



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

May 26, 2017

Jim Cach  
Central Region Operations Manager  
Coleman Oil Company, LLC  
529 E Kennewick Ave  
Kennewick, WA 99336

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

Site Name:	Coleman Oil Biodiesel Spill
Site Address:	3 E Chehalis Street, Wenatchee
Assessor's Parcel No.:	222011693005
Facility/Site ID No.:	83844381
Cleanup Site ID No.:	13215
ERTS ID No.:	671575

Dear Mr. Cach:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Coleman Oil Biodiesel Spill 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 April 26, 2017. Ecology has added the Site to its Confirmed and Suspected Contaminated Sites List (CSCSL).

Based on credible evidence, Ecology is proposing to find Coleman Oil Company, LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known 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**

This proposed finding of liability is based on the following evidence:

1. Coleman Oil Company, LLC is the operator of the bulk fuel distribution facility located at 3 E Chehalis St. in Wenatchee. Coleman Oil Company, LLC has operated the facility since 2007. The Washington State Department of revenue website indicates the first issuance date for liquid fuel meter endorsement at this Wenatchee location for Coleman Oil Company, LLC is January 23, 2007.



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2. The Chelan County Assessor's website states Coleman Services IV, LLC purchased the property on January 29, 2007. The Washington State Department of Revenue and the Washington Secretary of State websites list Mr. Robert S. Coleman Jr. as a governing person for both Coleman Services IV, LLC and Coleman Oil Company, LLC. Mr. Calvin Wilson is listed as the registered agent for Coleman Services IV, LLC. The Coleman Oil official website identifies Mr. Coleman as the president and owner of the business.

Note: the address associated with the Chelan County Assessor's Parcel Number (APN) is 600 S Worthen Street.

3. On March 17, 2017, a petroleum sheen was observed on the Columbia River generally adjacent to the intersection of Chehalis and Worthen Streets in Wenatchee. The source of the release was determined to be from leaking underground piping connecting a 20,000-gallon Above Ground Storage Tank (AST) containing Renewable Diesel (R99) to the distribution truck loading rack.
3. Soil, groundwater, and surface water are known to have been impacted by the release.
  - Analysis of soil and groundwater samples show contaminant concentrations exceeding MTCA Method A Cleanup Levels. Concentrations exceeding MTCA cleanup standards pose a risk to human health and the environment.
  - The total recovered volume of fuel from the river has not been calculated due to ongoing seepage; however, the volume is known to exceed the Natural Resource Damages Assessment (NRDA) action level of 25-gallons. The amount of fuel that has entered the river poses 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.

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

Frank P. Winslow  
Dept. of Ecology-Central Regional Office  
Toxics Cleanup Program  
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 person that they are potentially liable for the release of hazardous substances at the Site:

1. Coleman Services IV, LLC

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

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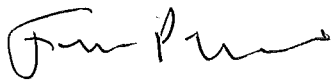
2. The business operator shall continue interim actions to recover Light Non-Aqueous Phase Liquid (LNAPL), also known as "free product", as required under Section 450 of WAC 134-340 of MTCA.

For a description of the process for cleaning up a 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.

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) 454-7835 or [frank.winslow@ecy.wa.gov](mailto:frank.winslow@ecy.wa.gov). Thank you for your cooperation.

Sincerely,



Frank P. Winslow  
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1762 1246]

cc: Calvin Wilson, Registered Agent, Coleman Services IV, LLC  
Robert S. Coleman Jr., President, Coleman Oil Company  
Dale Becker, On-Scene Coordinator, Region 10, US Environmental Protection Agency  
Sam Hunn, Central Regional Response Supervisor