

Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

June 21, 1990

Mr. Donald Rognon
Flying J Inc.
P.O. Box 678
Brigham City, Utah 84302

Re: UST-Clackamas County
Flying J Service Station

Dear Mr. Rognon:

Thank you for your report, dated March 29, 1990, and clarification, dated June 13, 1990, concerning the gasoline spill that occurred at the Flying J Service Station located at 17873 McLoughlin Boulevard in Milwaukie, Oregon. This information indicates that cleanup met our criteria. No further action is required at this time.

This decision is a result of our evaluation and judgement based on the regulations and facts as we now understand them, including:

- 1: A spill of approximately 81 gallons occurred on January 27, 1988 after an automobile hit the number 1 unleaded pump.
- 2: The release occurred above the ground surface and was cleaned up by placing absorbent material on it. The material was placed in the trash receptacle onsite and ultimately taken to St. Johns Landfill. All of the release was cleaned up in this manner.

Information concerning the gasoline release should be maintained with the permanent facility records. We remind you that the current investigation applies only to the spill and in no way transfers any liability to the State of Oregon.

Although we agree that the current conditions at the site do not appear to pose an environmental threat, the responsibility for environmental evaluation, reporting, and cleanup rests with the landowners.

If you have any questions regarding this matter, please contact me at (503) 229-6923.

Sincerely,

Andree Pollock
Andree Pollock
UST Cleanup Specialist
Northwest Region

cc: Environmental Cleanup Division, UST Cleanup Section
Enforcement Section, DEQ



FLYING J INC.

P.O. BOX 678 - BRIGHAM CITY, UTAH 84302
PHONE (801) 734-9416

Dept. of Environmental Quality

RECEIVED
JUN 18 1990

June 13, 1990

NORTHWEST REGION

Andree Pollock
UST Cleanup Specialist
Department of Environmental Quality
811 S.W. 6th Avenue
Portland, OR 97204-1390

Re: UST - Clackamas County
Flying J Service Station

Dear Mr. Pollock:

After receiving your last letter, I have attempted to collect the additional data that you request. You had two questions:

Q. Your report indicates that the gasoline leaked from the nozzle. The original spill report, which received by telephone on January 27, 1988, indicated that the fuel was leaking from a pipe flange below the ground surface. Please clarify where the release occurred. A sketch of the pump indicating which portion failed may be useful. Also, if the fuel was leaking from the nozzle, please explain why the employees on site were unable to turn it off quickly and why the pumps had to be shut off to stop the flow.

A. Attached is the reply from Richard Howe, the manager of the location (please disregard the poor spelling and punctuation.) He addresses the issue of the quantity of fuel that would have leaked through the pipe flange and includes a diagram and a couple of pictures to help his explanation.

His position is that the leak was in fact through the nozzle and that the employee acted how he felt would be best to alleviate the flow of product.



FLYING J INC.

P.O. BOX 678 - BRIGHAM CITY, UTAH 84302
PHONE (801) 734-9416

Q. The fire department referred the spill to the Department for cleanup. They may have determined that no fire hazard remained, but the Department is ultimately responsible for ensuring that the responsible party performed the cleanup according to the Oregon Administrative Rules. At this point it appears that all of the gasoline released to the ground surface was absorbed. Please indicate where the material used to soak up the gasoline was taken for disposal.

A. Your assumption that all the gasoline released to the ground surface was absorbed is correct. The absorbent material was disposed of by putting it in the trash receptacle (at the suggestion of the Fire Department) which was later picked up by Oak Grove Disposal. They took it to a transfer station. From there they indicate that it would have been transferred to St. John's Landfill in Portland.

I hope this information helps clarify your questions.

Sincerely,

Donald W. Rognon
Director of Administration

enc.

TO DEQ.

