

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**IN THE MATTER OF REMEDIAL ACTION BY:** )

Washington State Department of Transportation )

Supervalu Holdings, Inc. )

City of Tacoma )

Home Electric, Inc. )

John Nichols )

**ENFORCEMENT ORDER**

**NO. 1915**

**BNSF OIL PIPELINE SITE**

- TO: Washington State Department of Transportation  
Attn: Mr. Jeff Sawyer  
Olympic Region  
P.O. Box 47440  
Olympia, WA 98504-7440
- TO: Supervalu Holdings, Inc.  
c/o Mr. Gregory Jacoby  
McGavick Graves  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534
- TO: City of Tacoma  
Attention: Mr. Bill Pugh  
Public Works Department  
747 Market Street, 4<sup>th</sup> Floor  
Tacoma, WA 98402-3769
- TO: Home Electric, Inc.  
c/o Mr. Clark Davis  
Davis, Roberts & Johns  
7525 Pioneer Way, Suite 202  
Bib Harbor, WA 98335
- TO: Mr. John Nichols  
Nichols Trucking  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501

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EXHIBITS

- Exhibit A: Site Diagram
- Exhibit B: Order Schedule
- Exhibit C: GeoEngineers soil investigations locations and results
- Exhibit D: Environmental Associates investigation in the vicinity of Tacoma Fixtures
- Exhibit E: Grouted sections of the oil pipeline

## I. INTRODUCTION

The objective of this Enforcement Order is to provide for a remedial investigation, feasibility study and interim action, and preparation of a cleanup action plan at a facility where there has been a release or threatened release of a hazardous substance. The Burlington Northern and Santa Fe Railway Company (BNSF), Washington State Department of Transportation (WSDOT), Supervalu Holding, Inc., City of Tacoma, Home Electric, Inc., and John Nichols have been identified by the Washington State Department of Ecology (Ecology) as potentially liable persons (PLPs) for the "BNSF Oil Pipeline" site (Site). This Enforcement Order is being issued to all the above parties except the BNSF, since the BNSF has already signed an Agreed Order (No. DE 04TCPSR-6034) with Ecology for conducting a remedial investigation (RI), and feasibility study (FS) and implementing an interim action (IA); and developing a draft cleanup action plan at the site. It is the intention of Ecology that this Enforcement Order creates the same obligations on the part of the PLPs subject to it as those obligations created for BNSF under Agreed Order No. DE 04TCPSR-6034. By issuing this Enforcement Order, Ecology does not apportion liability among the PLPs in any way, as all PLPs, whether subject to an Agreed Order or an Enforcement Order are jointly and severally liable under chapter 70.105D RCW. The activities required by this Enforcement Order are designed to define the full nature and extent of total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (both in soils and groundwater) contamination present at the Site located along East D Street in Tacoma, Washington, and the risks posed to human health and the environment from contamination at the Site. Specifically, this Order requires the above PLPs to conduct a remedial investigation (RI), feasibility study (FS), implement an interim action (IA), and to develop a cleanup action plan (CAP) at the site.

## II. JURISDICTION

This Enforcement Order ("Order") is issued pursuant to the authority of Revised Code of Washington (RCW) 70.105D.050(1).

## III. DEFINITIONS

Unless otherwise specified, the definitions set forth in chapter 70.105D RCW and chapter 173-340 WAC shall control the meanings of the terms used in this Order.

1. Site: The Site, referred to as the "BNSF Oil Pipeline" is located along East D Street in Tacoma, Washington, in Pierce County. The Site is defined by the extent of contamination caused by the release of a hazardous substance at the Site. The location of the BNSF oil pipeline site is shown in "Exhibit A, however, the full extent of the site has not yet been determined. The Site constitutes a Facility under RCW 70.105D.020(4)

2. Potentially Liable Persons (PLPs) : The Washington State Department of Transportation (WSDOT), Supervalu Holdings, Inc., City of Tacoma, Home Electric Inc., and John Nichols.

3. Enforcement Order or Order: Refers to this Enforcement Order and each of the exhibits to the Order. All exhibits are integral and enforceable parts of this Order, and the terms "Enforcement Order" or "Order" shall include all exhibits to the Enforcement Order.

#### IV. FINDINGS OF FACT

Ecology makes the following Findings of Fact, without any express or implied admissions of such facts by the PLPs.

1. The BNSF Oil Pipeline is located along East D Street in Tacoma, Washington. During recent excavations, portions of the pipe appear to have become compromised and to have released total petroleum hydrocarbons (TPH) into soils and groundwater in the vicinity of East 19<sup>th</sup> Street and at other locations. The BNSF Oil Pipeline location and general site vicinity map are shown on Exhibit A. The BNSF Oil Pipeline runs east of and parallel to East D Street in Tacoma, Washington and is located on properties currently owned/operated by the Washington State Department of Transportation, Nichols Trucking, City of Tacoma (East 19<sup>th</sup> Street and East 18<sup>th</sup> Street right-of-way), Home Electric, Inc. and Supervalu Holdings, Inc. The land usage in the Site vicinity is all industrial and commercial.

2. The Pipeline is a 6-inch steel pipe that appears to have been installed in the early 1900s, and to have connected historic oil storage tanks located on the property that is now owned by JM Martinac Company with oil storage tanks on the current BNSF Tacoma Rail Yard. The pipeline was owned and operated by Northern Pacific and BNSF Railway companies.

3. The City of Tacoma reported to Ecology regarding tar-like oily globules in the Thea Foss Waterway near outfall number 245 (south of Johnny's Restaurant) during low tides. The City and Ecology conducted a site inspection on December 12, 2002, during low tide and noticed a few tar like oily globules floating on the water and also deposited on the banks. Ecology sampled the floating and deposited oily globules for biomarker analysis.

4. The City of Tacoma installed oil sorbent pom-poms in the manhole number 394 located on East 19<sup>th</sup> Street to determine whether or not the stormwater line is one of the migration pathways for the contamination observed near outfall number 245. During the pom-pom changes it was noticed a thick tar-like oily "snakes" were caught in the pom pom indicating that the stormwater system is one of the migration pathways for the contamination into the Thea Foss Waterway.

5. The City of Tacoma slip lined approximately 600 feet of the stormwater line above manhole 394 to stop the product that was getting into the stormwater line through the pipe joints. After the slip

lining, the contamination migration was stopped for a small period of time. However, the subsequent pom pom monitoring at manhole 394 showed that again it has started.

6. On February 23 and 24, 2002, and May 29 and 30, 2002, Ecology contractors identified the pipeline along East D Street and excavated three test pits; in the DOT pond area, between the DOT pond and East 19<sup>th</sup> Street and close to East 19<sup>th</sup> Street. Ecology collected soil and product samples from inside and/or outside the pipe for biomarker analysis. During the excavation of test pit TP-1 on the DOT pond area, a white backfill material with pH 13 was encountered.

