

From: [Wil Badonie](#)
To: [Cool, Richard](#)
Cc: [Elizabeth Sanchey](#)
Subject: RE: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up
Date: Monday, November 08, 2021 1:56:06 PM

1. Oil volumes. Estimates of diesel fuel and motor oils actually spilled and any estimated volumes of petroleum that might have been discharged to the creek itself and nearby wetlands, shoreline, etc.

Judging by the damage of the cab and undercarriage, I believe all motor oil, approximately 12-14 gallons, and other automotive fluids discharged to soil and surface water. The saddle fuel tanks were 100 gallon capacity each, we recovered approximately 80 – 90 gallons of diesel product from saddle tanks. Hard to say how much diesel discharged from saddle tanks, driver saddle tank had a slow drip on arrival discharging to ballast and soil. The reefer fuel tank was ruptured, estimated for worst case scenario of 45 gallons discharged to DOT right of way ballast and shoreline along wetland creek bank, however, no clue on consumption during transport and time of incident.

2. Dairy volumes. Estimates of any milk and dairy products actually discharged to the creek, nearby wetlands, shoreline, etc.?

Impact of cab and trailer resulted all dairy products to eject near shoreline and wetland. Observed several pallets of damaged dairy products in wetland area, resulting to dairy contexts to mix with wetland soil. No idea on the amount of dairy cargo estimation.

3. Resource impacts. Any observed impacts to the creek, wetlands, shoreline, habitat, wildlife, etc. and if so, any details of the impacts (e.g., extent, likely effects over time, etc.)

No concerns to resource impacts following cleanup activities.

4. Response costs. Estimates of total response costs incurred by Yakama Nation (e.g., estimated payments to your contractors, towing company, tribal labor, equipment, materials costs, etc.) – looking for estimate costs for both the likely reimbursable costs (e.g., related to petroleum) that you might seek from the federal trust fund as well as other costs that Yakama Nation incurred for which there might be a separate set of cost claims against the Chill Transportation LLC and its insurance company.

I have a quick \$1600.00 estimated cost for initial response activities performed on August 8, 2021. For the entire project period August 8th, August 11, and August 13, including initial response and monitoring services estimated approximately \$4500.00.

5. Claims. Any information you might have already developed in talking to Chill Transportation or their insurance company on whether the insurance policy(s) can cover any of the costs and if so, what amounts, etc. I am trying to get some sense of what total costs Chill Transportation might be facing for the set of total response costs incurred if every entity incurring response costs were to bring claims even if claims have not been finalized or decisions made to seek cost recovery.

We did not pursue the Insurance Claim against Chill Transportation, since coverage and reimbursement was uncertain. The insurance adjuster stated they were some sort of a limited coverage type of company.

6. Documentation. Any detailed reports, emails, photos, etc. that get at any of the issues above? But again note, I am not asking for actual invoices unless you want to send them but more interested in estimated overall cost estimates.

I have photos, will attempt to send them through the link you provided. If it doesn't work out I can put the photos in PowerPoint Document Album. At this time, I have a rough estimate of staff's time and rates on a excel spreadsheet for their initial response and monitoring services through the clean-up project.

From: Cool, Richard [mailto:Cool.Richard@epa.gov]
Sent: Monday, November 8, 2021 9:25 AM
To: Wil Badonie
Cc: Elizabeth Sanchey
Subject: RE: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

Hi Wil:

Thank you for this email chain with Trevor Scheffels, USFW.

I also exchanged emails with Trevor last week and he conveyed that the Refuge did not have any concerns with your proposed clean-up plan and that there were no habitat impacts of concern to the Refuge and no potential claims being pursued by USFWS.

Wil, do you plan to send me more information as you find it regarding the six (6) items I listed in my Thursday November 4 email to you and Elizabeth? I attached a copy of my email here.

Thanks for any further information you can provide and any clarification if I should or should not expect more information regarding those 6 items.

Rick

From: Wil Badonie <Wil_Badonie@Yakama.com>
Sent: Monday, November 08, 2021 9:13 AM
To: Cool, Richard <Cool.Richard@epa.gov>
Cc: Elizabeth Sanchey <Elizabeth_Sanchey@Yakama.com>
Subject: FW: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

Richard –

Here is an email string from Trevor Sheffels, the contact for the Toppenish National Wildlife Refuge. Our first contact was on August 10, 2021, discussing (by phone) initial report details and planned clean-up operations. We also did a site visit on August 12, 2021. During that visit, I asked if there any concerns or recommendations during cleanup activities. He acknowledged cleanup activities was necessary. I reassured him the dairy cargo would all be removed, petroleum contaminated soils will be remediated, debris and floating oils would be captured and removed, and clean gravel and top top soil will be backfilled and soil graded to appear like natural conditions. Thereafter, I updated him daily of ongoing cleanup activities through text message.

From: Sheffels, Trevor R [mailto:trevor_sheffels@fws.gov]
Sent: Monday, August 16, 2021 2:53 PM
To: Wil Badonie
Cc: Elizabeth Sanchez
Subject: Re: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

Hi Wil,

Excellent, thanks for the update.

--Trevor

Trevor Sheffels, Ph.D.
Refuge Manager, Conboy Lake and Toppenish National Wildlife Refuges
100 Wildlife Refuge Road, Glenwood, WA 98619
Office: 509-364-3667
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From: Wil Badonie <Wil_Badonie@Yakama.com>
Sent: Monday, August 16, 2021 2:37 PM
To: Sheffels, Trevor R <trevor_sheffels@fws.gov>
Cc: Elizabeth Sanchez <Elizabeth_Sanchez@Yakama.com>
Subject: RE: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

Hi Trevor –

Graymar Environmental finished remediating the petroleum contaminated soils. A few buckets of native top soil was backfilled for the bottom of excavation and then covered with gravel and soil. We have left rows of absorbent to collect other free sheen still on the surface of water. We will return in a couple days to remove the absorbent. Graymar took a grab sample after PCS appeared to be non-detect. Waiting for the results to determine if it meets below clean up levels.

From: Sheffels, Trevor R [mailto:trevor_sheffels@fws.gov]
Sent: Monday, August 16, 2021 11:01 AM
To: Wil Badonie
Cc: Elizabeth Sanchez
Subject: Re: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

Hi Wil,

Thanks for the update. I'll be back onsite tomorrow to check out the progress. I appreciate you keeping me in the loop.

--Trevor

Trevor Sheffels, Ph.D.

Refuge Manager, Conboy Lake and Toppenish National Wildlife Refuges

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From: Wil Badonie <Wil_Badonie@Yakama.com>

Sent: Thursday, August 12, 2021 2:03 PM

To: Sheffels, Trevor R <trevor_sheffels@fws.gov>

Cc: Elizabeth Sanchey <Elizabeth_Sanchey@Yakama.com>

Subject: [EXTERNAL] Toppenish Creek at Hwy 97 - Clean up

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Trevor –

Excavation activities will continue Friday (8/13) approximately 6am, Graymar Environmental will resume remediating petroleum contaminated soils (PCS) along the ballast until the presence of PCS is non-detected. The bank closer to the culvert did have the presence of PCS, including existing sand bags that were located along the bank. Tomorrow, what Little debris that remain on the DOT right of way and wetland riparian zone will be picked up.

[Wil Badonie](#)

YN Environmental Management Program

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Hazmat/Spill Response Co-lead

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