Dear Sir,

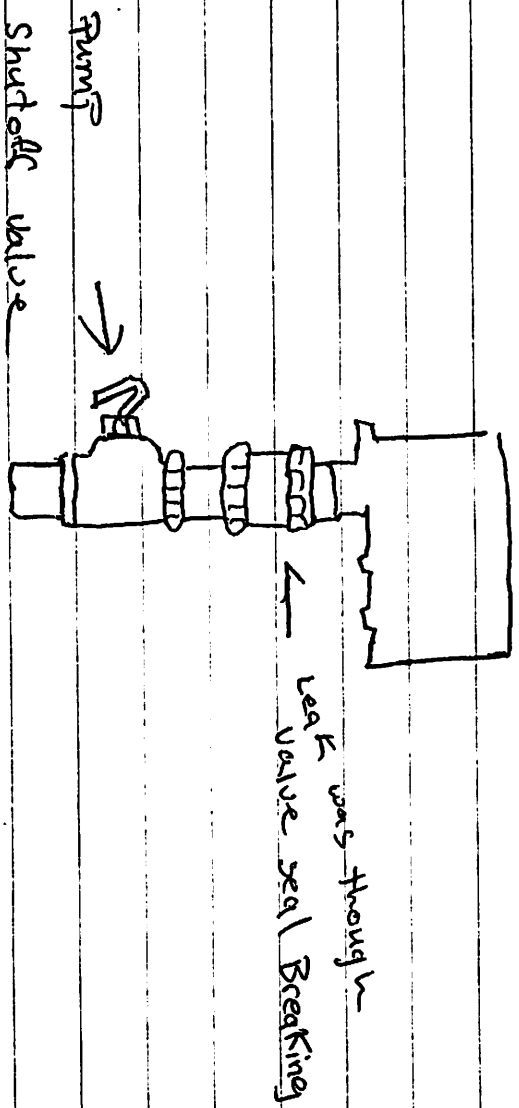
In reply to your latest letter you will find that the valve that leaked was immediately turned off as seen in photo(A) This is pump shut off valve. With the Pump turned by the accident it moved the valve in Photo(B) Breaking the seal. The pump shut off is located Below the break so when the Pump was turned off the leaking stopped. The valve was resealed and tightened when replaced by north west Pump the fuel lost through the valve couldn't have been more than $\frac{1}{4}$ to $\frac{1}{2}$ a gallon, since the leak was that of a ~~small~~ drip like nature.

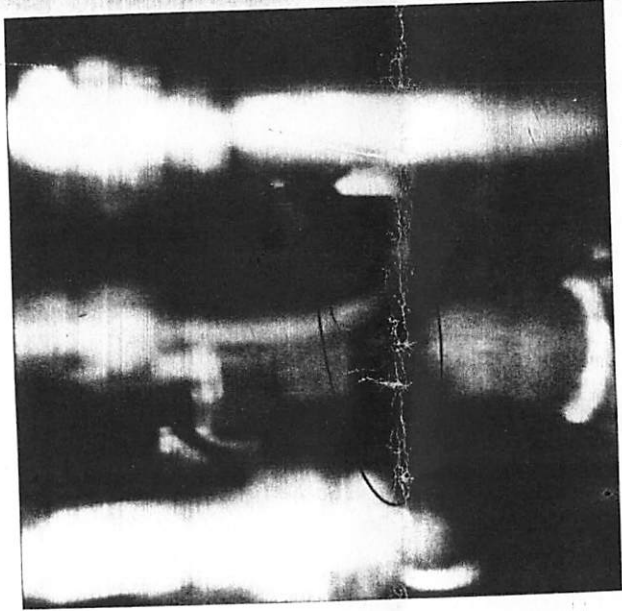
I hope this answers your
questions and assures you that
everything was done to correct
this problem immediately.

