

**Responsiveness Summary for Comments received for the  
Tiger Oil Site Amended Consent Decree and Amended Cleanup Action Plan  
Public Comment Period ending August 1, 2014**

Following are the Department of Ecology's responses to comments received regarding the proposed Amended Consent Decree and draft Amended Cleanup Action Plan (Amended CAP) for the Tiger Oil Site (Site), 24th and Nob Hill Boulevard, Yakima, Washington. Comments received are listed and followed by Ecology's response in **bold**.

Comments by letter from the Yakima Regional Clean Air Agency (YRCAA):

- “1. A New Source Review (NSR) application must be submitted to YRCCA and an Order of Approval permit must be issued prior to the start of any work;
2. The Consent decree should be very clear and precise to who should do what, when and why?; and
3. The project has been going on for over than 25 years and the site is not cleaned up yet, therefore, a new DNS should be required as the old DNS belongs or had completely different circumstances, another Decree as well as different level of contamination;”

***Ecology Response:* Ecology disagrees that a new SEPA review is required. SEPA rules stipulate that either the City of Yakima or the Department of Ecology is the lead agency. While the site has existed for over 25 years, the Consent Decree with the Tiger Oil Corporation was entered into court in 2004, about ten years ago. The Amended Cleanup Action Plan (Amended CAP) specifies the same cleanup options as the prior CAP in the Tiger Decree, so there is no change in the potential for adverse environmental impacts. Thus no new SEPA review is required.**

**Approximately \$1.5-2 million has been spent since 2004, primarily on litigation by Tiger Oil and Ecology with little improvement in conditions at the site and little prospect for any in the near future. Tiger Oil has apparently spent down about \$550,000.00-600,000.00 of the insurance settlement trust account for site cleanup, and the corporation has few or no other assets. Ecology and the City of Yakima agreed that the Tiger Oil sites (including the site at 24th & Nob that is the subject of this Amended Consent Decree and Amended CAP) could be remediated in a much shorter timeframe and at less cost by collaborating on the cleanups. City monies and Ecology grant funding have been identified to proceed with the work. To date we have not received ten (10) requests for a public meeting, and do not anticipate holding a MTCA public meeting for the site.**

**Yakima Regional Clean Air Agency suggests in its comments that a New Source Review will be required regardless of the nature of work at the site. Ecology understands that any remedial action requiring soil vapor extraction or other significant point-source discharge of petroleum hydrocarbons or other air toxics will require a New Source Review or the substantive equivalent, and appropriate Best Available Control Technology treatment prior to discharge to the atmosphere. Ecology has in the past sought to enforce that requirement with the prior owner. Ecology sought and succeeded in obtaining Superior Court issuance of an Order of Contempt against Tiger Oil Corporation for failure to apply**

**BACT to air discharges at the site.**

**Regarding YRCAA's second comment, the details of remedial actions are generally contained in the Amended Consent Decree and Amended CAP and subsequent work plans which are attached to and become integral parts of the Decree. The Decree clearly states that the City of Yakima will be develop an Amended Scope of Work and Schedule and perform the work and actions detailed in the Amended CAP. When the Amended CAP and Work Plans are completed (the Amended CAP was available for review with the Decree at document repositories) the details of work to be performed will determine what permits are necessary. Work plans will be completed by the environmental contractor for the City and subject to City and Ecology review and approval. Ecology and the City have an ongoing obligation under the Decree to identify applicable, relevant and appropriate regulations (ARARs) as work plans are developed and assure that either permits are obtained or the substantive requirements of regulations are met by incorporation as Decree amendments.**

Comments by email from Kelly C.:

“Once the Tiger Oil locations are cleaned up. I would like to see them as community green spaces. Some sort of public art would be nice like we see in downtown Yakima.”

***Ecology Response:* Ecology acknowledges your response, and will pass it on to the City of Yakima. The disposition of the property after the cleanup is complete is beyond the scope of the Amended Consent Decree and Amended Cleanup Action Plan that had been open for public comment. Post-cleanup use of the property is up to the City of Yakima, or the purchaser if the City chooses to sell the property.**

Comments by email from Kim Shrader, co-owner of KSKD Properties LLC:

“I reviewed the amended clean up action plan and we are willing to work with the City of Yakima on cleaning up any contamination of our property as long as the cleanup will not disrupt the business of our two tenants. Several people have told me because of the S.E. flow of the spill our property probably has some contamination. If the removal of contaminated soil on our property disrupts the business of our tenants I expect the City of Yakima to purchase the property at fair market value so the cleanup can proceed. We expect our site to be fully cleaned. I appreciate the Department of Ecology and the City of Yakima cleaning up the contaminated soil that resulted from the Tiger Oil Facility spills.”

***Ecology Response:* The City and Ecology strive to minimize disruption of businesses during site cleanups. The nature of the work, such as heavy excavation equipment use, dump truck traffic, etc., will inevitably result in some disturbance or disruptions of traffic flows in the vicinity, and may make parts of adjacent properties inaccessible at times.**

**The Amended Consent Decree calls for the cleanup to meet cleanup standards to the maximum extent practicable wherever contaminants have come to be located, independent of property boundaries. Ecology anticipates that cleanup standards will be met on adjacent properties as well as the former Tiger Oil Corporation property.**

**Your expectation that the City will purchase your property if the removal process disrupts your business is beyond the scope of the Amended Consent Decree and Amended Cleanup Action Plan and is a question to be resolved with the City.**