

## Countryman, Ryan

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**From:** Tom McCormick <tommccormick@mac.com>  
**Sent:** Thursday, August 18, 2016 3:02 PM  
**To:** Countryman, Ryan  
**Cc:** Gretchen Brunner; Tom Mailhot  
**Subject:** Fwd: Ecology public request email  
**Attachments:** 1-31-14 Paramount Request for Agreed Order.pdf

Here's the email I referred to in my prior email.

Thank you.

Tom McCormick

Begin forwarded message:

**From:** Tom McCormick <[tommccormick@mac.com](mailto:tommccormick@mac.com)>  
**Subject: Re: Ecology public request email**  
**Date:** August 16, 2016 at 4:13:22 PM PDT  
**To:** "South, David (ECY)" <[DSOU461@ECY.WA.GOV](mailto:DSOU461@ECY.WA.GOV)>  
**Cc:** Tom Mailhot <[tmailhot@frontier.com](mailto:tmailhot@frontier.com)>

David,

Thank you for taking time this morning to speak with me and Tom Mailhot.

The letter I mentioned this morning is a Jan. 14, 2014 letter (PDF attached) from Rodney L. Brown, Jr. of Cascade Law Group, representing Paramount Petroleum Corporation, requesting an Agreed Order. Do you know whether there have been any further communications or investigations regarding Mr. Brown's request for an Agreed Order?

Thank you.

Tom McCormick

On Mar 1, 2016, at 3:00 PM, South, David (ECY) <[DSOU461@ECY.WA.GOV](mailto:DSOU461@ECY.WA.GOV)> wrote:

[NWRO\\_Public\\_Request@ecy.wa.gov](mailto:NWRO_Public_Request@ecy.wa.gov)

David L. South  
Senior Engineer  
Washington State Dept. of Ecology  
Toxics Cleanup Program, NWRO  
3190 160th Avenue SE  
Bellevue, WA 98008-5452  
425-649-7200

January 31, 2014

David L. South  
Senior Engineer  
Washington State Dept. of Ecology  
Toxics Cleanup Program, NWRO  
3190 160th Avenue SE  
Bellevue, WA 98008-5452

RE: *Request for Agreed Order*

Dear Mr. South:

Paramount Petroleum Corporation, a Delaware corporation, and Paramount of Washington, LLC, a Delaware limited liability company, (collectively the Richmond Beach Terminal operator and owner "Paramount"), submit this letter in response to your email dated December 20, 2013 notifying us that Paramount should request an Agreed Order for an investigation in connection with the Point Wells Development Project at the Paramount Richmond Beach Terminal in unincorporated Snohomish County. As you know, the property owner, BSRE Point Wells LP, has begun the scoping process for an Environmental Impact Statement under the State Environmental Policy Act ("SEPA") in relation to the proposed land use and development actions associated with the Point Wells project.

In accordance with your request by email dated December 20, 2013, by submission of this letter we hereby request pursuant to WAC 173-340-530 that Ecology begin the process of negotiating an Agreed Order. As indicated in your email, such action is necessary in order to comply with requirements of Ecology's Toxics Cleanup Program Policy 130A, which requires that procedures under SEPA and the Model Toxics Control Act ("MTCA") be coordinated.

**(i) Proposed Remedial Action and Schedule**

Paramount requires additional investigation in order to determine the appropriate remedial action. The scope of work for the requested Agreed Order would be limited to a Phase I assessment to summarize existing data and information and to complete a data gaps analysis, in order to determine Paramount's needs for further investigation and, ultimately, remediation.

The schedule for investigation and remediation will be coordinated with the scheduling requirements for the development project under



SEPA as appropriate and will vary depending on the scope of additional investigation and remedial action required. The appropriate remedial actions may include onsite and/or offsite extraction, treatment, and disposal; ongoing monitoring; the use of biological, physical, or hydraulic barriers to limit migration of contamination; monitored natural attenuation; bio-remediation; or a combination of these actions.

**(ii) Facility**

The facility, known as the Richmond Beach Terminal, is an asphalt terminal and petroleum storage facility located in an unincorporated area of Snohomish County known as Point Wells. The property encompasses Snohomish County Assessor's Tax Parcel Account Numbers 270335-003-01100, 270335-003-02700, 270335-003-02800, 270335-003-03000, 270335-003-03800, 270335-003-03900, and 270335-003-04000.