Thank you

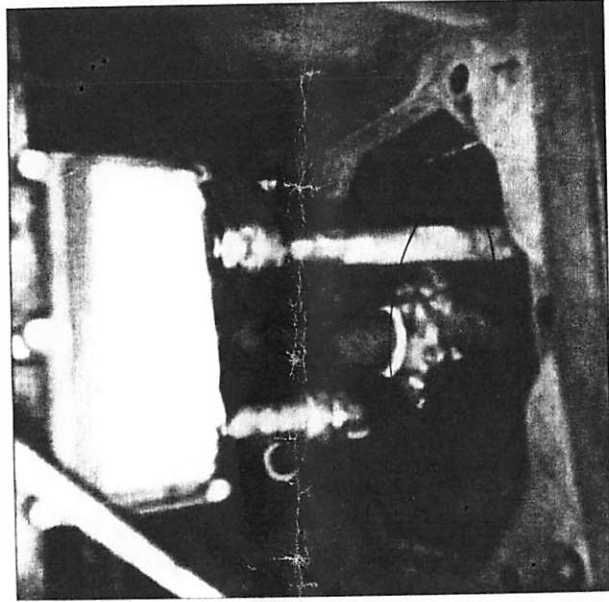
Rachel Allen

mgr





B-Valve Connection
That leaked



A-Pump Shutoff Valve



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

April 10, 1990

Mr. Donald Rognon
Flying J Inc.
P.O. Box 678
Brigham City, Utah 84302

Re: UST-Clackamas County
Flying J Service Station

Dear Mr. Rognon:

Thank you for the report on the gasoline spill that occurred at the Flying J Service Station located at 17873 McLoughlin Boulevard in Milwaukie, Oregon on January 27, 1988. After reviewing the report there are still a couple of points that we would like to have clarified.

- 1: Your report indicates that the gasoline leaked from the nozzle. The original spill report, which received by telephone on January 27, 1988, indicated that the fuel was leaking from a pipe flange below the ground surface. Please clarify where the release occurred. A sketch of the pump indicating which portion failed may be useful. Also, if the fuel was leaking from the nozzle, please explain why the employees onsite were unable to turn it off quickly and why the pumps had to be shut off to stop the flow.
- 2: The fire department referred the spill to the Department for cleanup. They may have determined that no fire hazard remained, but the Department is ultimately responsible for ensuring that the responsible party performed the cleanup according to the Oregon Administrative Rules. At this point it appears that all of the gasoline released to the ground surface was absorbed. Please indicate where the material used to soak up the gasoline was taken for disposal.

If you cannot clarify where the release originated, soil sampling adjacent to the pump island may still be required. If you have any questions regarding this matter, please contact me at (503) 229-6923.

Sincerely,

Andree Pollock
Andree Pollock
UST Cleanup Specialist
Northwest Region

cc: Environmental Cleanup Division, UST Cleanup Section
Enforcement Section, DEQ

TELEPHONE USE REPORT

CALL FROM/TO: Barry Burgon

DATE: 4-3-90

COMPANY/TITLE: Attny for Flying J

TIME: _____

PHONE NO.: 801-734-9416

(Circle for filing)

CITY: _____ COUNTY: _____

AQ Asbestos

WQ OSS

SW HW

General Spill

SUMMARY OF CALL:

Wanted to know who I communicated with at
Flying J. I told him I'd talked mostly my
Richard Howe - that Jim Lucky did call me after
my first NON.

He indicated a report was sent today to me. Also
Don Rognon will probably send a letter Fed X to Tom
Bispham tomorrow.

Ab Dee Pollock

Signature



FLYING J INC.

P.O. BOX 678 - BRIGHAM CITY, UTAH 84302
PHONE (801) 734-9416

March 29, 1990

Dept of Environmental Quality
RECEIVED
APR 03 1990

Andree Pollock
UST Cleanup Specialist
Northwest Region
Department of Environmental Quality
811 SW Sixth Avenue
Portland, Oregon 97204-1390

NORTHWEST REGION

Re: UST-Clackamas County
Flying J Service Station
NWR-UST-90-104
Notice of Noncompliance

Dear Mr. Pollock,

Thank you for taking the time to talk to me on the phone this afternoon. As I indicated, I've recently accepted the responsibility of Flying J's EPA compliance. I have reviewed the file on the fuel spill that took place at our Flying J Service Station located at 17873 McLoughlin Boulevard in Milwaukie, Oregon on Jan. 27, 1988.

The following is a response to your list of required information by number.

1. A description of how the spill occurred including a description of where the gasoline went, including a site map.

On January 27, 1988, a customer, Mrs. Mahar, pulled into our station and hit the number 1 no-lead pump. The dispenser was damaged and allowed product to run out the nozzle. The product spilled onto the concrete fuel island. The on-duty employees responded by turning off all of the pumps and valves. They immediately set out to contain the spreading liquid.