7. The BNSF contractor, GeoEngineers, also conducted soil investigations on March 23, 24 and April 13, 2002, on the DOT pond area, in the vicinity of East 19<sup>th</sup> and East 18<sup>th</sup> Streets. This investigation revealed the presence of contaminated soils with TPH (diesel and oil) at the DOT pond area and on East 19<sup>th</sup> Street exceeding the MTCA Method A cleanup standards of 2000 mg/kg. Results of diesel and oil concentrations ranged from 2450 mg/kg to 29,000 mg/kg and 2300 mg/kg to 26,800 mg/kg, respectively (Exhibit C).

8. On November 26, 2002, Environmental Associates, Inc. (Mr. John Backus's contractor) conducted a Supplemental soil and groundwater assessment at the Tacoma Fixtures Facility. As a part of this investigation six geoprobe borings (TF-5 through TF-10) were drilled and soil and groundwater samples were collected from these borings. TPH diesel and oil was detected at boring locations TF-5, TF-6, TF-7 and TF-9. The TPH diesel and oil concentrations ranged from 150 mg/kg to 730 mg/kg and 430 mg/kg to 2000 mg/kg, respectively. A groundwater sample collected at TF-7 showed diesel and oil concentrations of 6700 ug/l and 8700 ug/l respectively exceeding the MTCA Method-A cleanup standards of 500 ug/l (Exhibit D).

9. During July and August of 2002, Pacific Industrial Resources (BNSF's contractor) grouted the oil pipeline in place with concrete slurry. During this process a number of pipe access pits were excavated and approximately 2600 gallons of product and water mixture was extracted prior to the pipeline grouting with concrete slurry (Exhibit E). During this investigation it was observed that some of the pipe sections in the vicinity of East 19<sup>th</sup> Street (between AP 2 and 2A) and in the vicinity of the DOI pond area (at AP 1) were in poor condition due to corrosion. These sections of pipe were removed and the cut off ends were grouted.

10. In addition to the samples from the Thea Foss Waterway, Ecology also collected five split soil samples during the GeoEngineers investigation in the vicinity of East 19<sup>th</sup> Street and the DOT pond area, from the Tacoma Fixtures underground storage tanks and Supervalu parking lot for biomarker analysis. Results of samples collected from Thea Foss Waterway apparently did not match any of the above samples. Based on chromatograms, it was concluded that there are multiple sources (in the vicinity of East 19<sup>th</sup> Street)

that have contributed to the contamination that is seen in the Thea Foss Waterway. Only one sample collected at test pit 5P-C on the Supervalu parking lot matched the results of biomarker analysis of the product sample collected from the inside of the oil pipeline

11. As a part of the interim action, based on the results of soils investigations, GeoEngineers (BNSF's Contractor) excavated approximately 2000 cubic yards of total petroleum hydrocarbons contaminated soils in the vicinity of East 19<sup>th</sup> Street and East D Street and sent it to TPS for thermal treatment.

12. The City of Tacoma has repaired and/or replaced a portion of the stormwater pipe in the vicinity of East D Street and East 19<sup>th</sup> Street to assure that the stormwater system will not act as a migration pathway for the TPH contamination (oil) into the Thea Foss Waterway.

13. Results of a Geophysical Survey conducted by the Home Electric, Inc. in the vicinity of Tacoma Fixture building on East 19<sup>th</sup> Street showed an anomaly indicating the presence of an underground storage tank (UST) Excavation of the anomaly area revealed the presence of a USI approximately three-feet (3-feet) below the surface with a 14 inches thick concrete slab over the tank. The diameter of the tank is about 96 inches (8 feet) and presumed to be 20-feet in length. The tank currently contains approximately 5100 gallons of product and water mixture.

## V. ECOLOGY DETERMINATIONS

1 Each of the PLPs is an "owner or operator," as defined in RCW 70.105D.020(12), of a "facility," as defined in RCW 70.105D.020(4). Each of the PLPs was also an "owner or operator" of the facility at the time of a disposal or release of a hazardous substance into the environment.

2. The petroleum product observed in the pipeline as described above is a "hazardous substance" as defined in RCW 70.105D.020(7). In addition to the pipeline, Ecology believes that there may be other unidentified sources present in the vicinity of East 19<sup>th</sup> Street. Based upon all factors known to Ecology, a "release" or threatened "release" of a "hazardous substance" as defined in RCW 70.105D 020(20) and RCW 70.105D 020(7), respectively, has occurred at the Site.

3. Based upon credible evidence, Ecology issued potentially liable person status letters identifying The Burlington Northern and Santa Fe Railway Company (BNSF), Supervalu Holdings, Inc., the Washington State Department of Transportation (WSDOT), Home Electric, Inc., the City of Tacoma and Mr. John Nichols on November 19, 2003, September 30, 2003, March 13, 2003, December 22, 2003, and February 12, 2004, respectively, pursuant to RCW 70.105D.040, RCW 70.105D.020(16), and WAC 173-340-500 After providing for notice and opportunity to comment, extending the comment period and reviewing the comments submitted by BNSF, Supervalu Holdings Inc., WSDOT (no comments were

received from WSDOT), Home Electric, Inc. the City of Tacoma, and John Nichols (no comments received) concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that BNSF, Supervalu Holdings, Inc., WSDOT, Home Electric, Inc. the City of Tacoma and John Nichols are each potentially liable person (PLP) under RCW 70.105D 040 and notified BNSF, Supervalu Holdings Inc, WSDOT, Home Electric, Inc. the City of Tacoma and John Nichols of this determination by letters dated March 7, 2003, December 22, 2003, November 4, 2003, February 3, 2004, and April 1, 2004, respectively.

4. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050(1), Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.

5. Under WAC 173-340-430(1)(a), an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance. The threat to the safety of the public and Waters of the State (Thea Foss Waterway) caused by the migration of contaminated groundwater/TPH related product at the Site warrants an interim action consistent with WAC 173-340-430(1)(a).

6. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## VI. WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, the Washington State Department of Transportation, Supervalu holdings, Inc., the City of Tacoma, Home Electric Inc., and John Nichols are hereby ordered to take the following actions and to conduct these actions in accordance with chapter 173-340 WAC unless otherwise specifically provided for herein.

### 1. Remedial Investigation/Feasibility Study (RI/FS)

The BNSF Oil Pipeline is one of the sources for the TPH contamination in Site soils and groundwater. However, there may be other unidentified sources present in the vicinity of East 19<sup>th</sup> Street. Other suspected sources include underground storage tanks located on the Home Electric property and historic filling in the site area. The extent of soil and groundwater contamination on the site is not known. Two investigations (soils investigation and pipeline closure/grouting) have been conducted in the vicinity of East 19<sup>th</sup> Street, DOT pond area and Supervalu parking lot. However, there is a lack of information to determine the full nature and extent of both soils and groundwater contamination at this site. The PLPs shall conduct a remedial investigation (RI) and a feasibility study (FS) at the Site in accordance with WAC 173-

340, implement an appropriate interim action (IA), develop a CAP and comply with the following requirements:

A. Scope of Work:

(1) Work Plan: As per the requirements of Agreed Order No. DE 04ICPSR-6034, BNSF submitted a draft work plan to Ecology that proposes a scope of work to evaluate known environmental concerns along the BNSF Oil Pipeline, including the identification of contaminant source(s) and characterization of the extent of soil and groundwater contamination at the site. The work plan included a sampling and analysis plan (SAP) and a site specific health and safety plan (HASP) for field work, in compliance with WAC 173-340-820 and -810, respectively. The SAP identifies the proposed number of soil test locations and groundwater monitoring locations but does not limit the number of such potential locations, approximates depths of samples and borings (as appropriate), and includes a quality assurance/quality control (QA/QC) plan.

