



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

November 16, 2015

Temple Family Credit Shelter Trust  
C/O Connie Sue Martin  
Schwabe, Williamson & Wyatt Attorneys at Law  
1420 5<sup>th</sup> Avenue, Suite 3400  
Seattle, WA 98101-4010

Re: A Reported Release of Hazardous Substances and Potential Liability for the Release at the following site.

- Site Name: Temple Distributing/Carson Oil
- Address: 808 South Columbus Avenue, Goldendale
- County Assessor's Parcel No.: 95474961
- Facility/Site ID No.: 11985

Dear Trustees:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

As a result of an initial investigation completed by Ecology at Temple Distributing/Carson Oil 808 South Columbus Avenue, Goldendale in June of 2012, Ecology believes that a release of a hazardous substance has occurred and that further action will be required at this site. Based on this investigation, Ecology intends to add this property to our database of confirmed and suspected contaminated sites.

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find Temple Family Credit Shelter Trust liable under RCW 70.105D.040 for the release of hazardous substances at the Temple Distributing/Carson Oil facility facility (Site). This proposed finding is based on the following evidence:

1. The Temple Family Credit Shelter Trust appears on Title Records obtained in September, 2014.



2. On February 29, 2012, approximately 970 gallons of gasoline were spilled onto the soils at the Temple Distributing property. The spill was due to the overfilling on an above ground storage tank (AST). Much of the spill was contained within the berm area beneath the AST, but the gasoline quickly infiltrated into the gravel and soils within the berm area. Groundwater at this site is quite shallow, with depths to groundwater ranging from 2.36 feet below ground surface (bgs) to 6.33 feet bgs.

In April 2012, approximately 415 tons of petroleum-impacted soils were excavated and disposed of in a landfill. Subsequent confirmation soil samples revealed the presence of petroleum-impacted soils exceeding Model Toxics Control Act (MTCA) Method A Cleanup Levels remaining in the excavation pit, with concentrations of gasoline range organics as high as 3,080 mg/kg and benzene concentrations up to 36 mg/kg. The MTCA Method A Cleanup Level for gasoline in soils is 30 mg/kg when benzene is also present, and 0.03 mg/kg for benzene itself in soils.

Four groundwater monitoring wells were installed on the property in April of 2012. Groundwater sampling revealed concentrations of gasoline range organics in groundwater as high as 14,500 ug/L and benzene concentrations up to 1,250 ug/L. The MTCA Method A Cleanup Level for gasoline in groundwater is 800 ug/L when benzene is also present, and 5 ug/L for benzene itself in groundwater.

3. Concentrations of total petroleum hydrocarbons in soils and groundwater at the Site exceed MTCA Method A Cleanup Levels, and pose a threat to human health and the environment.

### **Opportunity to Respond to Proposed Finding of Liability**

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Mary Monahan  
CRO-Toxics Cleanup Program  
1250 West Alder Street  
Union Gap, WA 98903

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

### **Identification of Other Potentially Liable Persons**

Ecology has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Temple Distributing Incorporated
2. Carson Oil Incorporated
3. Chevron Oil Corporation
4. Temple Family Survivor's Trust

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

### **Responsibility and Scope of Potential Liability**

Please note that Ecology may either conduct, or require PLPs to conduct, remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

### **Next Steps in Cleanup Process**

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Conduct a Site Hazard Assessment in order to rank the Site
2. Initiate discussions to pursue cleanup. A number of different options exist, and Ecology is willing to set up a meeting to discuss these options.

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For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

**Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at 509-454-7840. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Mary Monahan".

Mary Monahan  
Ecology Project Cleanup Manager  
Toxics Cleanup Program

Enclosures: 2

By Certified Mail [7014 3490 0001 5527 6086]