

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:  
**Chevron U.S.A. Products Company**  
**Dana and Diana Wolfe**  
**Janet Parks**

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ENFORCEMENT ORDER  
No. DE 03TCPSR-5715

TO: Mr. Brett L. Hunter  
Chevron Products Co.  
A ChevronTexaco Company  
P.O. Box 6004  
6001 Bollinger Canyon Road, Room L4064  
San Ramon, CA 94583-2324

Dana and Diana Wolfe  
P.O. Box 160  
Morton, WA 98356

Ms. Janet Parks  
P.O. Box 724  
Morton, WA 98356

I.  
JURISDICTION

This Enforcement Order (Order) is issued pursuant to the authority of Revised Code of Washington (RCW) 70.105D.050(1).

II.  
FINDINGS OF FACT

The Department of Ecology (Ecology) makes the following Findings of Fact, without admission of such facts by the Chevron Products Company (Chevron), Janet Parks, and Dana and Diana Wolfe.

1. On May 7, 2003, Ecology received a citizen report stating that while excavating on the property located at 149 Main Street, Morton, Washington 98356 approximately 20 years ago they ran into heavy soil contamination. The caller reported that there was a heavy smell of fuel in the area of the excavation. The caller reported that the site was a former Chevron (Standard Oil) bulk petroleum facility. The caller reported that approximately 20-years ago when the excavation occurred the tank farm was already dismantled.

2. Ecology received "Permission for Testing" forms signed and dated on May 14, 2003, by Dana and Diana Wolfe and Janet Parks (owners of Lewis County parcels numbers 8492-4 and 8492-2, respectively) to conduct an Initial Investigation on the subject property located at 149 and 167 Main Street, Morton, Washington 98356. On May 23, 2003, Steve Garrett of the Lewis County Health Department conducted an Initial Investigation of the former Chevron bulk petroleum facility. Soil samples were obtained from several test pits documenting soil contamination above the Model Toxics Control Act cleanup standards for petroleum products.
3. By letter dated May 20, 2003, City of Morton Mayor Warren Dunlap provided Ecology with City document Ordinance No. 55 that states Standard Oil Company, a California corporation, operated and maintained warehouse(s), storage tanks and other necessary buildings and appurtenances, together with all necessary pipe lines and conduits on the abovementioned location.
4. By letter dated May 20, 2003, City of Morton Mayor Warren Dunlap provided Ecology with City document Ordinance No. 66 that states Standard Oil Company, a California corporation, operated a facility on lots one and two, block three, East Morton, situated in the northeast quarter of the northwest quarter of section two, township 12 north, range four east of the Willamette base and meridian.
5. The Former Chevron bulk petroleum Facility was located (parcels numbers 8492-4 and 8492-2) at 149 and 167 Main Street, Morton, Washington 98356. Chevron no longer has any leasehold or other real or personal property interest in these parcels. These parcels are now located in a commercial and residential area of Morton, Washington. The approximate one acre area is located

at the northeast intersection of Main and First Streets. The parcels are bounded to the north by residential property and to the east by a vacant lot.

6. In response to Ecology inquiry regarding this former Chevron Facility, Chevron conducted a review of their historical documentation. The information available in their files was reported to be limited to a ground plan dated August 1924 with subsequent revisions noted through September 1978. Reference was made to a lease agreement dated October 1929 between Chevron (lessee) and Chicago Milwaukee & St. Paul Railroad Company (C.M. & St. P RR Co.) (lessor). A title search (see paragraph number 9 below) documents C.M. & St. P RR Co (Named later changed to Chehalis Western Railroad) was the property owner.
7. Information in Chevron's files indicates that Chevron leased and operated a bulk fuel storage plant at the above location. No information is reportedly available in Chevron's historical files regarding Chevron's relationship to the Site after 1978. The bulk facility was dismantled by Chevron in the early 1980's.
8. Janet Parks and Dana and Diana Wolfe are the current owners of the Site located (parcels numbers 8492-2 and 8492-4, respectively) on Main Street, Morton, Washington 98356.
9. A title search concerning parcel number 8492-4 conducted by Lewis County title Company documents the following record of ownership:
  - The Chehalis Western Railroad (owned by Weyerhaeuser) acquired this and other property in 1910.
  - Pacific Fire Trails, a Washington corporation (Robert Downing, President) acquired the property from The Chehalis Western Railroad on June 11, 1985.