(2) Schedule: The work plan includes a subsequent schedule for the implementation of the work plan including an appropriate interim action, and is attached as Exhibit B to this Order (Schedule). Ecology reviewed and provided written comments on March 5, 2004, and the work plan was finalized on March 12, 2004.

The approved final work plan, including performance of appropriate Interim Action, shall be implemented according to the Schedule attached to this Order as Exhibit B.

The PLPs shall submit to Ecology a progress report the first week of each month regarding the progress of RI/FS work until such time as the PLPs submit the Draft Final Cleanup Action Plan to Ecology and Ecology provides its written approval. The monthly progress report shall include work completed to date; problems encountered and how they were resolved, and work scheduled for the subsequent month.

(3) Extension of Schedule: The approved schedule presented in the final work plan is based on the assumption that the weather will cooperate during the investigation. However, if good cause exists for an extension, a timely request for an extension may be granted pursuant to Section VIII.9. Should an additional phase of RI be necessary to characterize the distribution of contaminants in soil and/or groundwater at the site (e.g., based on the information obtained during the remedial investigation and performance of the interim action), a supplemental work plan will be submitted to Ecology for review and approval according to an Ecology approved schedule, including an Ecology approved revised schedule for submission of the resulting RI/FS.

2. Interim Action:

An interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance; or a remedial action that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed (Chapter 173-340-430(a) and (b) WAC).

The City of Tacoma is scheduled to start the Thea Foss Sediment remediation in July or August of 2004. Since contamination is migrating into the Thea Foss Waterway, through the City storm drain and may also be migrating through other unknown pathways, there is potential for recontamination of sediments if the migration of contamination from this site is not stopped. Hence, according to the approved Schedule attached as Exhibit B, an appropriate interim action proposal to stop migration of contamination into the Thea Foss Waterway through any confirmed pathways shall be submitted to Ecology for its review and approval. The PLPs shall implement the approved interim action according to the approved Schedule. Examples of interim actions may include the slip lining of the City's stormwater system laterals to stop the hazardous substances or contaminants that are getting into the system and any other appropriate actions deemed necessary (remediation of new source(s) such as USTs) to stop the migration of contamination into the Thea Foss Waterway. The PLPs must submit a schedule for Ecology approval to implement the interim action within say 15 days of discovery of new source(s)

## VII. TERMS AND CONDITIONS OF ORDER

1. Public Notices

This Order has been the subject of public notice and comment pursuant to WAC 173-340-600 including any appropriate interim actions that will be implemented as stated above.

2. Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under chapter 70.105D RCW both subsequent to the issuance of this Order and retroactive to January 1, 2002. Ecology has incurred approximately \$27,000 (both staff time and contract costs) between January 1, 2002, and February 29, 2004, at this site. The PLPs shall pay the quarterly invoices required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be

provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges pursuant to WAC 173-340-550(4).

3. Designated Project Coordinators

The project coordinator for Ecology is:

Mr. Panjini Balaraju  
Department of Ecology  
Toxics Cleanup Program  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775  
Telephone: (360) 407-6243  
E-mail: [pbal461@ecy.wa.gov](mailto:pbal461@ecy.wa.gov)

The project coordinators for the PLPs are:

Washington State Department of Transportation  
Mr. Jeff Sawyer  
Olympic Region  
P.O. Box 47440  
Olympia, WA 98504-2713  
Telephone: (360) 357-2713

Supervalu Holding, Inc.  
Mr. Gregory Jacoby  
McGavick Graves, P.S.  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534  
Telephone: (253) 627-1181

City of Tacoma  
Mr. Calvin Taylor  
Tacoma Landfill  
3510 South Mullen Street  
Tacoma, WA 98409  
Telephone: (253) 593-7711

Home Electric, Inc.  
Mr. Clark Davis  
Davis Roberts & John  
7525 Pioneer Way, Suite 202  
Gig Harbor, WA 98335  
Telephone: (253) 858-8606

Mr. John Nichols  
Nichols Trucking  
Attention: Mr. Bob Stack  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501  
Telephone: (253) 272-8495

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinator(s). Should Ecology or the PLPs change project coordinator(s), written notification shall be provided to Ecology or the PLPs at least ten (10) calendar days prior to the change.

4. Performance

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or equivalent expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. The PLPs project coordinator shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors, and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site. The PLPs project coordinator shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

5. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Site at all reasonable times for the purposes of, inter alia; inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. When entering the Site under Chapter 70 105D RCW, Ecology shall provide reasonable notice prior to entering the Site unless an emergency prevents notice. Ecology shall allow split or replicate samples to be taken by the PLPs during an inspection unless doing so interferes with Ecology's sampling. The PLPs shall

allow split or replicate samples to be taken by Ecology and shall provide seven (7) days notice before any sampling activity.

6. Public Participation

The PLPs shall prepare and/or update a public participation plan for the Site. Ecology shall maintain the responsibility for public participation at the Site.

The PLPs shall help coordinate and implement public participation for the Site.

7. Retention of Records

The PLPs shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the PLPs a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.

8. Dispute Resolution

A. The PLPs may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. The parties shall utilize the dispute resolution process set forth below:

(1) Requests shall be submitted in writing to the Southwest Region Toxics Cleanup Section Manager.

(2) The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute within thirty (30) days of the PLPs request for review. The Section Manager's decision shall be Ecology's final decision on the dispute matter.

B. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

9. Extension of Schedule

A. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least 15 days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify the reason(s) the extension is needed. A requested extension shall not be effective until approved by Ecology. Ecology shall act upon any written request for extension in a timely fashion. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology shall give the PLPs written notification in a timely fashion of any extensions granted pursuant to this Order.

B. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause includes, but is not limited to:

(1) Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs ; or

(2) Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

(3) Endangerment as described in Section VIII.10 of this Order.

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

10. Endangerment

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

If, for any reason, the PLPs determine that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLP's cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended for such period of time as Ecology determines is reasonable under the circumstances.

11. Reservation of Rights

Ecology reserves the right; to require additional remedial actions at the Site should it deem such actions necessary. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

12. Transference of Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the PLPs may have in the Site or any portions thereof, the PLPs shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the PLPs shall notify Ecology of said transfer.

