



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

January 18, 2024

Ben Kleban
Stillwater Holdings
1948 Stillwater Drive
Walla Walla, WA 99362-8827

Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:

- **Site Name: Stillwater Holdings Chevron**
- **Site Address: 7 East Rose Street, Walla Walla, WA**
- **UST ID No: 005073**
- **Cleanup Site ID: 16913**
- **Facility/Site ID: 70525886**
- **County Assessor's Parcel Number(s): 360720574707**

Dear Ben Kleban:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the [Stillwater Holdings Chevron](#)¹ (Site) requiring cleanup under the [Model Toxics Control Act \(MTCA\)](#),² [Chapter 70A.305 RCW](#).³ This determination is based on a notification of a gasoline release on September 14, 2023 and subsequently reported underground storage tank testing information and environmental analytical data. Ecology has added the Site to Ecology's list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find Stillwater Holdings liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP." This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

¹ <https://apps.ecology.wa.gov/cleanupsearch/site/16913>

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Proposed Finding of Liability

Ecology is proposing to find Stillwater Holdings liable under [RCW 70A.305.040](#)⁴ for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

- Stillwater Holdings is an “Owner or Operator, as defined in RCW 70A.305.020(22) of a “Facility” as defined in RCW70A.305.020(8). Ecology was notified of a release of hazardous substances from the Site from a September 14, 2023 Environmental Report Tracking System complaint and the source of the release was identified as the regular unleaded gasoline underground storage tank (UST) based on results of product fingerprint testing, helium locate testing, and UST video inspection.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology’s proposed finding of liability, you may:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Beth Kercher
Toxics Cleanup Program, Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

Responsibility and Scope of Potential Liability

Ecology may either conduct, or require PLPs to conduct, remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under [RCW 70A.305.060](#)⁵ to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

- Pursue an agreed order to develop a work plan for interim action, conduct additional site characterization activities, prepare a remedial investigation and feasibility study (RI/FS).
- Ecology will prepare a draft cleanup action plan (DCAP) for the Site.
- Oversee the completion of the remediation of the Site.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Site Listing

Ecology has added the Site to its list of confirmed and suspected contaminated sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at (509) 818-7457 or email Nicholas.Acklam@ecy.wa.gov. Thank you for your cooperation.

⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060>

Ben Kleban
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Sincerely,



Nicholas M. Acklam
Section Manager
Toxics Cleanup Program, Eastern Regional Office

Encl (2): Focus: Model Toxics Control Act Cleanup Regulation: Process for
 Cleanup of Hazardous Waste Sites (#94-129)
 PLP Waiver Form

By certified mail: 9214 8901 9403 8345 5833 69

cc: Derek Threet, Office of the Attorney General
 Beth Kercher, Ecology
 Ecology site file