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**STATE OF WASHINGTON  
WHATCOM COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY

Plaintiff,

v.

CAMPBELL LAND CORPORATION;  
and JAGROOP S. GILL,

Defendants.

NO. 21-2-01292-37

DECLARATION OF SUNNY  
BECKER

RE: SECOND MOTION TO AMEND  
APRIL 11, 2022 ORDER

I, SUNNY BECKER, declare under penalty of perjury that the following is true and correct.

1. I am a resident of the state of Washington, over the age of eighteen years, competent to make this declaration, and make this declaration from my own personal knowledge and judgment.

2. I previously submitted a declaration for this matter that I signed on March 13, 2023, which was submitted in support of the Plaintiff State of Washington, Department of Ecology’s (Ecology) Motion to Amend the Court’s April 11, 2022 Order Granting Injunctive Relief to Plaintiff.

3. I am Ecology’s project coordinator for the Treoil Facility located at 4242 Aldergrove Road, Ferndale, Washington. Since this Court issued its April 21, 2023 order granting Ecology’s motion to amend its April 11, 2022 Order, one of Ecology’s contractors,

1 Haley & Aldrich, Inc., conducted sampling of soil and surface water at the Treoil Facility on  
2 behalf of Ecology. Haley & Aldrich conducted this sampling in August 2023.

3 a. Haley & Aldrich's sampling was part of a remedial investigation  
4 conducted pursuant to the Model Toxics Control Act (MTCA) regulations (WAC 173-  
5 340). The purpose of a MTCA remedial investigation is to collect data necessary to  
6 adequately define the nature and extent of contamination and to characterize a site for  
7 the purpose of developing and evaluating cleanup action options called alternatives. *See*  
8 WAC 173-340-120(4)(a); *see also* WAC 173-340-350(1), (5).

9 b. Ecology will use Haley & Aldrich's remedial investigation sampling  
10 results to have a feasibility study report prepared for the Treoil property. The purpose  
11 of the feasibility study is to develop and evaluate cleanup action alternatives to enable a  
12 cleanup action to be selected for a site. Cleanup action alternatives are expected to show  
13 the full range of cleanup options from no action to complete removal. At the feasibility  
14 study stage, I will evaluate the proposed remedial action/cleanup alternatives using the  
15 criteria set forth in WAC 173-340-360 and related agency guidance to select a preferred  
16 cleanup action alternative.

17 4. I have received and reviewed Haley & Aldrich's March 2024 draft Remedial  
18 Investigation Report for its August 2023 sampling at the Treoil Facility, which they prepared for  
19 Ecology. Exhibit A to my declaration are true and correct copies of excerpts of the Haley &  
20 Aldrich's March draft 2024 Remedial Investigation Report for the Treoil Site. As a project  
21 coordinator for a MTCA cleanup site, I typically review data concerning the release or releases  
22 of contaminants at a site and review the data provided by remedial investigations for sites.  
23 Ecology has determined that the remedial investigation phase of the MTCA process for the  
24 Treoil Site has been completed.

25 5. From my review of Haley & Aldrich's March 2024 Remedial Investigation  
26 Report, I learned that 52 soil samples collected from the Treoil Facility were analyzed for

1 diesel-, gasoline-, and heavy oil-range total petroleum hydrocarbons (TPH-D, TPH-G, and  
2 TPH-O, respectively). The analysis of these samples revealed that diesel- and oil-total petroleum  
3 hydrocarbons were detected in eleven of the sampling locations at the Property. Concentrations  
4 of diesel- and oil-total petroleum hydrocarbons in four soils samples (sampling locations S-15,  
5 S-20, S-22, and B-07-S1) exceed MTCA cleanup levels for industrial properties.

6 6. Haley & Aldrich also analyzed soil collected from the Treoil Facility for metals.  
7 From my review of their March 2024 Remedial Investigation Report, I learned that the analysis  
8 of the samples revealed the presence of the following metals in soils: chromium, copper, lead,  
9 nickel, and zinc. Chromium and copper in one sample (sampling location S-07) and lead in two  
10 samples (sampling locations S-10 and S-15) were detected at concentrations above the MTCA's  
11 industrial cleanup levels.