13. Compliance with Applicable Laws

A. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in subparagraph B of this section.

B. Pursuant to RCW 70.105D.090(1), the substantive requirements of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for remedial action under this Order that are known to be applicable at the time of issuance of the Order are binding and enforceable requirements of the Order.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine the additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of this determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be

enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

#### **VIII. SATISFACTION OF THIS ORDER**

The provisions of this Order shall be deemed satisfied upon the PLP's receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Enforcement Order have been complied with.

#### **IX. ENFORCEMENT**

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

1. The Attorney General may bring an action to enforce this Order in a state or federal court.
2. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
3. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLP's will be liable for:
  - A. Up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
  - B. Civil penalties of up to \$25,000 per day for each day it refuses to comply.

4. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: January 31, 2005

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

By Rebecca S. Lawson

Date 01/31/2005

Rebecca S. Lawson, P.E., Manager  
Toxics Cleanup Program  
Southwest Regional Office

## REFERENCES

1. GeoEngineers; draft Report, "D" Street Pipeline Alignment Subsurface Investigation, Tacoma, Washington, May 31, 2002
2. GeoEngineers; Summary Report, "D" Street Pipeline Closure, Tacoma, Washington, January 9, 2003
3. Environmental Associates, Inc., Supplemental Soil and Groundwater Assessment, Tacoma Fixtures 1815 East "D" Street, Tacoma, Washington, January 6, 2003





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-5300

**CERTIFIED MAIL**

January 31, 2005

Mr. John Nichols  
Nichols Trucking  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501

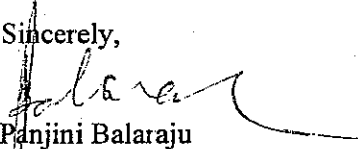
Dear Mr. Nichols:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

Enclosed is the Department of Ecology's (Ecology) Enforcement Order Number-1915 for the BNSF Oil Pipeline Site located along East D Street in Tacoma, Washington. Ecology understands that the potentially liable persons will coordinate in the implementation of this Enforcement Order. Ecology will contact you on February 17, 2005 regarding this Enforcement Order.

If you have any questions, please call me at (360) 407-6243.

Sincerely,

  
Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

Cc: Mr. Matt Wells, Preston / Ellis / Gates LLP  
Mr. Bruce Sheppard, BNSF  
Ms. Sally Fisher, GeoEngineers  
Mr. Clark Davis, David, Roberts & Jonhs  
Mr. John Backus, Home Electric, Inc.  
Mr. Bill Pugh, Director, City of Tacoma Public Works Department  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr. Jim Oberlander, City of Tacoma  
Ms. Mary Henley, City of Tacoma  
Mr. Calvin Taylor, City of Tacoma  
Mr. Jeff Sawyer, Washington State Department of Transportation  
Mr. Mike Blancarte, Supervalu Holdings, Inc.  
Mr. Gregory Jacoby, McGavick Graves, PS  
Mr. Bob Stack, Nichols Trucking  
Ms. Kris Flint, USEPA, Region 10  
Mr. Rob Olsen, Tacoma Pierce County Health Department  
Mr. Nels Johnson, AAG, Ecology  
Ms. Rebecca Lawson, Ecology  
Mr. Bob Warren, Ecology  
Mr. Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P O Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

January 31, 2005

Mr Gregory Jacoby, McGavick Graves, PS  
Super Valu Holdings, Inc.  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534

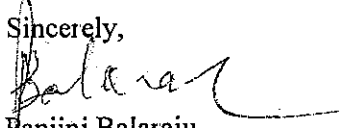
Dear Mr. Jacoby:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

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Sincerely,

  
Hanjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

Cc: Mr Matt Wells, Preston / Ellis / Gates LLP  
Mr Bruce Sheppard, BNSF  
Ms Sally Fisher, GeoEngineers  
Mr Clark Davis, David, Roberts & Jonhs  
Mr John Backus, Home Electric, Inc  
Mr Bill Pugh, Director, City of Tacoma Public Works Department  
Mr Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr Jim Oberlander, City of Tacoma  
Ms Mary Henley, City of Tacoma  
Mr Calvin Taylor, City of Tacoma  
Mr Jeff Sawyer, Washington State Department of Transportation  
Mr Mike Blancarte, Supervalu Holdings, Inc.  
Mr John Nichols, Nichols Trucking  
Mr Bob Stack, Nichols Trucking  
Ms Kris Flint, USEPA, Region 10  
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Mr Nels Johnson, AAG, Ecology  
Ms Rebecca Lawson, Ecology  
Mr Bob Warren, Ecology  
Mr Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

January 31, 2005

Mr. Jeff Sawyer  
Washington State Department of Transportation  
PO Box 47440  
Olympia, WA 98504-7447

Dear Mr. Sawyer:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

Enclosed is the Department of Ecology's (Ecology) Enforcement Order Number-1915 for the BNSF Oil Pipeline Site located along East D Street in Tacoma, Washington. Ecology understands that the potentially liable persons will coordinate in the implementation of this Enforcement Order. Ecology will contact you on February 17, 2005 regarding this Enforcement Order.

If you have any questions, please call me at (360) 407-6243.

Sincerely,

Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

Cc: Mr. Matt Wells, Preston / Ellis / Gates LLP  
Mr. Bruce Sheppard, BNSF  
Ms. Sally Fisher, GeoEngineers  
Mr. Clark Davis, David, Roberts & Jonhs  
Mr. John Backus, Home Electric, Inc.  
Mr. Bill Pugh, Director, City of Tacoma Public Works Department  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr. Jim Oberlander, City of Tacoma  
Ms. Mary Henley, City of Tacoma  
Mr. Calvin Taylor, City of Tacoma  
Mr. Gregory Jacoby, McGavick Graves, PS  
Mr. Mike Blancarte, Supervalu Holdings, Inc.  
Mr. John Nichols, Nichols Trucking  
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Mr. Bob Warren, Ecology  
Mr. Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P O Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

January 31, 2005

Mr. Bill Pugh, Director  
City of Tacoma Public Works Department  
747 Market Street 4<sup>th</sup> Floor  
Tacoma, WA 98402-3769

Dear Mr. Pugh:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

Enclosed is the Department of Ecology's (Ecology) Enforcement Order Number-1915 for the BNSF Oil Pipeline Site located along East D Street in Tacoma, Washington. Ecology understands that the potentially liable persons will coordinate in the implementation of this Enforcement Order. Ecology will contact you on February 17, 2005 regarding this Enforcement Order.

If you have any questions, please call me at (360) 407-6243.

