



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 18, 2017

Mr. David Garwood
Bingen Plant Manager
Wilcox & Flegel
95 Panel Way
Longview, WA 98632

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Site:

Site Name: Unocal Bulk Plant 0046
Address: 217 E Steuben Street, Bingen
Facility/Site No.: 61834259
Cleanup Site ID No: 6383

Dear Mr. Garwood:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of contaminated sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are 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”.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Wilson Oil, Inc. DBA Wilcox & Flegel liable under RCW 70.105D.040 for the release of hazardous substances at the Unocal Bulk Plant 0046 facility (Site). This proposed finding is based on the following evidence:

1. Garwood RK Co, Inc. is the listed owner of the property located at 217 E Steuben Street in Bingen, Washington, in the Klickitat County GIS system. This business name is not listed on the Washington Secretary of State website. Garwood Oil Company, Inc. was previously registered with the Washington Secretary of State website. Garwood Oil was acquired by Wilson Oil, Inc. DBA Wilcox & Flegel. The facility currently operates as Wilcox & Flegel with Mr. David Garwood listed as plant manager.



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2. Union Oil Company of California (UNOCAL) was the former operator of the bulk fuel facility located at 217 E Steuben Street. Chevron Environmental Management Company is listed as the agent for UNOCAL.
3. Site cleanup activities to address petroleum hydrocarbon contamination in soil were conducted in 1989 and in 1996. However, soil contamination remained in excess of Model Toxic Cleanup Act (MTCA) standards including adjacent to the south property boundary and adjacent to and likely underneath the fuel storage building. The soils contamination consisted of diesel and heavy oil range total petroleum hydrocarbons (TPH). The remediation work conducted in 1996 was prepared on behalf of Unocal ERS – West Region.
4. Concentrations of contaminants in soil and groundwater above MTCA standards constitute a threat to human health and the environment and further action is therefore required.

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:

Frank P. Winslow
CRO-Toxics Cleanup Program
1250 W 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.

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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:

- Union Oil Co. of California (UNOCAL) c/o Chevron Environmental Management Company

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:

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

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.

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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. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank P. Winslow".

Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1759 7992]

cc: Brett Hunter, Chevron Environmental Management Co.