NORTHWEST REGION

I apologize that a map showing where the spilled product went does not exist. I have spoken with Mr. Richard Howe the manager of the location, and he assured me that the product remained on the islands and the parking areas. It did not contact any soils, streams or sewers.

2. How future spills will be prevented.

Enclosed is a photo of the pump location that was hit. As you can see, metal poles are placed such that accidents of this nature should be prevented.

3. How much product was lost and subsequently cleaned up.

I have enclosed copies of our daily sales reports for the day preceding the accident, the day of the accident, and the following two days. The amount of product actually lost was about 80 gallons, figured as follows:

January 29	143	short
less January 26	<u>-62</u>	short
TOTAL	81	short

4. A copy of Oak Lodge Fire Department's incident report.

Enclosed is a copy of the Oak Lodge Fire Department's incident report.

5. What cleanup actions were undertaken.

The Oak Lodge Fire Department arrived shortly after the incident in response to our phone call. Upon their arrival, our employees followed their direction. A white powdered chemical provided by the Fire Department (I assume an absorbent) was spread over the spill. Shovels of bark dust and dirt from the back of our property were also spread to augment the absorbent. In a short time the spillage was absorbed and cleaned up.

6. How it was determined that cleanup was complete, including copies of any sample analyses.

It was determined by the Fire Department that the site was clean before they left.

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APR 10 1990

NORTHWEST REGION

7. Since our information indicates that the release originated below the ground surface, we require information indicating what, if any, soil was removed and where it was taken for disposal.

As I indicated on the phone, the release originated from the nozzle of the dispenser and did not occur under ground. As a result, no soil was removed or sampled.

8. If no soil removal was conducted, soil samples must be collected adjacent to the pump island to determine if any impacts have occurred. Soil sample analyses, using EPA method 418.1, will be required.

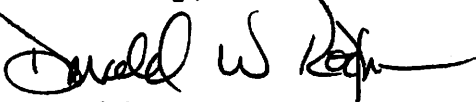
See #7 above.

9. If contamination above current cleanup criteria is evident, additional investigation and/or cleanup may be required.

This incident appears to have been handled expeditiously and efficiently. We appreciate the Fire Department's quick response in helping us.

If you have any questions, please call.

Sincerely,



Donald W. Rognon
Director of Administration

DWR/cw

enc.

DO NOT WRITE IN THIS SPACE		STATE OF OREGON FIRE REPORT		RE DEPT.	
CONTROL NO.	EXP. NO.	STATE FIRE MARSHAL		ALARM NO.	88- 118