Sincerely,

Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

Cc: Mr. Matt Wells, Preston / Ellis / Gates LLP  
Mr. Bruce Sheppard, BNSF  
Ms. Sally Fisher, GeoEngineers  
Mr. Clark Davis, David, Roberts & Jonhs  
Mr. John Backus, Home Electric, Inc.  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr. Jim Oberlander, City of Tacoma  
Ms. Mary Henley, City of Tacoma  
Mr. Calvin Taylor, City of Tacoma  
Mr. Gregory Jacoby, McGavick Graves, PS  
Mr. Mike Blancarte, Supervalu Holdings, Inc.  
Mr. Jeff Sawyer, Washington State Department of Transportation  
Mr. John Nichols, Nichols Trucking  
Mr. Bob Stack, Nichols Trucking  
Ms. Kris Flint, USEPA, Region 10  
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Ms. Rebecca Lawson, Ecology  
Mr. Bob Warren, Ecology  
Mr. Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

January 31, 2005

Mr. John Backus  
Home Electric Inc.  
2366 Eastlake Avenue East, Suite 312  
Seattle, WA 98102

Dear Mr. Backus:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

Enclosed is the Department of Ecology's (Ecology) Enforcement Order Number-1915 for the BNSF Oil Pipeline Site located along East D Street in Tacoma, Washington. Ecology understands that the potentially liable persons will coordinate in the implementation of this Enforcement Order. Ecology will contact you on February 17, 2005 regarding this Enforcement Order.

If you have any questions, please call me at (360) 407-6243.

Sincerely,

Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

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Mr. Bruce Sheppard, BNSF  
Ms. Sally Fisher, GeoEngineers  
Mr. Clark Davis, David, Roberts & Jonhs  
Mr. Bill Pugh, Director, City of Tacoma Public Works Department  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr. Jim Oberlander, City of Tacoma  
Ms. Mary Henley, City of Tacoma  
Mr. Calvin Taylor, City of Tacoma  
Mr. Gregory Jacoby, McGavick Graves, PS  
Mr. Mike Blancarte, Supervalu Holdings, Inc.  
Mr. Jeff Sawyer, Washington State Department of Transportation  
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Mr. Nels Johnson, AAG, Ecology  
Ms. Rebecca Lawson, Ecology  
Mr. Bob Warren, Ecology  
Mr. Marv Coleman, Ecology





**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**IN THE MATTER OF REMEDIAL ACTION BY:** )  
Washington State Department of Transportation )  
Supervalu Holdings, Inc. )  
City of Tacoma )  
Home Electric, Inc. )  
John Nichols )

**ENFORCEMENT ORDER  
NO. 1915  
BNSF OIL PIPELINE SITE**

- TO: Washington State Department of Transportation  
Attn: Mr. Jeff Sawyer  
Olympic Region  
P.O. Box 47440  
Olympia, WA 98504-7440
- TO: Supervalu Holdings, Inc.  
c/o Mr. Gregory Jacoby  
McGavick Graves  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534
- TO: City of Tacoma  
Attention: Mr. Bill Pugh  
Public Works Department  
747 Market Street, 4<sup>th</sup> Floor  
Tacoma, WA 98402-3769
- TO: Home Electric, Inc.  
c/o Mr. Clark Davis  
Davis, Roberts & Johns  
7525 Pioneer Way, Suite 202  
Bib Harbor, WA 98335
- TO: Mr. John Nichols  
Nichols Trucking  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501

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**EXHIBITS**

- Exhibit A: Site Diagram
- Exhibit B: Order Schedule
- Exhibit C: GeoEngineers soil investigations locations and results
- Exhibit D: Environmental Associates investigation in the vicinity of Tacoma Fixtures
- Exhibit E: Grouted sections of the oil pipeline

## I. INTRODUCTION

The objective of this Enforcement Order is to provide for a remedial investigation, feasibility study and interim action, and preparation of a cleanup action plan at a facility where there has been a release or threatened release of a hazardous substance. The Burlington Northern and Santa Fe Railway Company (BNSF), Washington State Department of Transportation (WSDOT), Supervalu Holding, Inc., City of Tacoma, Home Electric, Inc., and John Nichols have been identified by the Washington State Department of Ecology (Ecology) as potentially liable persons (PLPs) for the "BNSF Oil Pipeline" site (Site). This Enforcement Order is being issued to all the above parties except the BNSF, since the BNSF has already signed an Agreed Order (No DE 04TCPSR-6034) with Ecology for conducting a remedial investigation (RI), and feasibility study (FS) and implementing an interim action (IA), and developing a draft cleanup action plan at the site. It is the intention of Ecology that this Enforcement Order creates the same obligations on the part of the PLPs subject to it as those obligations created for BNSF under Agreed Order No. DE 04TCPSR-6034. By issuing this Enforcement Order, Ecology does not apportion liability among the PLPs in any way, as all PLPs, whether subject to an Agreed Order or an Enforcement Order are jointly and severally liable under chapter 70.105D RCW. The activities required by this Enforcement Order are designed to define the full nature and extent of total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (both in soils and groundwater) contamination present at the Site located along East D Street in Tacoma, Washington, and the risks posed to human health and the environment from contamination at the Site. Specifically, this Order requires the above PLPs to conduct a remedial investigation (RI), feasibility study (FS), implement an interim action (IA), and to develop a cleanup action plan (CAP) at the site.

## II. JURISDICTION

This Enforcement Order ("Order") is issued pursuant to the authority of Revised Code of Washington (RCW) 70 105D 050(1)

## III. DEFINITIONS

Unless otherwise specified, the definitions set forth in chapter 70 105D RCW and chapter 173-340 WAC shall control the meanings of the terms used in this Order.

1. Site: The Site, referred to as the "BNSF Oil Pipeline" is located along East D Street in Tacoma, Washington, in Pierce County. The Site is defined by the extent of contamination caused by the release of a hazardous substance at the Site. The location of the BNSF oil pipeline site is shown in "Exhibit A, however, the full extent of the site has not yet been determined. The Site constitutes a Facility under RCW 70.105D.020(4)

2. Potentially Liable Persons (PLPs): The Washington State Department of Transportation (WSDOT), Supervalu Holdings, Inc., City of Tacoma, Home Electric Inc., and John Nichols.

3. Enforcement Order or Order: Refers to this Enforcement Order and each of the exhibits to the Order. All exhibits are integral and enforceable parts of this Order, and the terms "Enforcement Order" or "Order" shall include all exhibits to the Enforcement Order.

#### IV. FINDINGS OF FACT

Ecology makes the following Findings of Fact, without any express or implied admissions of such facts by the PLPs.

1. The BNSF Oil Pipeline is located along East D Street in Tacoma, Washington. During recent excavations, portions of the pipe appear to have become compromised and to have released total petroleum hydrocarbons (TPH) into soils and groundwater in the vicinity of East 19<sup>th</sup> Street and at other locations. The BNSF Oil Pipeline location and general site vicinity map are shown on Exhibit A. The BNSF Oil Pipeline runs east of and parallel to East D Street in Tacoma, Washington and is located on properties currently owned/operated by the Washington State Department of Transportation, Nichols Trucking, City of Tacoma (East 19<sup>th</sup> Street and East 18<sup>th</sup> Street right-of-way), Home Electric, Inc and Supervalu Holdings, Inc. The land usage in the Site vicinity is all industrial and commercial.

