

SHA
RANK = 4



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

~~XX~~ • (509) 575-2490

15 West Yakima Avenue, Suite 200, Yakima, Washington 98902-3401
August 31, 1995

Mr. Bruce Lee
Assistant Vice President, Operations
Broadway Truck Stops
P O Box 14646
Spokane WA 99214

Dear Mr. Lee:

RE: Interim Action - Early Notice Letter Regarding a Release of Hazardous
Substances on property known as Flying J Truck Stop, Ellensburg

Under the Model Toxics Control Act (Act), Revised Code of Washington (RCW) Chapter 70.105D, upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Site Investigation.

A report was made to Ecology on August 25, 1995 related to a petroleum release estimated at 75 gallons emanating from a dispenser seal failure at the subject facility. I visited the site that same day and was met on scene by Brad Smith, Assistant Fire Chief, as well as Mr. Emmett Loan, the facility manager.

As part of the initial investigation, I observed petroleum product in the drains as well as what appears to be a considerable amount of silt and build-up. In talking to Mr. Loane, I also became aware of a backwash problem associated with water from the nearby creek backflowing into the drainage system which leads to the leach field. Of great concern to me was the observance of diesel "bubbling up and through" the cracks on the concrete pad in the fueling area as tractor/trailers pulled in to fuel up. This was observed by myself, Mr. Smith and Mr. Loan.

While on-scene, Mr. Loan assured me that contractors were coming in to address the issues associated with the seals and the backflowing drainage system.

In my telephone conversation with you on August 29, 1995, you assured me that an environmental contractor had been retained to address sampling of the oil/water separator as well as the drains. We also discussed the need for an interim action with respect to the petroleum underlying the concrete pad.

Mr. Bruce Lee
August 31, 1995
Page 2

Based on information gained during these investigations, Ecology has made a determination that a release of a hazardous substance that may pose a threat to human health or the environment has occurred. This facility is very active, with a high flow-through volume of petroleum, vehicles and people. Due to these factors, it is imperative that an **interim action be conducted within 45 calendar days of receipt of this letter**. At a minimum, this interim action shall consist of:

- correcting the problems associated with the backflowing drainage system to mitigate a potential release to surface water or increased drainage to the leach field
- addressing the recurring seal failures (3 in one week) in an effort to preclude future releases
- remedial actions related to the petroleum underlying the concrete pad

Under the Act, Ecology maintains a listing of known or suspected contaminated sites. It is Ecology's decision that the above-referenced property will be added to this information system.

It is Ecology's policy to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup action as outlined in Washington Administrative Code (WAC) 173-340-510. Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, I draw your attention to WAC 173-340-300(4) which requires a report of independent actions. To the extent known, the report shall include: the identification and location of the hazardous substance; circumstances of the release(s); the discovery and remedial actions planned, completed, or underway. Additional requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b).

Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed. In the future, Ecology may need to conduct a more detailed inspection of this property, including testing for possible contamination. At that time we will assess the need for any further action.

Another option available to you is the Independent Remedial Investigation Program (IRAP). An enclosure explains how this program works. If interested, please call Mark Peterschmidt at (509) 454-7840 for additional information.

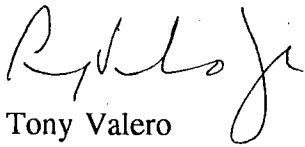
Mr. Bruce Lee
August 31, 1995
Page 3

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an engineering consultant with the appropriate environmental expertise. A copy of RCW 70.105D, and the implementing regulation WAC 173-340 which details the requirements of the Act are enclosed.

I appreciate your prompt response and look favorably upon the aggressive manner in which you appear to be addressing Ecology's concerns. I look forward to receiving some kind of communication from you with respect to interim actions conducted within 45 days.

If you have any questions regarding this letter or the requirements under the Model Toxics Control Act, please feel free to call me at (509) 454-7833.

Sincerely,



Tony Valero
Site Manager
Toxics Cleanup Program

AV:fs

g:\tonyv\flyinj.wp

Enc: Chapter 173-340 WAC
Chapter 70.105D RCW
IRAP Focus Sheet and Guidance document

cc: M. Peterschmidt, CRO
B. K. Smith, Ellensburg Fire
E. Loan, Flying J
M. Layman, Spills