12 7. Ecology's next steps for the Treoil Site under the MTCA process is the  
13 conducting of a feasibility study for the Site. After a feasibility study has been completed for the  
14 Treoil site and preferred cleanup remedy has been selected, a cleanup action will be developed  
15 for the site. An example of a cleanup action that may be undertaken at the site could be a possible  
16 Ecology led remedial action involving the removal of contaminated soils.

17 8. If Ecology or its contractors complete the feasibility study before April of next  
18 year (2025), Ecology and/or its contractors will need to access the Treoil Site to prepare for, and  
19 possibly undertake, the remedial cleanup action that will be implemented at the Site.

20 9. In addition to Ecology staff or its contractors needing to get onto the Treoil Site  
21 in preparation of the implementation of a remedial cleanup action, Ecology's contractors will  
22 need to access the Site to retrieve 55-gallon drums that staff from Ecology's contractor, Haley  
23 & Aldrich, Inc., had left on the Treoil Property.

24 a. In August 2023, Haley & Aldrich employees performed remedial  
25 investigation activities at the Treoil Site, which included completing soil borings and test  
26 pits and collecting soil, surface soil, surface water, and accumulated product for chemical

1 analysis. The Haley & Aldrich employees had placed soil waste that had been generated  
2 by their August 2023 soil borings/remedial investigation (a.k.a. “industrial derived  
3 wastes”) in 55-gallon drums and left them at the Site.

4 b. On the morning of January 30, 2024, I received an email Andrew Kaparos,  
5 one of Haley & Aldrich employees concerning disposal of the industrial derived wastes  
6 that had been left at the Treoil Site. In his January 30 email, Mr. Kasparos informed me  
7 that Haley & Aldrich employees, along with representatives of ACTEnvrio (a hazardous  
8 waste disposal company), went to the Treoil Site to retrieve the 55-gallon drums. He  
9 informed me that when they arrived at the gate at the Treoil property, they observed that  
10 a lock had been placed on the gate and that someone had left the message that indicated  
11 that trespassers “will be shot on site.” Also on January 30, 2024, I received an email from  
12 Samantha Fisher of Haley & Aldrich, who had gone to the Treoil Site on the morning of  
13 January 30. In her email to me, Ms. Fisher included a photograph of the Treoil property  
14 gate and spray painted message that Haley & Aldrich employees observed on the  
15 morning of January 30, 2024 *See* Ex. B. Attached hereto as Exhibit B is a true and correct  
16 copy of a photograph that Ms. Fisher had provided to me in her January 30, 2024 email.  
17 I learned that upon seeing this message, they left the property and did not retrieve the 55-  
18 gallon drums.

19 c. On February 13, 2024, I received another email from Ms. Fisher. I learned  
20 from Ms. Fisher that when she arrived at the Treoil property on the morning of  
21 February 13 with representatives of ACTEnvrio and two Whatcom County Sheriff  
22 deputies to retrieve the drums of the soil waste, they encountered an unanticipated  
23 obstruction barring site access: a large International dump truck was parked in the access  
24 driveway further prohibiting their waste drum pickup. Attached to Ms. Fisher’s  
25 February 13, 2024 email was a photograph of the dump truck that Ms. Fisher had seen  
26 that morning. *See* Ex. C. Attached hereto as Exhibit C is a true and correct copy of a

1 photograph that Ms. Fisher provide to me on February 13, 2024. Ms. Fisher informed  
2 that this truck had not been present on the morning of January 30. I learned that, based  
3 on the presence of the truck blocking the gate to the Treoil property, they decided not  
4 pick up the drums on February 13.

5 DATED this 28 day of March 2024, in Shoreline, Washington.

6 *Sunny Becker*

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8 SUNNY BECKER  
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