

Tiger Oil  
FSN 469

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

In the Matter of )  
 )  
TIGER OIL CORPORATION site, ) ORDER  
2312 West Nob Hill Boulevard, )  
Yakima, Washington 98902 ) No. DE 90-C140  
 )  
 )

TO: Tiger Oil Corporation  
P.O. Box 1489  
Boise, Idaho 83701

I.  
JURISDICTION

This Order is issued pursuant to the authority of the Model  
Toxics Control Act, ch. 70.105D RCW.

II.  
FINDINGS OF FACT

1. Tiger Oil Corporation presently owns the property at 2312 West Nob Hill Boulevard, Yakima, Washington, 98902 ("the Site"). The Site is located within the NW1/4SE1/4 of Section 26, Township 13 North, Range 18 E.W.M., in Yakima County.
2. The Site is the site of a historic gasoline leak. There is an existing Order Docket No. DE 82-517 which Ecology issued to Tiger Oil Company for the Site. That Order is attached as Exhibit 1.
3. Initial investigations of this Site were conducted by the Department of Ecology and the City of Yakima, between December 1980 and September 1982, which resulted in locating the original leak. Further site investigation and fuel recovery have been done by Crowley (September 1982 to March 1983), Fuel Recovery Company (April 1983 to April 1985), and Soil Exploration Company (May 1985 to September 1985). Estimated petroleum product lost to the soil and/or ground water was 20,000 gallons. In Spring 1989, the Department of Ecology was notified that there was free petroleum product in the monitoring wells at the Site. In July 1989, the monitoring wells were bailed and free petroleum product found.
4. The Department of Ecology ("Ecology") has provided notice to Tiger Oil Corporation that it is a potentially liable person, that release or threatened release of a hazardous substance has occurred at the Site, and that remedial action will be required.

III.

ECOLOGY DETERMINATIONS

1. Tiger Oil Corporation is an "owner" as defined in RCW 70.105D.020(6).
2. The Site is a "facility" as defined in RCW 70.105D.020(3).
3. Petroleum is a "hazardous substance" as defined in RCW 70.105D.020(5).
4. The presence of petroleum product in the monitoring wells and soil of the Site constitutes a "release" as defined in RCW 70.105D.020(10).
5. Ecology has found Tiger Oil Corporation to be a potentially liable person under RCW 70.105D.040 after notice and opportunity for comment.
6. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050, Ecology may require potentially liable persons to conduct remedial actions with respect to the release or threatened release of hazardous substances whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology has determined that remedial action at the Site is in the public interest. Immediate stabilization of the Site and investigation leading to full site remediation will lead to a more expeditious cleanup.

IV.

ORDER

Based on the foregoing facts and determinations, it is hereby ordered that Tiger Oil Corporation take the following remedial actions:

1. Within twenty (20) days from the date of this Order, submit to Ecology a work plan and schedule of compliance for short term site stabilization for review, comment and approval.
2. Within sixty (60) days from the date of this Order, submit to Ecology a report detailing how Tiger Oil Corporation will proceed with a formal site investigation to determine the extent and characterization of the contamination, and a schedule for implementing this work for review, comment and approval.
3. Within one-hundred and twenty (120) days from the date of this Order, submit to Ecology the final remedial investigation/feasibility study leading to full site remediation for review, comment and approval.

V.  
TERMS AND CONDITIONS OF ORDER

1. Unless otherwise specified, the definitions set forth in ch. 70.105D RCW shall control the meanings of these terms.
2. Public Notice: Chapter 70.105D RCW and the rules proposed thereunder require that this Order be subject to concurrent public notice. RCW 70.105D.030(2)(a). Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of the Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect. Public notice of the remedial investigation and cleanup plan reports is also required.
3. Remedial Action Costs: Tiger Oil Corporation shall pay to Ecology all costs incurred by Ecology pursuant to ch. 70.105D RCW for investigative actions, remedial actions, and orders related to the Site. These costs shall include but not be limited to work performed by Ecology in the investigations preceding this Order and work performed by Ecology in the oversight or administration of this Order. The parties shall pay the required amount within thirty (30) days of receiving summary statements of Ecology's expenses. Failure to make payments in a timely manner may result in interest charges. Payments shall be sent to:

Washington Department of Ecology  
P.O. Box 5128  
Olympia, Washington 98503-5128

Payments shall be marked with "Tiger Oil Corporation" and number DE 90-C140.

4. Designated Project Coordinators: Within ten (10) days of the effective date of this Order, Tiger Oil Corporation shall designate one project coordinator. The Ecology project coordinator is:

Ms. Elaine Peterson  
Washington Department of Ecology  
Hazardous Waste Investigation  
and Cleanup  
801 Summitview Avenue, Suite 1  
Yakima, Washington 98902  
Telephone: (509) 454-7292

The project coordinators shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and Tiger Oil

Corporation 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. Should Tiger Oil Corporation change its project coordinator, written notification shall be given to Ecology, at least ten (10) calendar days prior to the change.

5. Performance: All remedial work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or equivalent, with experience and expertise in hazardous waste site investigation and cleanup. Tiger Oil Corporation shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site. The Ecology Project coordinator shall determine when the services of a professional engineer or hydrogeologist is necessary.
6. Access: Ecology or any Ecology authorized representative shall have the authority to enter and freely move about all property at the Site 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 the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator 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 Tiger Oil Corporation. This Order constitutes reasonable notice of access at all reasonable times for purposes of overseeing work performed under this Order.
7. Investigative Sampling: With respect to the implementation of this Order, Tiger Oil Corporation shall make the results of all sampling, laboratory reports, or test results generated by it, or on its behalf, available to Ecology in interim and final reports required under this Order.