- Robert D. Downing and Nina Jean Downing (husband and wife) acquired the property from Pacific Fire Trails Inc. on February 8, 1988.
- Everett L. Dunlap and Dorothy L. Dunlap (husband and wife) acquired the property from Robert D. Downing and Nina Jean Downing (husband and wife) on December 29, 1989.
- Dana F. Wolfe and Diana C. Wolfe (husband and wife) acquired the property from Everett L. Dunlap and Dorothy L. Dunlap (husband and wife) on March 3, 1993 and are the current property owners.

10. On June 19, 2003, Pursuant to WAC 173-340-500(5), Chevron Texaco waived their right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accepted status as a Potentially Liable Person. By waiving this right, Chevron Texaco makes no admission of liability.
11. On July 14, 2003, Ecology informed parcel owners Dana and Diana Wolfe and Janet Parks (parcel numbers 8492-4 and 8492-2 respectively) that their property located at 149 and 167 Main Street, Morton, Washington 98356 has been added to Ecology's Confirmed and Suspected Contaminated Sites database.
12. On July 22, 2003, Ecology issued a "Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Dana and Diana Wolfe as current property owners (parcel number 8492-4) of the Former Chevron Bulk Fuel Facility located at 149 Main Street, Morton, Washington 98356. By a letter dated July 25, 2002 Dana and Diana Wolfe accepted their status as a Potential Liability Person for the Release of Hazardous Substances Under the Model Toxics Control Act under RCW 70.105D.040 for the purpose of cleanup actions at this site.

13. On July 24, 2003, Ecology issued a "Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Janet Parks as current property (parcel number 8492-2) owner of the Former Chevron Bulk Fuel Facility located at 167 Main Street, Morton, Washington 98356.
14. On July 31, 2003, Ecology issued a "Determination of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Dana and Diana Wolfe as current property (parcel number 8492-4) owners of the Former Chevron Bulk Fuel Facility located at 149 Main Street, Morton, Washington 98356.
15. On August 6, 2003, Ecology received a signed form from Janet Parks waiving her right to the thirty day notice and comment period as described in WAC 173-340-500(3) and accepted status as a Potentially Liable Person for the Release of Hazardous Substances Under the Model Toxics Control Act" as the current property (parcel number 8492-2) owner of the Former Chevron Bulk Fuel Facility located at 167 Main Street, Morton, Washington 98356.
16. On January 9, 2004, Ecology issued a "Determination of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Janet Parks as current property (parcel number 8492-2) owners of the Former Chevron Bulk Fuel Facility located at 167 E. Main Street, Morton, Washington 98356.

### III. ECOLOGY DETERMINATIONS

Ecology has made the following determinations for purposes of cleanup actions at this site without admission by Chevron, Dana and Diana Wolfe, and/or Janet Parks.

1. Chevron was an "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4). Dana and Diana Wolfe is the current "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4). Janet Parks is the current "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4).
2. The facility, which consists of approximately one acre of property known as the former Chevron Site (Site), and is located at 149 and 167 Main Street, Morton, WA 98356.
3. The substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(7).
4. Based on the presence of these hazardous substances at the facility and all factors known to Ecology, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(19).
5. By a letter of June 19, 2003, Chevron Texaco, voluntarily waived its rights to notice and comment and accepted Ecology's determination that Chevron Texaco, is a "potentially liable person" under RCW 70.105D.040 for the purpose of cleanup actions at this facility.
6. By letter of June 24, 2003, Janet Parks voluntarily waived her right to notice and comment and accepted Ecology's determination that she is a "potentially liable person" under RCW 70.105D.040 for the purpose of cleanup actions at this facility as the current property (parcel

number 8492-2) owner of the Former Chevron Bulk Fuel Facility located at 167 E. Main Street, Morton, Washington 98356.

7. By letter of June 25, 2003, Dana and Diana Wolfe voluntarily waived their right to notice and comment and accepted Ecology's determination that they are a "potentially liable person" under RCW 70.105D.040 for the purpose of cleanup actions at this facility as the current property (parcel number 8492-4) owner of the Former Chevron Bulk Fuel Facility located at E. 149 Main Street, Morton, Washington 98356.
8. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.
9. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

#### IV. WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, it is hereby ordered that Chevron Texaco, Janet Parks, and Dana and Diana Wolfe take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 Washington Administrative Code (WAC) unless otherwise specifically provided for herein.