District of Incident		OAK LODGE FIRE #51		County		CLACKAMAS		Dept. Responding		OAK LODGE FIRE #51	
1	MO	DAY	YEAR	DAY OF WEEK	ALARM TIME			ARRIVAL TIME		TIME BACK IN	
		1/27/88		WED	20:25			20:27		20:37	
2 INCIDENT ADDRESS					ZIP		CENSUS TRACT		ISO CLASS		
17873 SE MCLOUGHLIN					97267		217		3		
3 OCCUPANT NAME (Last, First, MI)					DOB (optional)		TELEPHONE				
ADDRESS SAME					/ / 0		(503)654-9812				
4 BUSINESS OWNER NAME (Last, First, MI)					DOB (optional)		TELEPHONE				
ADDRESS SAME					00/00/00		()000-0000				
5 OWNER NAME (Last, First, MI)					DOB (optional)		TELEPHONE				
ADDRESS SAME					00/00/00		()000-0000				
6 FIRE REPORTED BY (Last, First, MI)					DOB (optional)		TELEPHONE				
UNKNOWN					00/00/00		()000-0000				
7 METHOD OF ALARM					Mutual Aid (extinguish or investigate only)						
911 (Tie line)					N/A						
8 # OF FIRE SERVICE PERSONNEL RESPONDED			# OF ENGINES RESPONDED		# OF AERIAL APPARATUS RESPONDED			# OTHER VEHICLES RESPONDED (do not include PA's)			
3			1		0			0			
9 TYPE OF SITUATION FOUND					TYPE OF ACTION TAKEN						
0					2						
10 METHOD OF EXTINGUISHMENT											
0											
11 FIXED PROPERTY USE				PROPERTY COMPLEX (If applicable)				MOBILE PROPERTY (Complete line M)			
N/A				N/A				N/A			
M MOBILE PROPERTY		YEAR	MAKE	MODEL		SERIAL #		LICENSE #			
		0	N/A	N/A		N/A		N/A			
12 ROOM/AREA OF FIRE ORIGIN				EQUIPMENT INVOLVED IN IGNITION (Complete Line E)							
N/A				N/A							
E EQUIPMENT INVOLVED IN IGNITION		YEAR	MAKE	MODEL		SERIAL #		VOLTAGE			
		0	N/A	N/A		N/A		N/A			
13 IGNITION FACTOR ON ARRIVAL FOUND SLIGHT LEAK IN BASE OF PUMP, LEAKING INTO GROUND. REFERRED PROBLEM TO D.E.Q.											
14 FORM OF HEAT OF IGNITION				MATERIAL FIRST IGNITED WAS MADE OF				ITEM FIRST IGNITED:			
N/A				N/A				N/A			
15 LEVEL OF FIRE ORIGIN											
0											
16 VALUE		Building		Contents		Vehicle and Contents		Other		TOTAL	
		0		0		0		0		0	
LOSS											
		0		0		0		0		0	
17 NUMBER OF STORIES											
18 BUILDING AGE (In Years)		BUILDING SIZE (Grnd Flr Only)									
0											
19 CONSTRUCTION TYPE											
20 EXTENT OF DAMAGE CONFINED TO: Flame Smoke				DETECTOR PERFORMANCE				SPRINKLER PERFORMANCE			
FLAME--								Sprinklers Controlled Fire: 0			
SMOKE--								# of Heads Opened 0			
21 Weather Conditions											
Windspeed Undetermined Direction Undetermined Condition Undetermined Temp.											
21a REMARKS											
22 Follow Up Investigation Requested N If yes, who will investigate											
23 Number of Injuries						Number of Fatalities					
Fire Service 0 Other 0						Fire Service 0 Other 0					
24 Member Making Report						Title			Date		
KEITH WOLFARD						CAPTAIN			1/27/88		
25 Additional Information by						Title			Date		
									/ /		

COMPLETE FOR ALL
HOSTILE FIRESCOMPLETE FOR ALL
HOSTILE FIRES

COMPLETE FOR ALL HOSTILE FIRES

STRUCTURE FIRES ONLY

Dept. of Environmental Quality
RECEIVED
APR 0 1990
NORTHWEST REGION

FLYING J INC.

LOCATION _____

DAILY SALES REPORT

COMPANY NO.	02	REPORT DATE	26	I (WE) HEREBY CERTIFY THAT THIS REPORT IS TRUE AND CORRECT. MANAGER'S SIGNATURE 
STATION NO.	1148	ACCT'G MO.	1	
REPORT NO.	26	STATE	04	

