



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 30, 2017

Mr. Shane DeGross
BNSF Railway Company
605 Puyallup Avenue South,
Tacoma WA 98421

Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:

Site Name: Coleman Oil Yakima Bulk Fuel
Site Address: 1 East I Street, Yakima
Cleanup Site ID: 13200
Facility/Site ID: 4233
ERTS ID Nos.: 663825, 670092

Dear DeGross:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Coleman Oil Yakima Bulk Fuel facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This determination is based on an Initial Investigation conducted on March 17, 2017. Ecology has added the Site to its list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find BNSF Railway Company liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a “potentially liable person” or “PLP.” This letter identifies the basis for Ecology’s proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find BNSF Railway Company liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Coleman Oil Company, LLC is the operator of the bulk fuel distribution facility located at 1 East I Street in Yakima. Coleman Oil Company, LLC acquired the business from Wondrack Distributing Assets in a transaction that closed on August 1, 2015. The first issuance date for liquid fuel meter at this Yakima location for Coleman Oil Company, LLC is listed as August 4, 2015, as shown on the Washington State Department of Revenue website.



Mr. Shane DeGross
BNSF Railway Company
March 30, 2017
Page 2

2. Carol Jean Wondrack is listed as the owner of the parcel number 18131314070 on which the east portion of the business operated by Coleman Oil Company, LLC is located. The listing for the parcel information is provided on the assessor's page on the Yakima County website.
3. The west portion of the bulk fuel distribution facility is situated on property designated as BNSF right-of-way. The parcel number is 18131399997 as shown on the Yakima County assessor's website.
4. A release was discovered on March 21, 2016, when an employee observed fuel product seeping to the ground surface through a crack in the asphalt pavement. At the time of the observation, diesel fuel was being pumped through a subsurface distribution line beneath the release location. This release was promptly reported to the Department of Ecology as ERTS #663825. The release impacted both soil and groundwater.
5. Evidence for a secondary release was also discovered and reported to the Department of Ecology on January 17, 2017, as ERTS #670092. The contaminant is gasoline which released from a subsurface distribution line. Indications of a gasoline release were indicated earlier during the course of investigating the diesel release but were not confirmed until January.
6. Groundwater was impacted resulting in a diesel non-aqueous phase liquid evident in a number of monitoring wells and a commingled groundwater dissolved-phase plume of gasoline and diesel.
7. Analyses of samples collected from soil and groundwater show contamination by gasoline and diesel at concentrations that exceed the Model Toxics Control Act (MTCA) cleanup levels. Gasoline and diesel contaminant levels in soil and groundwater that exceed MTCA cleanup standards pose a risk 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; or
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.

Mr. Shane DeGross
BNSF Railway Company
March 30, 2017
Page 3

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

John Mefford
Toxics Cleanup Program, Central Region Office
1250 W Alder St
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 is notifying the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Coleman Oil Company, LLC.
2. Carol Jean Wondrack

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

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.

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. Ecology intends to pursue negotiation with the cooperative PLPs to enter into an Agreed Order for this Site.

Mr. Shane DeGross
BNSF Railway Company
March 30, 2017
Page 4

2. The business operator shall continue remedial actions to recover light nonaqueous-phase liquid (LNAPL) or free product as required under Section 450 of WAC 134-340, the Model Toxics Control Act.

For a description of the process for cleaning up a contaminated 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 contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

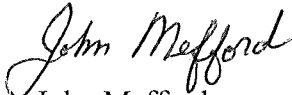
Site Listing

Ecology has added the Site to its list of confirmed and suspected contaminated sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7836 or john.mefford@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



John Mefford
Cleanup Project Manager
Toxics Cleanup Program, Central Region Office

Enclosures (2)

By Certified Mail [91 7199 9991 7036 8586 4416]

cc: Jim Cach, Coleman Oil Company, LLC
Carol Jean Wondrack