1. Within sixty (60) days of the effective date of this order, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall submit to Ecology for review and approval a draft remedial investigation (RI) work plan as outlined in WAC 173-340-350 which includes, but is not limited to, a terrestrial ecological evaluation, determining the nature and extent

of site soils contamination, evaluating potential groundwater contamination, and providing steps to initiate interim actions as provided in WAC 173-340-350. The work plan shall also include a:

- draft sampling and analysis plan, which includes quality assurance/quality control activities prepared per the requirements of WAC 173-340-820. Proposed analytical procedures shall be in accordance with WAC 173-340-830.
- draft health and safety plan. All work performed at the site shall be in accordance with the provisions specified in WAC 173-340-810(1). A health and safety plan shall be prepared per WAC 173-340-810 (2). Although the health and safety plan must be submitted to Ecology for review and comment, Ecology does not have authority to approve the plan.

Ecology's comments on the draft work plan shall be incorporated into the final work plan, which shall be submitted to Ecology within thirty (30) days of receipt of such comments. The implementation of the final RI work plan shall be in accordance with the schedule approved in the Final RI Work Plan or as modified, in writing, by Ecology .

2. The work plan shall provide a process to determine the nature and extent of contamination and potential contamination of Site soils and groundwater both on-site and off-site. The work plan shall include steps to assess seasonal variation in the groundwater contamination levels and groundwater flow direction. This shall include monthly measurements of water levels in affected aquifers for a minimum of one (1) year. Ecology may review the frequency of water level measurements at its discretion or at the request of Chevron Texaco, Janet Parks and Dana and Diana Wolfe.

If groundwater contamination is detected the work plan shall focus and schedule the site investigation work such that interim measures can be designed and implemented to stop the migration of contaminated groundwater off-site as soon as possible. The work plan shall provide for other interim actions, which can correct problems, which may become substantially worse or cost substantially more if action is delayed. An example of such an interim action would be removal of contaminated soils before they contaminate larger areas, as provided in WAC 173-340-430. The work plan shall include a schedule for all activities and for submittal of a final remedial investigation report.

3. The RI work plan shall describe analytical methods, parameters and detection limits, in addition to all quality assurance/quality control details needed as described in the most recent publication *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846)*.
4. Within ninety (90) days of receiving all analytical data, submit to Ecology for review a draft remedial investigation report. Ecology's comment on the draft report shall be incorporated into a Final Remedial Investigation Report within thirty (30) days of the comments.
5. Within sixty (60) days of the approval of the remedial investigation report, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe will be required to submit a work plan with a schedule to implement the work plan for a feasibility study (FS), per the requirements of Chapter 173-340 WAC. Upon approval by Ecology of the FS work plan, the FS shall be performed and a FS report will be submitted for Ecology's review and

approval. Ecology's comment on the draft FS report shall be incorporated into a Final FS Report within thirty (30) days of the comments.

6. Within Sixty (60) days after completion and approval of the FS, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall draft and submit to Ecology a Cleanup Action Plan (CAP) to satisfy the requirements of WAC 173-340-400.
7. After public review and comment, the draft CAP will be finalized by Ecology. Ecology, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe will enter into discussions for a consent decree or agreed order as determined by the parties hereto or an enforcement order as determined by Ecology to design, construct, operate, and monitor the selected cleanup.
8. In accordance with WAC 173-340-840(5), environmental sampling data shall be submitted on paper within ten (10) working days of receipt from the laboratory.
9. Once approved, or modified and approved in writing by Ecology, all Ecology-approved submittals are incorporated by reference and become enforceable parts of this Order as if fully set forth herein.
10. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall provide a written bi-monthly [every two (2) months] progress report, which will include the following:
  - activities that happened in the past two (2) months;
  - activities planned for the next two (2) months;
  - a written summary of all lab data required by this order; and

- all lab data required by this order or requested by Ecology shall be provided in an Ecology-approved electronic format.

This progress report frequency may be revised by Ecology if adequate justification is provided by Chevron Texaco and Dana and Diana Wolfe, or if Ecology provides justification for a change.

V.  
TERMS AND CONDITIONS OF ORDER

1. Definitions: Unless otherwise specified, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.
2. Public Notices: RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.
3. Remedial Action Costs: Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized

statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators: The project coordinator for Ecology is:

Name	Robert W. Warren, P.Eg., P.Hg., MBA
Telephone	360-407-6361
Email	rwar461@ecy.wa.gov
Address	300 Desmond Drive P.O. Box 47775 Olympia, WA 98504-7775

The project coordinator for Chevron Texaco, Janet Parks, and Dana and Diana Wolfe is:

Name	Brett L. Hunter
Telephone	925-842-8695
Email	blhu@chevrontexaco.com
Address	P.O. Box 6004 6001 Bollinger Canyon Rd. Room L4064 San Ramon, CA 94583-2324

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and Chevron Texaco, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or Chevron Texaco, Janet Parks, and Dana Wolfe change project coordinator(s), written notification shall be provided to Ecology or Chevron Texaco, Janet Parks, and Dana Wolfe at least ten calendar days prior to the change.

