



January 12, 2024

**SENT VIA EMAIL**

Mr. Barry Rogowski  
Toxics Cleanup Program Manager  
Department of Ecology  
300 Desmond Drive SE  
PO Box 47600  
Olympia, WA 98504-7600

RE: Clean-up ID: 16913 regarding Stillwater Holdings LLC

Dear Mr. Rogowski:

I am reaching out directly to you to seek immediate assistance from the Department of Ecology related to a significant and ongoing spill from a gas station facility in the City of Walla Walla. Safeguarding the health, safety and economic vitality of our community is central to the City's mission. The release of gasoline constituents at issue here has severely impacted multiple properties in Walla Walla, including the Marcus Whitman Hotel---one of the region's most iconic buildings and destinations. The stakes for our community are extremely high, and we need Ecology's help.

For the reasons discussed below, the City is deeply concerned with the pace of cleanup and lack of enforceable regulatory oversight over the release response to date. Based on the paramount concern the City has regarding the impacts to our community, it formally requests that Ecology use its enforcement authority under the cleanup or spill statutes along with any other regulatory or cleanup performance tools available to require expedited and enforceable response and remediation steps by the responsible party or parties.

For more background, a summary of events is available at <https://www.wallawallawa.gov/our-city/walla-walla-gasoline-release-2023>.

A brief timeline of key events is as follows:

- September 14, 2023: Marcus Whitman Hotel evacuated and closed for staff and guests due to gasoline constituents present in the basement sump and explosive risk.
- September 15, 2023: Pumping of free product and contaminated groundwater initiated and ventilation of impacted structures commenced.
- September 15, 2023 to October 16, 2023: Marcus Whitman Hotel remains closed until VOC levels are at safe level to reoccupy the building.
- September 17/18: Dept. of Ecology Spills Prevention, Planning, and Response Program responds.

A WONDERFUL PLACE TO **LIVE WORK PLAY**

- September 18, 2023: Elevated VOCs found in the basement of US Post Office. Post office closed.
- September 19, 2023: Sump pump in the basement of 106 N. 2<sup>nd</sup> Ave (vacant building north of the Chevron site) discovered to have gasoline and high levels of VOCs in vapor and otherwise.
- September 26, 2023: Ecology required the gas station to empty its tanks within 24 hours and put the facility on notice that it will conduct a site visit within 30 days.
- October 16, 2023 to date: Ventilation system in place at the Marcus Whitman Hotel continues to address VOC infiltration. Pumping continues every few days at the hotel's basement sump pumps. Hotel permitted to open.
- September 19, 2023 to date: Continued pumping and ventilation at 106 N. 2<sup>nd</sup> Avenue.
- October/November 2023: Ecology's response shifts from acute spill response to possible remedial cleanup activities supervised by the Toxics Cleanup Program.
- November 21, 2023: Ecology TCP issues an informal "technical assistance and opinion letter" responding to the actions and work plans by the property owner, Stillwater Holdings LLC. The letter provided specific recommendations for remedial activities, but did not order any specific action and did not legally require Stillwater Holdings LLC to complete any of the recommendations identified.
- November 21, 2023: Ecology formally informed the facility that it could begin operations again using the remaining intact premium tanks since those tanks had apparently not been identified as leaking (although investigation and site assessment is far from complete).
- January 4, 2024: Aspect Consulting (consultant for Stillwater Holdings LLC) submitted a work plan to Ecology for remediation. Among other things, its proposed timelines indicate USTs won't be removed until April.

As acknowledged by Ecology in its November 21, 2023, opinion letter, "the emergency response actions of the City of Walla Walla Fire Department, Department of Ecology's Spills Prevention, Preparedness, and Response Team (Spills) and Clean Harbors helped reduce the extent of a catastrophic release to historic downtown Walla Walla. Stillwater Holdings, LLC should take every measure to avoid the possibility of such release to happen again and work to remove contamination in the environment as expeditiously as possible to reduce any further impacts to the community." While it appreciates the efforts of Ecology to date, the City of Walla Walla is extremely concerned that every measure to avoid future releases and remediate the current impacts is not being independently implemented, nor are such actions mandated by Ecology under an enforceable schedule.

Two adjacent property owners, the Marcus Whitman Hotel and 106 N. 2<sup>nd</sup> Avenue, are bearing the brunt of the financial responsibility of the spill caused by Stillwater Holdings LLC-- to our understanding expending close to a million dollars to date. The gas station facility is operating and can pump fuel again, earning revenue, while the Marcus Whitman Hotel is still operating their sump pump and maintaining a ventilation system for mitigation reportedly at their own expense. Given the scale of release and the urgent need to implement investigation, mitigation and cleanup

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actions, the City has grave concern that the LLC does not have sufficient financial resources to remediate its release and reimburse innocent landowners for their response costs.

An unenforceable, voluntary timeline offered by Stillwater to remove the USTs and address the releases is unacceptable to the City. Removal or treatment of the release based on a thorough and expedited site investigation needs to happen under an enforceable schedule. As you likely know, the Marcus Whitman Hotel is a significant supporting element of regional tourism and a major employer. If remediation by the responsible party is not done immediately and competently, then the Marcus Whitman Hotel may have to close again. The social and economic impacts to this community will be immediate and long lasting if that were to happen. We are past the point of recommendations and implore Ecology to bring the full weight of its authority to require Stillwater Holdings LLC or any other liable party to appropriately respond to the contamination or to take other steps within its authority to address these exigent circumstances.

The City of Walla Walla is ready and willing to assist with expedited permitting for the UST removal and associated cleanup, and is willing to consider assisting with implementing the remedial actions if provided with adequate funding through an interagency agreement or grant. We are also ready to meet with you to provide additional information and details as needed. With the devastating impact this situation has had on the Marcus Whitman Hotel, I also plan to reach out to the Governor's office and to our statewide elected officials for assistance.

As a first step we respectfully request a videoconference call at your earliest convenience to discuss these issues. Our environmental counsel will attend, and for this reason we are copying a representative of the Attorney General's Office.

Thank you for your consideration, we look forward to your reply and to working closely with Ecology toward a solution.

Sincerely,



Elizabeth  
City Manager

cc: Heather Bartlett, Deputy Director  
Brook Beeler, Eastern Region Director  
Carlos Clements, Spills Program Manager  
Nick Acklam, Eastern Region Toxics Cleanup Program Section Manager  
Ivy Anderson, Office of the Attorney General, Ecology Division  
Tim Donaldson, Walla Walla City Attorney  
William Joyce, Environmental Counsel