2. The Pipeline is a 6-inch steel pipe that appears to have been installed in the early 1900s, and to have connected historic oil storage tanks located on the property that is now owned by JM Martinac Company with oil storage tanks on the current BNSF Tacoma Rail Yard. The pipeline was owned and operated by Northern Pacific and BNSF Railway companies.

3. The City of Tacoma reported to Ecology regarding tar-like oily globules in the Thea Foss Waterway near outfall number 245 (south of Johnny's Restaurant) during low tides. The City and Ecology conducted a site inspection on December 12, 2002, during low tide and noticed a few tar like oily globules floating on the water and also deposited on the banks. Ecology sampled the floating and deposited oily globules for biomarker analysis.

4. The City of Tacoma installed oil sorbent pom-poms in the manhole number 394 located on East 19<sup>th</sup> Street to determine whether or not the stormwater line is one of the migration pathways for the contamination observed near outfall number 245. During the pom-pom changes it was noticed a thick tar-like oily "snakes" were caught in the pom pom indicating that the stormwater system is one of the migration pathways for the contamination into the Thea Foss Waterway.

5. The City of Tacoma slip lined approximately 600 feet of the stormwater line above manhole 394 to stop the product that was getting into the stormwater line through the pipe joints. After the slip

lining, the contamination migration was stopped for a small period of time. However, the subsequent pom pom monitoring at manhole 394 showed that again it has started.

6. On February 23 and 24, 2002, and May 29 and 30, 2002, Ecology contractors identified the pipeline along East D Street and excavated three test pits; in the DOT pond area, between the DOT pond and East 19<sup>th</sup> Street and close to East 19<sup>th</sup> Street. Ecology collected soil and product samples from inside and/or outside the pipe for biomarker analysis. During the excavation of test pit IP-1 on the DOT pond area, a white backfill material with pH 13 was encountered.

7. The BNSF contractor, GeoEngineers, also conducted soil investigations on March 23, 24 and April 13, 2002, on the DOT pond area, in the vicinity of East 19<sup>th</sup> and East 18<sup>th</sup> Streets. This investigation revealed the presence of contaminated soils with TPH (diesel and oil) at the DOT pond area and on East 19<sup>th</sup> Street exceeding the MICA Method A cleanup standards of 2000 mg/kg. Results of diesel and oil concentrations ranged from 2450 mg/kg to 29,000 mg/kg and 2300 mg/kg to 26,800 mg/kg, respectively (Exhibit C).

8. On November 26, 2002, Environmental Associates, Inc. (Mr. John Backus's contractor) conducted a Supplemental soil and groundwater assessment at the Tacoma Fixtures Facility. As a part of this investigation six geoprobe borings (TF-5 through TF-10) were drilled and soil and groundwater samples were collected from these borings. TPH diesel and oil was detected at boring locations TF-5, TF-6, TF-7 and TF-9. The TPH diesel and oil concentrations ranged from 150 mg/kg to 730 mg/kg and 430 mg/kg to 2000 mg/kg, respectively. A groundwater sample collected at TF-7 showed diesel and oil concentrations of 6700 ug/l and 8700 ug/l respectively exceeding the MICA Method-A cleanup standards of 500 ug/l (Exhibit D).

9. During July and August of 2002, Pacific Industrial Resources (BNSF's contractor) grouted the oil pipeline in place with concrete slurry. During this process a number of pipe access pits were excavated and approximately 2600 gallons of product and water mixture was extracted prior to the pipeline grouting with concrete slurry (Exhibit E). During this investigation it was observed that some of the pipe sections in the vicinity of East 19<sup>th</sup> Street (between AP 2 and 2A) and in the vicinity of the DOT pond area (at AP 1) were in poor condition due to corrosion. These sections of pipe were removed and the cut off ends were grouted.

10. In addition to the samples from the Thea Foss Waterway, Ecology also collected five split soil samples during the GeoEngineers investigation in the vicinity of East 19<sup>th</sup> Street and the DOT pond area, from the Tacoma Fixtures underground storage tanks and Supervalu parking lot for biomarker analysis. Results of samples collected from Thea Foss Waterway apparently did not match any of the above samples. Based on chromatograms, it was concluded that there are multiple sources (in the vicinity of East 19<sup>th</sup> Street)

that have contributed to the contamination that is seen in the Thea Foss Waterway. Only one sample collected at test pit 5P-C on the Supervalu parking lot matched the results of biomarker analysis of the product sample collected from the inside of the oil pipeline.

11. As a part of the interim action, based on the results of soils investigations, GeoEngineers (BNSF's Contractor) excavated approximately 2000 cubic yards of total petroleum hydrocarbons contaminated soils in the vicinity of East 19<sup>th</sup> Street and East D Street and sent it to TPS for thermal treatment.

12. The City of Tacoma has repaired and/or replaced a portion of the stormwater pipe in the vicinity of East D Street and East 19<sup>th</sup> Street to assure that the stormwater system will not act as a migration pathway for the IPH contamination (oil) into the Thea Foss Waterway.

13. Results of a Geophysical Survey conducted by the Home Electric, Inc. in the vicinity of Tacoma Fixture building on East 19<sup>th</sup> Street showed an anomaly indicating the presence of an underground storage tank (UST). Excavation of the anomaly area revealed the presence of a UST approximately three-feet (3-feet) below the surface with a 14 inches thick concrete slab over the tank. The diameter of the tank is about 96 inches (8 feet) and presumed to be 20-feet in length. The tank currently contains approximately 5100 gallons of product and water mixture.

## V. ECOLOGY DETERMINATIONS

1 Each of the PLPs is an "owner or operator," as defined in RCW 70.105D.020(12), of a "facility," as defined in RCW 70.105D.020(4). Each of the PLPs was also an "owner or operator" of the facility at the time of a disposal or release of a hazardous substance into the environment.

2 The petroleum product observed in the pipeline as described above is a "hazardous substance" as defined in RCW 70.105D.020(7). In addition to the pipeline, Ecology believes that there may be other unidentified sources present in the vicinity of East 19<sup>th</sup> Street. Based upon all factors known to Ecology, a "release" or threatened "release" of a "hazardous substance" as defined in RCW 70.105D.020(20) and RCW 70.105D.020(7), respectively, has occurred at the Site.

3. Based upon credible evidence, Ecology issued potentially liable person status letters identifying The Burlington Northern and Santa Fe Railway Company (BNSF), Supervalu Holdings, Inc., the Washington State Department of Transportation (WSDOT), Home Electric, Inc., the City of Tacoma and Mr. John Nichols on November 19, 2003, September 30, 2003, March 13, 2003, December 22, 2003, and February 12, 2004, respectively, pursuant to RCW 70.105D.040, RCW 70.105D.020(16), and WAC 173-340-500. After providing for notice and opportunity to comment, extending the comment period and reviewing the comments submitted by BNSF, Supervalu Holdings Inc., WSDOT (no comments were

received from WSDOT), Home Electric, Inc. the City of Tacoma, and John Nichols (no comments received) concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that BNSF, Supervalu Holdings, Inc., WSDOT, Home Electric, Inc. the City of Tacoma and John Nichols are each potentially liable person (PLP) under RCW 70.105D.040 and notified BNSF, Supervalu Holdings Inc., WSDOT, Home Electric, Inc. the City of Tacoma and John Nichols of this determination by letters dated March 7, 2003, December 22, 2003, November 4, 2003, February 3, 2004, and April 1, 2004, respectively.

4. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050(1), Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.

5. Under WAC 173-340-430(1)(a), an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance. The threat to the safety of the public and Waters of the State (Thea Foss Waterway) caused by the migration of contaminated groundwater/TPH related product at the Site warrants an interim action consistent with WAC 173-340-430(1)(a).

6. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## VI. WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, the Washington State Department of Transportation, Supervalu holdings, Inc., the City of Tacoma, Home Electric Inc., and John Nichols are hereby ordered to take the following actions and to conduct these actions in accordance with chapter 173-340 WAC unless otherwise specifically provided for herein.

### 1. Remedial Investigation/Feasibility Study (RI/FS)

The BNSF Oil Pipeline is one of the sources for the TPH contamination in Site soils and groundwater. However, there may be other unidentified sources present in the vicinity of East 19<sup>th</sup> Street. Other suspected sources include underground storage tanks located on the Home Electric property and historic filling in the site area. The extent of soil and groundwater contamination on the site is not known. Two investigations (soils investigation and pipeline closure/grouting) have been conducted in the vicinity of East 19<sup>th</sup> Street, DOT pond area and Supervalu parking lot. However, there is a lack of information to determine the full nature and extent of both soils and groundwater contamination at this site. The PLPs shall conduct a remedial investigation (RI) and a feasibility study (FS) at the Site in accordance with WAC 173-

340, implement an appropriate interim action (IA), develop a CAP and comply with the following requirements:

A. Scope of Work:

(1) Work Plan: As per the requirements of Agreed Order No. DE 04TCPSR-6034, BNSF submitted a draft work plan to Ecology that proposes a scope of work to evaluate known environmental concerns along the BNSF Oil Pipeline, including the identification of contaminant source(s) and characterization of the extent of soil and groundwater contamination at the site. The work plan included a sampling and analysis plan (SAP) and a site specific health and safety plan (HASP) for field work, in compliance with WAC 173-340-820 and -810, respectively. The SAP identifies the proposed number of soil test locations and groundwater monitoring locations but does not limit the number of such potential locations, approximates depths of samples and borings (as appropriate), and includes a quality assurance/quality control (QA/QC) plan.

(2) Schedule: The work plan includes a subsequent schedule for the implementation of the work plan including an appropriate interim action, and is attached as Exhibit B to this Order (Schedule). Ecology reviewed and provided written comments on March 5, 2004, and the work plan was finalized on March 12, 2004.

The approved final work plan, including performance of appropriate Interim Action, shall be implemented according to the Schedule attached to this Order as Exhibit B.

The PLPs shall submit to Ecology a progress report the first week of each month regarding the progress of RI/FS work until such time as the PLPs submit the Draft Final Cleanup Action Plan to Ecology and Ecology provides its written approval. The monthly progress report shall include work completed to date; problems encountered and how they were resolved, and work scheduled for the subsequent month.

(3) Extension of Schedule: The approved schedule presented in the final work plan is based on the assumption that the weather will cooperate during the investigation. However, if good cause exists for an extension, a timely request for an extension may be granted pursuant to Section VIII.9. Should an additional phase of RI be necessary to characterize the distribution of contaminants in soil and/or groundwater at the site (e.g., based on the information obtained during the remedial investigation and performance of the interim action), a supplemental work plan will be submitted to Ecology for review and approval according to an Ecology approved schedule, including an Ecology approved revised schedule for submission of the resulting RI/FS.

2. Interim Action:

An interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance; or a remedial action that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed (Chapter 173-340-430(a) and (b) WAC).

The City of Tacoma is scheduled to start the Thea Foss Sediment remediation in July or August of 2004. Since contamination is migrating into the Thea Foss Waterway, through the City storm drain and may also be migrating through other unknown pathways, there is potential for recontamination of sediments if the migration of contamination from this site is not stopped. Hence, according to the approved Schedule attached as Exhibit B, an appropriate interim action proposal to stop migration of contamination into the Thea Foss Waterway through any confirmed pathways shall be submitted to Ecology for its review and approval. The PLPs shall implement the approved interim action according to the approved Schedule. Examples of interim actions may include the slip lining of the City's stormwater system laterals to stop the hazardous substances or contaminants that are getting into the system and any other appropriate actions deemed necessary (remediation of new source(s) such as USTs) to stop the migration of contamination into the Thea Foss Waterway. The PLPs must submit a schedule for Ecology approval to implement the interim action within say 15 days of discovery of new source(s)

## VII. TERMS AND CONDITIONS OF ORDER

1. Public Notices

This Order has been the subject of public notice and comment pursuant to WAC 173-340-600 including any appropriate interim actions that will be implemented as stated above.

2. Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under chapter 70 105D RCW both subsequent to the issuance of this Order and retroactive to January 1, 2002. Ecology has incurred approximately \$27,000 (both staff time and contract costs) between January 1, 2002, and February 29, 2004, at this site. The PLPs shall pay the quarterly invoices required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be

provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges pursuant to WAC 173-340-550(4).

3. Designated Project Coordinators

The project coordinator for Ecology is:

Mr. Panjini Balaraju  
Department of Ecology  
Toxics Cleanup Program  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775  
Telephone: (360) 407-6243  
E-mail: [pbal461@ecy.wa.gov](mailto:pbal461@ecy.wa.gov)

The project coordinators for the PLPs are:

Washington State Department of Transportation  
Mr. Jeff Sawyer  
Olympic Region  
P.O. Box 47440  
Olympia, WA 98504-2713  
Telephone: (360) 357-2713

Supervalu Holding, Inc.  
Mr. Gregory Jacoby  
McGavick Graves, P.S.  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534  
Telephone: (253) 627-1181

City of Tacoma  
Mr. Calvin Taylor  
Tacoma Landfill  
3510 South Mullen Street  
Tacoma, WA 98409  
Telephone: (253) 593-7711

Home Electric, Inc.  
Mr. Clark Davis  
Davis Roberts & John  
7525 Pioneer Way, Suite 202  
Gig Harbor, WA 98335  
Telephone: (253) 858-8606

Mr. John Nichols  
Nichols Trucking  
Attention: Mr. Bob Stack  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501  
Telephone: (253) 272-8495

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinator(s). Should Ecology or the PLPs change project coordinator(s), written notification shall be provided to Ecology or the PLPs at least ten (10) calendar days prior to the change.