5. Performance: All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in

carrying out the terms of this Order, in advance of their involvement at the Site. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall not perform any remedial actions at Chevron Texaco, Janet Parks, and Dana Diana Wolfe outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

WAC 173-340-400(7)(b)(i) requires that "construction" performed on the Site must be under the supervision of a professional engineer registered in Washington.

6. Access: Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by Chevron Texaco. Ecology shall allow split or replicate samples to be taken by Chevron Texaco, Janet Parks, and Dana and Diana Wolfe during an inspection unless doing so interferes with Ecology's sampling. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall allow split or replicate samples to be taken by Ecology and shall provide seven days notice before any sampling or other field activities.

7. Public Participation: Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall prepare and/or update a public participation plan for the site. Ecology shall maintain the responsibility for public participation at the site. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall help coordinate and implement public participation for the site.
8. Retention of Records: Chevron Texaco, Janet Parks, and Dana and Diana Wolfe shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of Chevron Texaco, then Chevron Texaco, Janet Parks, and Dana and Diana Wolfe agrees to include in their contract with such contractors or agents a record retention requirement meeting the terms of this paragraph.
9. Dispute Resolution: Chevron Texaco, Janet Parks, and Dana and Diana Wolfe may request Ecology to resolve disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), to this Order. Ecology resolution of the dispute shall be binding and final. Chevron Texaco, Janet Parks, and Dana and Diana Wolfe is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing. Nothing in this Order is intended to waive any rights of respondents to exercise all rights of appeal available to them under RCW 70.105D, the Model Toxics Control Act.

10. Reservation of Rights/No Settlement: This Enforcement Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology will not, however, bring an action against Chevron Texaco, Janet Parks, and Dana Wolfe to recover remedial action costs paid to and received by Ecology under this Enforcement Order. In addition, Ecology will not take additional enforcement actions against Chevron Texaco, Janet Parks, and Dana and Diana Wolfe to require those remedial actions required by this Enforcement Order, provided Chevron Texaco, Janet Parks, and Dana and Diana Wolfe complies with this Enforcement Order.

Ecology reserves the right, however, to require additional remedial actions at the Site should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of hazardous substances from Chevron Texaco, Janet Parks, and Dana and Diana Wolfe.

In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the environment, Ecology may order Chevron Texaco, Janet Parks, and Dana and Diana Wolfe to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property: No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Janet Parks and Dana and Diana Wolfe without provision for continued implementation of all

requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest Janet Parks and Dana and Diana Wolfe may have in the site or any portions thereof, Janet Parks and Dana Wolfe shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least 30 days prior to finalization of any transfer, Janet Parks and Dana and Diana Wolfe shall notify Ecology of the contemplated transfer.

12. Compliance with Other Applicable Laws: All actions carried out by Chevron Texaco, Janet Parks, and Dana and Diana Wolfe pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

#### VI. SATISFACTION OF THIS ORDER

The provisions of this Order shall be deemed satisfied upon Chevron Texaco, Janet Parks, and Dana and Diana Wolfe's receipt of written notification from Ecology that Chevron Texaco, Janet Parks, and Dana and Diana Wolfe has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Enforcement Order have been complied with.

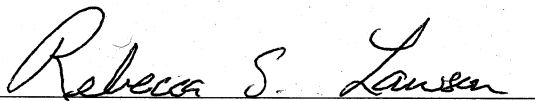
#### VII. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- A. The Attorney General may bring an action to enforce this Order in a state or federal court.

- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
- C. In the event Chevron Texaco, Janet Parks, and/or Dana and Diana Wolfe refuses, without sufficient cause, to comply with any term of this Order, Chevron Texaco, Janet Parks, and Dana and Diana Wolfe will be liable for:
- (1) up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
  - (2) civil penalties of up to \$25,000 per day for each day it refuses to comply.
- D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of Chapter 70.105D RCW.

Effective date of this Order: January 20, 2004



Rebecca S. Lawson, P.E.  
Regional Section Manager  
Toxics Cleanup Program  
Southwest Regional Office