



Response to Comments

Enforcement Order for

Stillwater Holdings Chevron

Public comment period held June 18 – August 16, 2024
Facility Site ID: 70525886, Cleanup Site ID: 16913

Toxics Cleanup Program

Washington State Department of Ecology
Spokane, Washington

October 2024

Document Information

This document is available on the Washington Department of Ecology's [Stillwater Holding Chevron cleanup site page](#).¹

Related Information

- Facility site ID: 70525886
- Cleanup site ID: 16913

Contact Information

[Toxics Cleanup Program](#)²

Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

Beth Kercher, Site Manager
509-385-5443, beth.kercher@ecy.wa.gov

Erika Beresovoy, Public Involvement Coordinator
509-385-2290, erika.beresovoy@ecy.wa.gov

ADA Accessibility

The Washington Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact the Ecology ADA Coordinator by phone at 360-407-6831 or by email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY, call 711 or 877-833-6341. Visit [Ecology's website](#)³ for more information.

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

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites>

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Toxics Cleanup in Washington State

Accidental spills of dangerous materials and past business practices have contaminated land and water throughout the state. The Washington Department of Ecology (Ecology) Toxics Cleanup Program (TCP) works to remedy these situations through cleanup actions. TCP cleanup actions range from simple projects requiring removal of a few cubic yards of contaminated soil to large, complex projects requiring engineered solutions.

Contaminated sites in Washington are cleaned up under the [Model Toxics Control Act](#)⁴ (MTCA, Chapter 173-340 Washington Administrative Code [WAC]), a citizen-mandated law passed in 1989. This law sets standards to ensure toxics cleanup protects human health and the environment and includes opportunities for public input.

Public Comment Period Summary

Ecology held a comment period June 18 through August 16, 2024, for the Enforcement Order and Public Participation Plan for the Stillwater Holdings Chevron cleanup site. The order requires Stillwater Holdings Chevron to continue work to reduce harmful vapors and remove contaminated water from nearby buildings until a permanent treatment system is installed. This order went into effect on June 18, the day we issued it. We planned a 60-day comment period to allow for more than 30 days after people receive the notice in the mail.

Ecology appreciates the comments we received from five people. We address them in the Response to Comments section that begins on Page 4. In response to comments expressing concern about using state funding for cleanup, we amended the order to require Stillwater Holdings to complete a remedial investigation and feasibility study.

Site Background

The incident began in September 2023 when the Marcus Whitman Hotel in downtown Walla Walla was evacuated due to gasoline odors. Testing identified potentially harmful vapors and gasoline in the basement, and in two nearby buildings. The buildings were ventilated to eliminate the risk of an explosion, and the buildings' drainage systems, also known as sumps, were pumped to reduce vapor concentrations.

An investigation found that gasoline from a Stillwater Holdings' underground tank had leaked and was pooling in adjacent buildings' sumps. The leaking tank was taken out of service and has been emptied.

The site continues to impact two neighboring properties. The owner began negotiating an agreed order with Ecology in early 2024 to clean up contaminated soil and groundwater.

⁴ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

In May 2024, Stillwater Holdings told Ecology that they could pay for little or no more work, and that Ecology would need to take over. By law, Stillwater Holdings is responsible for the pollution, responding to the emergency, and cleaning up the contamination.

Generally, Ecology does not use taxpayer funds to pay cleanup costs when the company has money available. Ecology is prepared to take over and fund the Stillwater Holdings Chevron cleanup if needed because the spill poses significant risks to the community. The enforcement order ensures that work will not stop while financial issues are resolved.

Response to Comments

The comment letters are printed verbatim. Ecology’s responses follow the comments. The letters are in alphabetical order based on the commenter’s last name. The first two comment letters raised similar concerns, so we provided one response to both.

Index of comments received

Everyone who submitted comments is listed in Table 1 in alphabetical order by their last name, followed by the date we received their comments and the page on which their comments are printed as received. Contact information (postal and email addresses and phone numbers) has been omitted.