At the request of Ecology, Tiger Oil Corporation shall allow split or duplicate samples to be taken by Ecology or its authorized representatives of any samples collected pursuant to the implementation of this Order. Except in the event of an emergency, Tiger Oil Corporation shall notify Ecology five (5) working days in advance of any sample collection activity. Ecology shall allow split or duplicate samples to be taken by Tiger Oil Corporation or its authorized representatives, of any samples collected by Ecology pursuant to the implementation of this Order unless Tiger

Oil Corporation fails to make available a representative for this purpose or unless splitting samples unreasonably interferes with Ecology's sampling.

8. Public Participation: Ecology shall maintain the responsibility for public participation regarding the Site.
9. Retention of Records: Tiger Oil Corporation shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken by contractors or agents of Tiger Oil Corporation, Tiger Oil Corporation shall require such contractors or agents to preserve all records, reports, documents, and underlying data relevant to this Order until the work required by this Order has been completed.
10. Modifications: Tiger Oil Corporation shall submit any request for significant modification to the work scope or schedule encompassed by this Order to Ecology's project coordinator for approval. Ecology shall indicate its approval or disapproval of such request in writing within a reasonable time after the request for modification is received. Any such disapproval shall state reason(s) for the disapproval. Ecology's decision regarding such request for modification shall be binding and final.

Ecology shall notify Tiger Oil Corporation in writing of significant modifications to the work scope or schedule of this Order that it may require and the basis for such modification. Tiger Oil Corporation shall thereafter comply with such modifications.

No guidance, suggestions, or comments by Ecology will be construed as relieving Tiger Oil Corporation of its obligations to obtain formal approval as may be required by this Order. No verbal communication by Ecology shall relieve Tiger Oil Corporation of the obligations specified herein.

11. Dispute Resolution: Tiger Oil Corporation may request Ecology to resolve disputes which may arise between Ecology and Tiger Oil Corporation or its subcontractors during the implementation of this Order. Such request shall be in writing and directed to the signatory of this Order. Upon receipt, Ecology shall issue a determination which shall be binding and final. Tiger Oil Corporation is not relieved of any requirement of this Order during pending dispute.

resolution and remains responsible for timely compliance with the terms of this Order unless otherwise provided by Ecology in writing.

12. Reservation of Rights: Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology reserves the right to require additional remedial action(s) at this Site should it deem such action(s) necessary.

In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or the environment, Ecology may order Tiger Oil Corporation to stop further implementation of this Order for such period of time as needed to abate the danger.

13. Compliance with Other Applicable Laws: All actions carried out by Tiger Oil Corporation pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary state or local permits.

#### VI. ENFORCEMENT

1. 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 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. If Tiger Oil corporation refuses, without sufficient cause, to comply with any term of this Order, then (a) Tiger Oil Corporation may be liable for up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and (b) additionally, Tiger Oil Corporation may be liable for civil penalties of up to \$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 Section 6 of ch. 70.105D RCW.

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Effective date of Order: March 29, 1990

Dated this 29<sup>th</sup> day of March 1990

STATE OF WASHINGTON  
Department of Ecology

By Clar Pratt  
Clar Pratt  
Section Supervisor  
Hazardous Waste Investigation  
and Cleanup

Exhibit 1: Order Docket No. DE 82-517





Tiger Oil  
FSN 469

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

In the Matter of )  
TIGER OIL CORPORATION site, )  
2312 West Nob Hill Boulevard, )  
Yakima, Washington 98902 )

ORDER  
No. DE 90-C140  
First Amendment

TO: Tiger Oil Corporation  
P.O. Box 1489  
Boise, Idaho 83701

Authority

This Amended Order is issued pursuant to the authority of the Model Toxics Control Act, Ch. 70.105D RCW.

First Amendment

The original Order No. DE 90-C140 was issued on March 29, 1990, and in Section IV, 1 through 3, ordered Tiger Oil Corporation to a series of actions. In response, Tiger Oil Corporation has assumed a cooperative posture, started initial site investigation, and agreed to a new and more comprehensive schedule. Accordingly, items 1 through 3, Section IV, of the original Order, are hereby amended to read as follows:

- 1. A work plan and schedule of compliance for short term site stabilization shall be submitted to Ecology for review, comment and approval. This work plan/schedule shall be post marked no later than July 9, 1990. Ecology response shall be post marked no later than 10 working days of receipt of the report. Upon written Ecology approval, Tiger Oil Corporation shall commence site stabilization within 14 days. (It is understood that some efforts contributing to site characterization and stabilization are already underway.)

9/28 + 14 +  
= 10/12  
+ 1400K  
= 11/12

2/91 Within 20 days of completing the short term site stabilization, Tiger Oil Corporation shall submit to this office a report detailing those activities that occurred.

- 2. Within 60 days of completion of the short term site stabilization work, Tiger Oil shall submit to Ecology for review and approval, a detailed report on planned site investigation to determine extent and characterization of contamination and work schedule. Ecology response shall be postmarked no later than 10 working days from receipt of this remedial investigation report.

4/91