LINE	PUMP NUMBER	REGULAR	UNLEADED	PREMIUM	UNL. PREM.	DIESEL #2	PROPANE	DIFFERENCE	TOTAL PUMP DOLLARS	LINE	
		532-05	532-06	532-03	532-04	534-13	501-27	532-05			
1	7	929134							510380	1	
2	8	115620							769555	2	
3	9	868391							974074	3	
4	1		046921						134794	4	
5	2		809409						370938	5	
6	3		966817						807464	6	
7	4				563641				947960	7	
8	5				461449				186144	8	
9	6				665935				211968	9	
10	10					53840				10	
11	Propane						7722			11	
12										12	
13										13	
14										14	
15										15	
16										16	
17										17	
18									4913277	18	
19	TOTAL ENDING READINGS	1913195	1823147	1	1691625	153840	17722			19	
20	LESS ENDING PREVIOUS REPORT	21911601	21821063	2	21680843	253500	27654	TOTAL GALLONS	4582858	20	
21	ADD PUMP ROLLOVERS	3	3	3	3	3	3	500-00	330419	21	
22	TOTAL GALLONS SOLD	41594	52084	6	7182	8270	968	10 14198	33291	22	
23	PUMP PRICE	84 3/10	84 9/10	10	99 9/10	94 9/10	94 9/10	532-05	MUST BE EQUAL ADD 4 THRU 10	23	
24	TOTAL DUE GALLON * PRICE	4135331	5176932	8	718182	826973	96318	10 26 1	\$363710	24	
25	ATTACH RECEIPTS *										25
26	CASH ON HAND	(FROM PREVIOUS REPORT)	100-00	1268	STATE SALES TAX				305-		26
27	CASH ON HAND	(ENDING)	100-00	268	SALES-OIL & ADDITIVES				536-16	290	27
28	AMOUNT DEPOSITED		101-	327578	SALES-PARTS & ACCESSORIES				536-22		28
29	AMOUNT DEPOSITED		101-	27780	SALES-CLOTHING				536-46		29
30	AMOUNT DEPOSITED		101-		SALES-BEER				536-53		30
31	AMOUNT DEPOSITED		101-		SALES-TOBACCO				536-54	4250	31
32	AMOUNT DEPOSITED		101-		SALES-GROCERIES				536-56	240	32
33	AMOUNT RECEIVABLE		110-01	9597	SALES-DELI				536-72		33
34	Musky			9597	SALES-TAPES				536-78		34
35	VIDEO MOVIE DISCOUNTS		548-75		SALES-SUNDRIES				536-80		35
36	PLANT SUPPLIES		641-01		SALES-GIFT & SOUVENIRS				536-81		36
37	MAINTENANCE & REPAIR BLDG.		642-01		SALES-MAGAZINES				536-85		37
38	MAINTENANCE & REPAIR EQUIP.		642-02		ARCADE GAME REV.				548-51		38
39	POSTAGE & PRINTING		646-01		MOVIE/VCR RENTAL				548-72		39
40	OFFICE SUPPLIES		646-03		MEMBERSHIP REV.				548-73		40
41	(OVER) & SHORT CASH		650-01	115	BAD CHECK COLLECTION				651-01		41
42	INV. MDSE. PD OUTS		132-99								42
43	CR. CARD DISCOUNT		660-05	299 11.31							43
44	CC Discount			860							44
45											45
46	Replace Customer Gas Cap		147.01	1395							46
47					NON EXEMPT DIESEL				307-		47
48					STATE PROPANE TAX				309-		48
49					FEDERAL PROPANE TAX				309-06		49
50	OFF HIGHWAY FUEL				DIESEL EXCISE TAX				310-13		50
51	LESS STATE TAX	307-		948	PROPANE EXISE TAX				310-27		51
52	LESS FEDERAL TAX	307-06									52
53	ADD SALES TAX	305-									53
54	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)				\$368490				TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)		\$368490
55	SUMMARY OF INVENTORY ACTIVITY			REGULAR	UNLEADED	PREMIUM	UNL. PREM.	DIESEL #2	PROPANE		55
56				05	06	03	04	13	27		56
57	GALLONS ON HAND	(LINE 60 FROM PREVIOUS REPORT)	10819	8511		3861	3181	789		57	
58	GALLONS RECEIVED	(CONVERTED TO TANK TEMPERATURE)								58	
59	GALLONS SOLD		1594	2084		182	270	68		59	
60	BOOK INVENTORY	(LINE 57 + 58 LESS 59)	9225	6427		3679	2911	721		60	
61	ACTUAL GALLONS ON HAND	(STICK READING)	9445	6365		3789	3006	100		61	
62	(OVER) SHORT		(220)	(62)		(110)	(95)	-21		62	
63	STICK READING IN INCHES		71	50 1/2		34	38 1/2	70		63	
64	TANK TEMPERATURE									64	

(FOR ADDITIONAL REMARKS PLEASE USE OTHER SIDE)

02-SA001 (REV. 10/84)

FLYING J INC.

