



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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December 4, 2015

To: RDA Committee members and alternates; interested parties  
From: Dale Davis, RDA Committee Executive Director  
Re: December 9, 2015 RDA Committee Regular Meeting

The RDA Committee will hold its next meeting on Wednesday, December 9, 2015 at 9:00 a.m. in room **ROA-09** at the Department of Ecology's headquarters building in Lacey, Washington. A meeting agenda and minutes from the November 12, 2015 regular meeting are enclosed for your review.

There are two oil spill pre-assessment screenings scheduled for this meeting; the 11/6/15 La Mexicana spill into a White Center pond, and the 11/10/15 Grays Harbor PUD transformer oil spill into Fry Creek and Grays Harbor. The committee will be updated on the status of the RDA for the Gardner-Fields spill, and will be briefed on the Peacock Landing Marina incidents. Please call me at 407-6972 or e-mail at [dale.davis@ecy.wa.gov](mailto:dale.davis@ecy.wa.gov) if you have any questions or agenda items to add.

Enclosures: Agenda  
Spill Report Sheets (2)

## **RESOURCE DAMAGE ASSESSMENT COMMITTEE - REGULAR MEETING**

Department of Ecology  
300 Desmond Drive, Lacey, WA

Wednesday December 9, 2015  
9:00 a.m.

**Room ROA-09**



### **Agenda**

- I. New Business**
  - A. Preassessment Screenings**
    - 1. La Mexicana, Inc., November 6, 2015 spill into a White Center pond**
    - 2. Grays Harbor PUD, November 10, 2015 spill into Fry Creek and Grays Harbor**
  - B. Committee briefing on the Peacock Landing Marina incidents.**
- II. Old Business**
  - A. Committee update on the status of the RDA for the 2/8/15 Gardner-Fields spill.**

## DRAFT MINUTES

### November 12, 2015, REGULAR MEETING OF THE RDA COMMITTEE Held at the Department of Ecology Headquarters: Lacey, WA

#### ATTENDANCE:

Allyson Bazan, AGO, 360-586-3589  
Shayne Cothorn, WA Department of Natural Resources, 360-902-1064  
Dale Davis, WA Department of Ecology, 360-407-6972  
Alison Meyers, WA Department of Ecology, 360-407-7114  
Don Noviello, WA Department of Fish and Wildlife, 360-902-8124  
Mark Toy, WA Department of Health, 360-236-3321  
Rob Whitlam, WA Department of Archaeology and Historic Preservation, 360-586-3080

The Resource Damage Assessment (RDA) Committee held a regular meeting on Thursday, November 12, 2015 at the Department of Ecology headquarters building in Lacey, Washington. Alison Meyers called the meeting to order at 9:05 a.m. The minutes were approved as written for the October 14, 2015 RDA Committee meeting.

#### **I. New Business**

##### **1. Raj Sharma, October 18, 2015 spill into the Mercer Slough**

##### **1. Raj Sharma, October 18, 2015 spill into the Mercer Slough.**

Dale Davis described the incident. A semi-truck owned and operated by Mr. Raj Sharma was involved in a vehicle accident on I-405 near exit 13 that resulted in extensive damage to the truck. Initial reports said that 240 gallons of fuel was released, but the actual amount is still under investigation. Most of the spilled fuel likely was contained in soil at the accident site, but some went into a catch basin. A vac truck was used to remove fuel from the catch basin and it was initially thought that none of the fuel had gone to surface water, but the next day, diesel fuel was found downstream. The amount recovered has not been reported yet, but it was estimated at about 20 gallons by the Spill Responders. Accounting for evaporation, the spill volume to water is over 25 gallons.

The RDA Committee proceeded to vote on the following PAS questions (Mark Toy arrived at the meeting late and did not vote):

1. Are the damages quantifiable at a reasonable cost? Results: Yes=0 No=4
2. Is restoration or enhancement technically feasible? Results: Yes=0 No=4
3. Has the potential liable party (PLP) proposed restoration/enhancement projects/studies that are sufficient to adequately compensate the people of the state for public resource damages? No, no PLP representative attended the meeting and no proposal was submitted.