Point Wells is bordered on the west by Puget Sound and is located near the Town of Woodway and the City of Shoreline. The Point Wells property comprises approximately 61 acres of this unincorporated area and is currently owned by BSRE Point Wells, LP. The site has been in industrial use for over 100 years. At the time of the acquisition of the site in 2005 from Chevron USA, Inc. by Paramount's predecessor-in-interest, there have been plans to develop the property for non-industrial uses. In mid-2006, Paramount's predecessor began the process to rezone the site to allow for the site's redevelopment as a mixed-use development with pedestrian-oriented commercial, recreational, and residential elements.

**(iii) Environmental Problems to Be Addressed**

As has been historically reported to Ecology and under the requirements of Paramount's NPDES permit, petroleum related products have impacted soils and groundwater at the Terminal. Additional investigation is required to determine the extent of releases at the facility and the potential impact of those releases.

During the time that Chevron USA, Inc. owned the property, the following major releases were documented:

- Early 1970s – An unknown quantity of charge stock cutback with jet fuel was released from Tank 85.

- October 15, 1983 – A spill of supreme unleaded gasoline occurred from underground piping beneath the BNSF railroad tracks located between the Upper Area and the South Seawall Area. An unknown quantity was released, but hand dug observation pits “revealed substantial amounts of product in the ground.”
- October 29, 1983 – An estimated 1,600-10,000 gallons of Avgas 100 leaked from the bottom of Tank 55. Hand dug observation pits showed as much as 12 inches of liquid hydrocarbon (LHC) before a large precipitation event flooded the site “spreading the product over a large area.”
- 1985 – Approximately 49,600 gallons of aviation fuel was released from a punctured pipeline underneath the BNSF railroad tracks. The released product spilled onto the BNSF right-of-way and ditch.
- October 31, 1989 – Approximately 2,200 gallons of Jet A-50 was spilled at an unknown location.
- August 30, 1990 – Approximately 176,400 gallons of Nikishi Residual (charge stock) was spilled from Tank 2 located in the western portion of the site.
- December 30, 2003 – Approximately 4,800 gallon of Number 6 bunker marine fuel oil was released from a loading dock into Puget Sound during transfer to a barge.

Significant releases documented since 2005 when Paramount purchased the facility include:

- Sept. 13, 2007 – Tank overfill resulted in the spilling of approximately 200 barrels of asphalt onto the ground. The asphalt quickly solidified on the ground surface and did not reach any storm drains.
- July 21, 2009 – Overflow of the asphalt reclaim tank resulted in approximately 250 gallons of asphalt onto the ground. The asphalt quickly solidified and did not reach any storm drains.

#### **(iv) Historical Use and Conditions**

The site of the facility was first used for ship building in the early 1900s. In 1911, Shell purchased the site and operated a gas station. Chevron USA, Inc., purchased the site in 1950 and constructed an

asphalt refinery and petroleum storage facility. Chevron USA, Inc., owned and operated the facility until March 1, 2005, when Paramount purchased the property and facility. Paramount Petroleum Corp. has operated the facility since that time, primarily for petroleum storage and distribution. Since 2006, the property owner began the planning and rezoning to allow for the redevelopment of the site as a mixed use development. The site's ownership was transferred from Paramount of Washington, LLC to an affiliated company, BSRE Point Wells, LP, in June 2010.

**(v) Other Potentially Liable Persons**

Other potentially liable persons at the facility include:

- Chevron USA, Inc.
- Shell
- Burlington Northern Santa Fe Railroad

**(vi) Public Participation Plan**

*A proposed public participation plan is being drafted, and will be submitted to Ecology as soon as possible.*

**(vii) WAC 173-340-500 Waiver**

Paramount Petroleum Corporation and Paramount of Washington, LLC voluntarily waive the procedural requirements of WAC 173-340-500 and accept status as potentially liable persons for purposes of an agreed order.

Sincerely,



Rodney L. Brown, Jr.  
Direct Line: (206) 292-2605  
Email: rbrown@cascadialaw.com  
Office: Seattle

RLB:tj

Enclosure

cc: Mark Wells