Table 1. Index of comments received

Name	Organization	Date received	Page
Anonymous	None	August 13	4
Jean Dolling	None	July 22	4
Brian Fullen	Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	August 16	5
Meghan Hickerson	None	July 23	7
Joel Hinch	None	June 24	7

Anonymous, received online August 13

I would like to see the property owner pay for the clean-up process and not the Washington State taxpayers. While I understand that the department of Ecology is obligated to clean up, I would like to make sure that they have pursued all means of going after personal assets of the owner or the owner selling or obtaining financing on the property. It appears that there was extreme negligence by the owner to not monitor their tanks and review records to realize that they were leaking large volumes of fuel.

Jean Dolling, received via email July 22

Receipts for fuel delivered to Chevron at second and Rose in Walla Walla 99362. Recorded fuel pumped by state certified meters. Receipts from paying customers. Gallons of fuel remaining in

storage tanks at all times. Simple mathematical equation for accurate recordkeeping. Best business practice. Chain of evidence, environmental and monetary damages involving how many people? Responsibility and economic accountability leads totally to Chevron owners /management. We the people paying taxes are not responsible. For closure lawsuits liquidation, monetary accountability belongs to the Chevron people.

Ecology's response

Thank you for your comment. Under MTCA, we will continue to pursue recovering cleanup costs from Stillwater Holdings. Generally, Ecology does not use taxpayer funds to pay cleanup costs when the company has money available. Ecology is prepared to take over and fund the Stillwater Holdings Chevron cleanup if needed because the spill poses significant risks to the community.

This Chevron station is independently owned and operated by Stillwater Holdings LLC to distribute Chevron-branded gasoline. Cost recovery from Chevron is not an option unless it formerly owned the property.

Regarding recordkeeping for fuel levels, underground storage tank sites must meet the requirements of the current regulation. The site owner/operator must inspect their site ([WAC 173-360A-0420](https://app.leg.wa.gov/wac/default.aspx?cite=173-360A-0420)⁵) every 30 days and document their findings. This inspection includes checking the leak-detection equipment, spill and overfill equipment, corrosion protection equipment (if used), and general housekeeping of the associated components of those systems.

Brian Fullen, CTUIR, received online August 16

I am writing to express my concerns regarding the Chevron Enforcement Order related to the Stillwater Holdings site. As a local resident within close proximity (a quarter to half mile) and a representative of the Umatilla Tribes, I am deeply invested in the environmental safety and health impact assessments concerning this site.

The June 2024 Participation Plan notes that federally recognized tribes, including the Yakima Nation, Umatilla Confederated Tribes, and Nez Perce Tribe, are invited to engage in decision-making processes regarding this site. However, it seems that there may be a lack of effective communication and outreach to ensure meaningful tribal participation.

Despite public notices in the Walla Walla Union-Bulletin and the Department of Ecology's website, further steps should be taken to actively engage tribal communities. Posting notices in tribal newspapers, such as the Confederated Umatilla Journal, and reaching out directly through phone calls or emails to the tribes' natural resources and water resources departments, would ensure more comprehensive communication.

The potential for environmental impact is significant, with the site being situated above the Mill Creek channel, which feeds into the Walla Walla River basin. Any contamination at this site

⁵ <https://app.leg.wa.gov/wac/default.aspx?cite=173-360A-0420>

could affect water tables and subsequently, the local fisheries, which are of utmost importance to the tribes and the region's ecological balance.

It is imperative that the government fulfills its duty to protect all local residents and tribal members by ensuring all governments, including tribal entities, are fully involved in the consultation process. Better engagement strategies should be implemented before public comments are closed to uphold the integrity and safety of our shared environment.

Thank you for considering these concerns and taking action to improve communication and engagement with the involved tribal communities.

Tribal engagement

Ecology is inviting the federally recognized Yakama Nation, Umatilla Confederated Tribes, and Nez Perce Tribe to engage with all decision-making processes for this site, and we will ensure these Tribes have ample opportunity to be involved throughout the process on a government-to-government basis.

Ecology's response

Thank you for sharing your concerns and ideas about improving Tribal engagement and communication. A new MTCA provision is required in our updated rule, [WAC 173-340-620\(3\)](https://app.leg.wa.gov/waC/default.aspx?cite=173-340-620(3))⁶ to develop a Tribal Engagement Plan independent of the Public Participation Plan for cleanup sites. Tribal engagement is an integral part of our responsibility, and we look forward to working with you to identify meaningful engagement opportunities for the site.