4. Performance

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or equivalent expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. The PLPs project coordinator shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors, and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site. The PLPs project coordinator shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions

5. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Site at all reasonable times for the purposes of, inter alia; inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. When entering the Site under Chapter 70.105D RCW, Ecology shall provide reasonable notice prior to entering the Site unless an emergency prevents notice. Ecology shall allow split or replicate samples to be taken by the PLPs during an inspection unless doing so interferes with Ecology's sampling. The PLPs shall

allow split or replicate samples to be taken by Ecology and shall provide seven (7) days notice before any sampling activity

6. Public Participation

The PLPs shall prepare and/or update a public participation plan for the Site. Ecology shall maintain the responsibility for public participation at the Site.

The PLPs shall help coordinate and implement public participation for the Site.

7. Retention of Records

The PLPs shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the PLPs a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.

8. Dispute Resolution

A. The PLPs may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. The parties shall utilize the dispute resolution process set forth below:

(1) Requests shall be submitted in writing to the Southwest Region Toxics Cleanup Section Manager.

(2) The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute within thirty (30) days of the PLPs request for review. The Section Manager's decision shall be Ecology's final decision on the dispute matter.

B. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

9. Extension of Schedule

A. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least 15 days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify the reason(s) the extension is needed. A requested extension shall not be effective until approved by Ecology. Ecology shall act upon any written request for extension in a timely fashion. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology shall give the PLPs written notification in a timely fashion of any extensions granted pursuant to this Order.

B. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause includes, but is not limited to:

(1) Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs ; or

(2) Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

(3) Endangerment as described in Section VIII.10 of this Order.

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

10. Endangerment

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

If, for any reason, the PLPs determine that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLP's cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended for such period of time as Ecology determines is reasonable under the circumstances.

11. Reservation of Rights

Ecology reserves the right; to require additional remedial actions at the Site should it deem such actions necessary. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

12. Transference of Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the PLPs may have in the Site or any portions thereof, the PLPs shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the PLPs shall notify Ecology of said transfer.

13. Compliance with Applicable Laws

A. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in subparagraph B of this section.

B. Pursuant to RCW 70.105D.090(1), the substantive requirements of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for remedial action under this Order that are known to be applicable at the time of issuance of the Order are binding and enforceable requirements of the Order.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine the additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of this determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be

enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

#### **VIII. SATISFACTION OF THIS ORDER**

The provisions of this Order shall be deemed satisfied upon the PLP's receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Enforcement Order have been complied with.

#### **IX. ENFORCEMENT**

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

1. The Attorney General may bring an action to enforce this Order in a state or federal court.
2. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
3. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLP's will be liable for:
  - A. Up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
  - B. Civil penalties of up to \$25,000 per day for each day it refuses to comply.

4. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D 060.

Effective date of this Order: January 31, 2005

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

By Rebecca S. Lawson

Date 01/31/2005

Rebecca S. Lawson, P E , Manager  
Toxics Cleanup Program  
Southwest Regional Office

## REFERENCES

1. GeoEngineers; draft Report, "D" Street Pipeline Alignment Subsurface Investigation, Tacoma, Washington, May 31, 2002
2. GeoEngineers; Summary Report, "D" Street Pipeline Closure, Tacoma, Washington, January 9, 2003
3. Environmental Associates, Inc., Supplemental Soil and Groundwater Assessment, Tacoma Fixtures 1815 East "D" Street, Tacoma, Washington, January 6, 2003





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

**CERTIFIED MAIL**

January 31, 2005

Mr. John Nichols  
Nichols Trucking  
424 East 19<sup>th</sup> Street  
Tacoma, WA 98421-1501

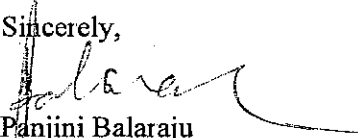
Dear Mr. Nichols:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

Enclosed is the Department of Ecology's (Ecology) Enforcement Order Number-1915 for the BNSF Oil Pipeline Site located along East D Street in Tacoma, Washington. Ecology understands that the potentially liable persons will coordinate in the implementation of this Enforcement Order. Ecology will contact you on February 17, 2005 regarding this Enforcement Order.

If you have any questions, please call me at (360) 407-6243.

Sincerely,

  
Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

PB/ksc:Enforcement Order Cover Letter BNSF

Enclosure:

Cc: Mr. Matt Wells, Preston / Ellis / Gates LLP  
Mr. Bruce Sheppard, BNSF  
Ms. Sally Fisher, GeoEngineers  
Mr. Clark Davis, David, Roberts & Jonhs  
Mr. John Backus, Home Electric, Inc.  
Mr. Bill Pugh, Director, City of Tacoma Public Works Department  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
Mr. Jim Oberlander, City of Tacoma  
Ms. Mary Henley, City of Tacoma  
Mr. Calvin Taylor, City of Tacoma  
Mr. Jeff Sawyer, Washington State Department of Transportation  
Mr. Mike Blancarte, Supervalu Holdings, Inc.  
Mr. Gregory Jacoby, McGavick Graves, PS  
Mr. Bob Stack, Nichols Trucking  
Ms. Kris Flint, USEPA, Region 10  
Mr. Rob Olsen, Tacoma Pierce County Health Department  
Mr. Nels Johnson, AAG, Ecology  
Ms. Rebecca Lawson, Ecology  
Mr. Bob Warren, Ecology  
Mr. Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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**CERTIFIED MAIL**

January 31, 2005

Mr. Gregory Jacoby, McGavick Graves, PS  
Super Valu Holdings, Inc.  
1102 Broadway, Suite 500  
Tacoma, WA 98402-3534

Dear Mr. Jacoby:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

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Sincerely,

Hanjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

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Mr. Marv Coleman, Ecology







STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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**CERTIFIED MAIL**

January 31, 2005

Mr. Jeff Sawyer  
Washington State Department of Transportation  
PO Box 47440  
Olympia, WA 98504-7447

Dear Mr. Sawyer:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

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Sincerely,

Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

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Enclosure:

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Mr. Bruce Sheppard, BNSF  
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Mr. John Backus, Home Electric, Inc.  
Mr. Bill Pugh, Director, City of Tacoma Public Works Department  
Mr. Doug Mosich, Office of the City Attorney, City of Tacoma  
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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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**CERTIFIED MAIL**

January 31, 2005

Mr. Bill Pugh, Director  
City of Tacoma Public Works Department  
747 Market Street 4<sup>th</sup> Floor  
Tacoma, WA 98402-3769

Dear Mr Pugh:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

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Sincerely,

Panjini Balaraju  
Project Manager  
Toxics Cleanup Program  
Southwest Regional Office

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**CERTIFIED MAIL**

January 31, 2005

Mr. John Backus  
Home Electric Inc  
2366 Eastlake Avenue East, Suite 312  
Seattle, WA 98102

Dear Mr. Backus:

Re: The Burlington Northern and Santa Fe Railway Company (BNSF) Oil Pipeline Site

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