish had been tested for contamination and if they were safe to eat. He also asked about swimming and recreating on the shore near the site. He indicated a lot of people eat the fish and swim, boat, and use the shoreline near Hood Park and Wallula Lake across from the site as well as the river and shoreline by the site.

- A few individuals asked if security on Sacajawea Road could be improved. They said the road is used for street racing at night and a car wrecked and exploded last year killing a person. They were concerned that a car street racing could impact one of the petroleum tanks and create an explosion that would hurt them and their families.
  - Ecology staff explained to residents that this information would be passed on to the PLPs, but that these types of issues are not under Ecology's authority and are not part of this environmental project. Residents were also encouraged to contact local law enforcement for help reducing street car racing.

## Public Participation Activities and Timeline

The following is a list of some of the public participation efforts that will occur until the cleanup actions are completed:

- ☞ A **mailing list** has been developed for individuals who live near the site. The potentially affected vicinity covers any adjacent properties and homes and businesses within close proximity to the site, and areas to be investigated. These persons, along with the PLPs, will receive copies of all fact sheets developed regarding the cleanup process via first class mail. Additionally, individuals, organizations, local, state, and federal governments, and any other interested parties will be added to the mailing list as requested. Other interested persons may request to be on the mailing list by contacting Erika Bronson at the Department of Ecology (see page 4 for contact information).
- ☞ **Public Repositories** are locations where documents may be reviewed. The following locations will contain copies of any documents that go through the public review process related to the former Chevron Pipe Line Company Pasco Bulk Terminal site:

**WA Department of Ecology**  
4601 N. Monroe  
Spokane, WA 99205-1295  
Contact: Nicole Vermillion  
Public Disclosure Coordinator  
509-329-3445

**Mid-Columbia Library**  
1320 W. Hopkins Street  
Pasco, WA 99301-5097

**Ecology's Website:** <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4867>

- ☞ **Opportunity to Comment**

During each stage of cleanup, Ecology distributes educational **fact sheets** to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, and what happens next in the cleanup process.

A **30-day comment period** allows interested parties to comment on the cleanup process. The fact sheet contains contact information about where to submit comments and where and when public meetings or hearings will be held, if requested.

The information from these fact sheets is also published in a statewide **Site Register** that is sent to those who request to be on that mailing list. To receive the Site

Register, please contact Seth Preston, Ecology's Toxics Cleanup Program communications manager, at 360-407-6848 or [Seth.Preston@ecy.wa.gov](mailto:Seth.Preston@ecy.wa.gov).

The fact sheets are also posted on Ecology's Toxics Cleanup Program website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4867>

**Display ads or legal notices** are published in English and Spanish in the *Tri-City Herald* and *tú Decides* newspapers, and on Ecology's Public Events Calendar (<https://fortress.wa.gov/ecy/publiccalendar/>) at the beginning of the 30-day comment period. These media outlets are also used to announce public meetings, workshops or hearings.

- ☞ **Public meetings, workshops, open houses, and public hearings** are held based on the level of community interest. If 10 or more people request a public meeting or hearing based on the subject of the public notice, Ecology will hold a meeting or hearing and gather comments. Ecology will make every effort to hold meetings at a location closest to the majority of residents near the site. Residents at the Lakeview Manufactured Home Community have requested Ecology hold a meeting there. If the facility meets American with Disabilities Act standards for accessibility and can hold all of the people who may be interested, Ecology will hold a meeting at that location. A Spanish-English translator will be provided at any meetings, workshops, open houses or public hearings held regarding site information. These events are announced through display ads or legal notices and Ecology's website.
  
- ☞ Flyers may also be made available in various locations throughout the community (for example, postings at local businesses, schools, libraries, etc.) to announce public comment periods, meetings, workshops, etc.

### Answering Questions from the Public

If you have questions about fact sheets, documents available for public comment, meetings and hearings, or about the general cleanup process, you are encouraged to contact one of the individuals listed on page 4.

### Public Notice and Comment Periods Timeline

DATE	ACTION TAKEN
November 12, 2015	Notice in Site Register about negotiations beginning
December ?, 2015	Beginning of 30-day Public Comment Period for an Agreed Order for a supplemental Remedial Investigation/Feasibility Study
Anticipated January ?, 2016	End of 30-day Public Comment Period for Agreed Order for a supplemental Remedial Investigation/Feasibility Study



# APPENDIX A: SITE MAP



Figure 1. Former Chevron Pipe Line Pasco Bulk Terminal site

## **APPENDIX B: CURRENT MAILING LIST** **(to be included in final hard copy of the Agreed Order)**

## **APPENDIX C: GLOSSARY**

**Agreed Order:** A legal document issued by Ecology that formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed to assess contamination and possible cleanup options at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

**Applicable State and Federal Law:** All legally applicable requirements and other requirements that Ecology determines are relevant and appropriate.