## II. Old Business

1. There was no new information on the RDAs for the Foss Maritime spill (12/30/2003) or the Dalco Passage spill (10/14/2004).
2. Gardner-Fields spill (2/8/2015) update – Ecology talked to Merv Coover, the consultant working for Garner-Fields, about the options that they have for providing compensation for the asphalt spill. One option is to have a consultant conduct a habitat equivalency analysis, which would provide an alternate method of injury valuation. If they selected that option, the state would need to take the lead on the process. Another option is to just fund a direct restoration project, but determining the value of the project may be difficult. Dale Davis has contacted Citizens for a Healthy Bay in Tacoma to help identify potential projects. Shayne Cothorn suggested that we contact Celina Abercrombie, who is the Ecology representative on the Commencement Bay Trustee Council and may know of some good restoration projects in the area that need funding.
3. Sulphur Creek spill (3/1/2015) update – A follow-up letter was sent to Mr. Ward Deaton, with copies to the Yakama Nation and Ken Lederman, providing a list of the variables that will be used for the compensation schedule calculation for the Sulphur Creek spill and also documented that the committee voted to approve the postponement of the damage assessment for this incident until the June 8, 2016 RDA Committee meeting.
4. Winlock warehouse fire, oil spill, and fish kill (8/18/2015) update – At a meeting with WA Department of Ecology, WA Department of Fish and Wildlife, US Fish and Wildlife Service, and National Oceanic and Atmospheric Association National Marine Fisheries Service on Thursday, October 29, 2015 NOAA Fisheries agreed to take the lead for a damage assessment that would provide adequate compensation for the fish kill that resulted from the Winlock warehouse fire.
5. *F/V Deep Sea* sinking and spill (5/13/2012) – The WDFW Spill Team is determining if they want to pursue the RDA, submitting a claim to the NPFC. They will be contacting the NPFC to find out what will need to be done to submit a claim and to determine if the cost of the assessment will be more than the claim. If they do not proceed with a claim because of the cost, the WDFW will need to provide documentation to the RDA Committee that they were not able to quantify damages at a reasonable cost.
6. *F/V Titan* sinking and spill (12/5/2014) – Ecology is ready to issue the damage assessment and penalty, but there is a lot of concern about how the public will react to it since this is the largest damage assessment ever issued based on the compensation schedule. Staff from the Spills Program had a meeting with the Ecology Director, Maia Bellon, and the rest of the Executive Management Team to discuss how the *Titan* damage assessment should be handled. The Director wants Dale Jensen, the Spills Program Manager, to set up a meeting with other state trustee agencies assistant directors to be sure everyone is aware of this issue, that they understand why this assessment is so high, and will be supportive if there is significant criticism directed at Ecology because of the *Titan* assessment. Allyson Bazan reported that she has already contacted the AGs from the other trustee agencies regarding this incident.

The meeting was adjourned at 10:47

## PREASSESSMENT SCREENING OIL SPILL REPORT FORM

**Date of Incident:** November 6, 2015

**Potentially Liable Party:** La Mexicana, Inc.

**Product Spilled:** Vegetable oil

**Spill Source:** Large storage container

**Oil Spill Size Estimate:** Still under investigation, likely about 200 gallons.

**Water Body Affected:** A pond in White Center

**Ecology Region:** NWRO

**County:** King

**Nearest City:** White Center

**Location of Spill:** 10020 14<sup>th</sup> Ave SW, Seattle

**Cause:** Human error, worker knocked over container

**Ecology Responder:** Dick Walker

**Field Report:** A large container of vegetable oil was knocked over by a worker when he was moving it so he could clean under it. As much as 200 gallons spilled into a storm drain that eventually discharges into the pond. The spill occurred on the night of October 30<sup>th</sup>, but the worker did not report the spill and it took until November 6<sup>th</sup> before it was reported in the pond. At least 84 birds were oiled that were captured by FOCUS Wildlife for cleaning. NRC was able to recover some of the oil from the pond, but obviously not within 24 hours.

## PREASSESSMENT SCREENING OIL SPILL REPORT FORM

**Date of Incident:** November 10, 2015

**Potentially Liable Party:** Grays Harbor PUD

**Product Spilled:** Mineral oil

**Spill Source:** Transformer

**Oil Spill Size Estimate:** 39 gallons.

**Water Body Affected:** Fry Creek and Grays Harbor

**Ecology Region:** SWRO

**County:** Grays Harbor

**Nearest City:** Aberdeen

**Location of Spill:** 310 Myrtle Street

**Cause:** Human error

**Ecology Responder:** Ron Holcomb

**Field Report:** A train passing through the area carrying a large piece of equipment hooked an overhead power line and pulled down a power pole and the wires, including three transformers. One of the transformers broke open and spilled the contents into Fry Creek, which discharges to Grays Harbor about a mile away. The PUD was able to contain and recover most of the oil in the creek, but some of the oil went into Grays Harbor.