Our Eastern Region Director reached out the CTUIR Director of Natural Resources via email on June 18 when we issued the Enforcement Order, inviting a discussion about the Stillwater Holdings Chevron cleanup.

We appreciated your call on August 16 and for following up with an email identifying you and Marty King as Tribal contacts for this site. As stated in our response, we'd like to engage with the Tribe in whatever way you would prefer to inform you about the site and get your input. We are happy to meet virtually or in person, or just continue to send you email updates. We are open to other suggestions as well. This can occur any time throughout the process, outside of public comment periods.

Your suggestion to post notices in the Confederated Umatilla Journal is appreciated, and we will add that to our outreach plans. In addition to the public notices in the Walla Walla Union-Bulletin and Ecology's website, we also mailed notices to addresses within 1/4-mile radius of the site. Walla Walla County's parcel data also provides us mailing addresses for property owners who do not receive mail at their physical address and may live elsewhere. If renters are at the physical address, the owner and renter should both receive notification by mail. Please let us know if you have any other suggestions to improve outreach.

We appreciate your concern for the surrounding environment. Local, state, and federal agencies, along with third-party contractors, have deemed the area safe for residents and

⁶ <https://app.leg.wa.gov/waC/default.aspx?cite=173-340-620>

visitors with protection measures and air quality monitoring in place. Testing of Walla Walla's municipal water and wastewater systems and nearby Mill Creek has shown no evidence of contamination. This will continue to be monitored, and we invite your continued input on it.

Meghan Hickerson, received via email July 23

My name is Meghan Hickerson. My family and I live a few blocks from the Chevron on Rose and 2nd in Walla Walla. My husband Jonathan and I would like to express our strong dissatisfaction with the State of Washington Department of Ecology using taxpayer dollars for the cleanup.

We understand the need for cleanup for safety reasons and we support this. However, we also understand that Stillwater Holdings is responsible for the spill and should be held accountable for every aspect of the cleanup, particularly financially. My husband and I have all manner of insurance and when it doesn't cover an expense, we pay out of pocket. Why should this be different for a business?

I am a local artisan who sells at the Downtown Farmers Market. My insurance for this covers up to \$2 million. I'm to believe that a gasoline station is only insured for \$1 million for potential spills and leaks? Absurd. Regardless, this should not become taxpayers' burden.

Jonathan and I are requesting a public meeting. Thank you for your time.

Ecology's response

Under MTCA, Ecology intends to continue to pursue recovering cleanup costs from Stillwater Holdings. Generally, Ecology does not use taxpayer funds to pay cleanup costs when the potentially liable party has available funding. Ecology is prepared to take over and fund the cleanup if needed because the spill poses significant risks to the community.

Our Toxics Cleanup Program is funded by the Hazardous Substance Tax when we are not recovering costs from a potentially liable person. Voters approved a tax on the wholesale of hazardous substances (such as petroleum products, pesticides, and other chemicals) to pay for cleanups.

The Washington State Underground Storage Tank Regulations (WAC 173-360A) implement the Environmental Protection Agency requirement for financial assurance for underground storage tanks. WAC 173-360A-1015 requires UST owners and operators to have \$1 million in liability coverage.

Thank you for your request for a public meeting. We require 10 requests to hold a public meeting to ensure significant interest to justify the costs of the meeting, and yours was the only one we received. However, we are happy to discuss the cleanup and answer questions at any time during the process, including outside of public comment periods. As the cleanup process continues, we may hold public meetings if interest increases.

Joel Hinch, received via email June 24

I was a steward at the mall cus Whitman hotel prior to and during the toxic leak. As steward I spent between 1.5-3hrs in the basement daily and often in the lowest parts of the sub

basement because that was where we kept some kitchen implants and plate or dish storage for the banquet halls.

I feel that my health was impacted negatively and wondered if you could please tell me how to reach out? Is there a lawsuit ongoing? How could I find out?

Ecology's response

Please direct your health concerns to the [Department of Labor and Industries](#). At this time, we don't know of a lawsuit about the release.