**Area Background:** Concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site as a result of human activities unrelated to releases from that site.

**Carcinogen:** Any substance or agent that produces or tends to produce cancer in humans.

**Chronic Toxicity:** The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

**Cleanup:** The implementation of a cleanup action or interim action.

**Cleanup Action:** Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document that identifies the selected cleanup action and specifies cleanup standards and other requirements for a site. Following a comment period on a Draft Cleanup Action Plan, Ecology issues a final Cleanup Action Plan.

**Cleanup Level:** The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

**Cleanup Process:** The process for identifying, investigating, and cleaning up hazardous waste sites.



**Consent Decree:** A legal document approved and issued by a court that formalizes an agreement between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**Containment:** A container, vessel, barrier, or structure, whether natural or constructed, that confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Enforcement Order:** A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

**Environment:** Any plant, animal, natural resource, surface water (including underlying sediments), groundwater, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the State of Washington.

**Exposure:** Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

**Exposure Pathways:** The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

**Facility:** Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

**Feasibility Study (FS):** A study to evaluate alternative cleanup actions for a site. A comment period on a draft FS is required. Ecology selects the preferred cleanup alternative after reviewing those documents.

**Free Product:** A hazardous substance that is present as a liquid that is not dissolved in water, also known as a non-aqueous phase liquid. Petroleum products floating on the top of a body of water are one example.

**Groundwater:** Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

**Hazardous Sites List:** A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action, with 1 being considered the greatest potential threat to human health and the environment. The Hazardous Sites List can be downloaded from Ecology's website:  
[http://www.ecy.wa.gov/programs/tcp/mtca\\_gen/hazsites.html](http://www.ecy.wa.gov/programs/tcp/mtca_gen/hazsites.html)

**Hazardous Substance:** Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

**Hazardous Waste Site:** Any facility where there has been a confirmed or threatened release of a hazardous substance that requires remedial action.

**Independent Cleanup Action:** Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

**Initial Investigation:** An investigation to determine whether a release may have occurred that warrants further action.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site.

**Mixed Funding:** Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

**Model Toxics Control Act (MTCA):** Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites (RCW 70.105D). It was approved by voters at the November 1988 general election and known is as Initiative 97. The implementing regulation is WAC 173-340.

**Monitoring Wells:** Wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

**Natural Background:** The concentration of a hazardous substance consistently present in the environment that is from natural sources and has not been influenced by localized human activities.

**National Priorities List (NPL):** The U.S. Environmental Protection Agency's (EPA) list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

**Owner or Operator:** Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

**Polynuclear Aromatic Hydrocarbon (PAH):** A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and by the combustion of fossil fuels.

**Potentially Liable Person (PLP):** Any person whom Ecology finds, based on credible evidence, to be liable for contamination at a site under authority of RCW 70.105D.040.

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Recovery By-Products:** Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

**Release:** Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

**Remedial Action:** Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

**Remedial Investigation (RI):** A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

**Response to Comments:** A document compiling all of the questions and comments about a document open for public comment and their respective answers/replies by Ecology. A response to comments document is mailed, at a minimum, to those who submitted comments, and its availability is published in the Site Register.

**Risk Assessment:** The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

**Sensitive Environment:** An area of particular environmental value, where a release could pose a greater threat than in other areas, including wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge, critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; or big game winter range.

**Site:** See Facility.

**Site Characterization Report:** A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

**Site Hazard Assessment (SHA):** An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

**Site Register:** Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control

Act. To receive this publication, please call (360) 407-7200 or email  
seth.preston@ecy.wa.gov.

**Surface Water:** Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the State of Washington or under the jurisdiction of the State of Washington.

**TCP:** Toxics Cleanup Program at Ecology

**Total Petroleum Hydrocarbons (TPH):** A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The “petroleum hydrocarbons” include compounds of carbon and hydrogen that are derived from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

**Toxicity:** The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

**Underground Storage Tank (UST):** A buried tank that stores liquid product and its connected underground piping, as defined in the rules adopted under Chapter 90.76 RCW.

**Washington Ranking Method (WARM):** Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.