



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 26, 2017

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

Re: Final Determination of Liability for Release of Hazardous Substances 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

Dear Mr. DeGross:

Please accept this correspondence as the official notice by the Department of Ecology (Ecology) of our determination of your status as a potentially liable person (PLP) for the Coleman Oil Yakima Bulk Fuel Site (Site).

On March 30, 2017, Ecology sent you written notice of our preliminary determination that BNSF Railway Company is a potentially liable person (PLP) for a release of hazardous substances at the Coleman Oil Yakima Bulk Fuel facility (Site). The 30-day comment period on our preliminary determination expired on May 19, 2017 (after an extension that we granted on April 27, 2017).

Ecology received your initial written comments on May 18, 2017. Your comments were evaluated. Based on available information, Ecology finds that credible evidence exists which supports the status of BNSF Railway Company as a PLP for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that BNSF Railway Company is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for the BNSF Railway Company to bring about the prompt and thorough cleanup of hazardous substances at this Site.



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Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Frank Winslow will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Frank Winslow, at (509) 454-7835 or frank.winslow@ecy.wa.gov.

Sincerely,



Valerie Bound
Section Manager
Toxics Cleanup Program, Central Region Office

By Certified Mail [91 7199 9991 7037 1762 1024]

cc: Ivy Anderson, Office of the Attorney General
Jim Cach, Coleman Oil Company
John Schultz, Leavy Schultz Davis, P.S.
Craig Trueblood, K&L Gates LLP
Ecology Site File