



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 3, 2017

John Schultz
Counsel for Wondrack Distributing
Leavy Schultz Davis, P.S.
2415 West Falls Avenue
Kennewick, WA 99336

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

Site Name: Coleman Oil Yakima Bulk Plant
Site Address: 1 East I Street, Yakima
Facility/Site ID: 4233
Cleanup Site ID: 13200

Dear Mr. Schultz:

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 Wondrack Distributing liable under RCW 70.105D.040 for the release of hazardous substances at the Coleman Oil Yakima Bulk Plant (Site). This proposed finding is based on the following evidence:

1. Wondrack Distributing was the operator of the bulk fuel distributing facility located at the Site from 1976 to August 1, 2015.
2. In early 2015, PBS Engineering and Environmental Inc. (PBS) conducted an investigation of soil at the Site on behalf of Wondrack Distributing. The findings and conclusions of that investigation were presented in a report titled “Site Characterization Report, Yakima Bulk Plant, 1 East I St, Yakima, Washington” dated June 2015.



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3. PBS found petroleum-contaminated soil consisting of diesel and motor oil compounds in concentrations above the MTCA Method A cleanup levels in multiple areas of the site: inside the tank farm, the out-of-use tank and drum storage area within the tank farm, and the loading rack.
4. PBS also found that soil near a waste oil tank inside the tank farm exceeded the cleanup levels for metals cadmium and lead, and for carcinogenic polycyclic aromatic hydrocarbons (PAHs). Although gasoline-range soil contamination was detected during the site characterization, it did not exceed MTCA cleanup levels.
5. The exceedance of Method A cleanup levels in soil 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 has notified the following additional persons that they are liable for the release of hazardous substances at the Site:

- Coleman Oil Company, LLC
- BNSF Railway Company
- 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

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.

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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. Thank you for your cooperation.

Sincerely,



Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1451 1991]

cc: Jim Cach, Coleman Oil Company
Shane DeGross, BNSF Railway Company