



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 11, 2019

Chevron U.S.A. Inc.
c/o Tim Bishop
Chevron Environmental Management Company
6001 Bollinger Canyon Road
San Ramon, CA 94583

BNSF Railway Company
c/o Scott MacDonald
605 Puyallup Avenue
Tacoma, WA 98421

Re: Notification of Deadline to Enter into Negotiations for Agreed Order for the following site:

- **Site Name:** Glacier Park Budget Fuel East
- **Site Address:** 1408 Highway 2, Leavenworth
- **Cleanup Site ID:** 4234
- **Facility/Site ID:** 349

Dear Tim Bishop and Scott MacDonald:

On March 15, 2018, the Washington State Department of Ecology (Ecology) sent you a letter regarding our determination that the cleanup action at the above-referenced site is insufficient to meet the cleanup standards. On April 30, 2018, BNSF Railway and Chevron U.S.A Inc. responded and agreed to negotiate to amend the existing Agreed Order (AO).

On December 13, 2018, the Department of Ecology withdrew from negotiations on the amendment to the Order and proposed negotiation toward a new AO in lieu of the amendment. In an email to you dated December 18, 2018, Ecology briefly outlined the rationale to withdraw from amending the existing AO. On December 17, Ecology submitted to you a draft AO and associated Scope of Work and Schedule. Items such as the Scope of Work and Schedule as well as the Work To Be Performed Section follow the content previously negotiated as the Amendment. On July 29, 2019, Ecology sent you the enclosed AO and Scope of Work, which incorporates potentially liable persons (PLP) edits to the December 17 draft AO.

The purpose of this letter is to notify you of a deadline to negotiate and sign the new Agreed Order.



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The Model Toxics Control Act (MTCA) states that negotiation for AO should not exceed 60 days unless Ecology decides that continued discussions are in the public interest (WAC 173-340-530). Thus, the deadline to sign is **September 27, 2019**. WAC 173-340-530(6) does state that Ecology can withdraw from negotiation if it determines that reasonable progress is not being made towards an AO acceptable to Ecology.

Should you have any questions, please contact me at (509) 454-7833 or at kyle.parker@ecy.wa.gov.

Sincerely,



Kyle Parker
Site Manager
Toxics Cleanup Program
Central Region Office

cc: Kara Tebeau, Office of the Attorney General

Enclosures: (2) Agreed Order
 Scope of Work