LOCATION

DAILY SALES REPORT

COMPANY NO.	02	REPORT DATE	27	I (WE) HEREBY CERTIFY THAT THIS REPORT IS TRUE AND CORRECT.  MANAGER'S SIGNATURE
STATION NO.	1148	ACCT'G MO.	1	
REPORT NO.	27	STATE	04	

LINE	PUMP NUMBER	REGULAR 532-05	UNLEADED 532-06	PREMIUM 532-03	UNL. PREM. 532-04	DIESEL #2 534-13	PROPANE 501-27	DIFFERENCE 532-05	TOTAL PUMP DOLLARS	LINE
1		930026							586126	1
2		116460							836620	2
3		868713							001420	3
4			047790						208580	4
5			810258						4142993	5
6			967240						8413392	6
7					263848				968564	7
8					461550				196286	8
9					1665955				213968	9
10						540280				10
11							7757			11
12										12
13										13
14									4297949	14
15										15
16										16
17										17
18										18
19	TOTAL ENDING READINGS	11915199	11825288	1	11691353	1540280	17757			19
20	LESS ENDING PREVIOUS REPORT	11913195	11823147	2	11691025	253840	27722	TOTAL GALLONS	4913277	20
21	ADD PUMP ROLLOVERS	3	3	3	3	3	3	500-00	384672	21
22	TOTAL GALLONS SOLD	4 2004	5 2141	6	7 328	8 188	9 35	10 (4696)	22034	22
23	PUMP PRICE	849	849	10	999	999	929	532-05	MUST BE EQUAL ADD 4 THRU 10	23
24	TOTAL DUE GALLON x PRICE	4 170140	5 181711	6	7 32768	8 18782	9 3252	10 (.07)	\$ 406706	24

25	ATTACH RECEIPTS *				STATE SALES TAX		305-		25
26	CASH ON HAND	(FROM PREVIOUS REPORT)	100-00	(268)	SALES-OIL & ADDITIVES		536-16	320	26
27	CASH ON HAND	(ENDING)	100-00	268	SALES-PARTS & ACCESSORIES		536-22		27
28	AMOUNT DEPOSITED		101-	377810	SALES-CLOTHING		536-46		28
29	AMOUNT DEPOSITED		101-	286 43	SALES-BEER		536-53		29
30	AMOUNT DEPOSITED		101-		SALES-TOBACCO		536-54	5500	30
31	AMOUNT DEPOSITED		101-		SALES-GROCERIES		536-56	120	31
32	AMOUNT RECEIVABLE		110-01	38.46	SALES-DELI		536-72		32
33	Husky			3846	SALES-TAPES		536-78		33
34	VIDEO MOVIE DISCOUNTS		548-75		SALES-SUNDRIES		536-80		34
35	PLANT SUPPLIES		641-01		SALES-GIFT & SOUVENIRS		536-81		35
36	MAINTENANCE & REPAIR BLDG.		642-01		SALES-MAGAZINES		536-85		36
37	MAINTENANCE & REPAIR EQUIP.		642-02		ARCADE GAME REV.		548-51		37
38	POSTAGE & PRINTING		646-01		MOVIE/VCR RENTAL		548-72		38
39	OFFICE SUPPLIES		646-03		MEMBERSHIP REV.		548-73		39
40	(OVER) & SHORT CASH		650-01	(12.92)	BAD CHECK COLLECTION		651-01		40
41									41
42	INV. MDSE. PD OUTS		132-99						42
43	CR. CARD DISCOUNT		660-05	119 1105					43
44	CR CARD Discount			886					44
45	Damage to Pump Gallons 26.4 AT			2242					45
46				532610					46
47					NON EXEMPT DIESEL		307-		47
48					STATE PROPANE TAX		309-		48
49			GALLONS	DOLLARS	FEDERAL PROPANE TAX		309-06		49
50	OFF HIGHWAY FUEL				DIESEL EXCISE TAX		310-13		50
51	LESS STATE TAX	307-		* 14 ¢ 3.42	PROPANE EXISE TAX		310-27		51
52	LESS FEDERAL TAX	307-06		* ¢				5940	52
53	ADD SALES TAX	305-		* % ()					53
54	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)				\$ 412646	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)		\$ 412646	54

55	SUMMARY OF INVENTORY ACTIVITY		REGULAR	UNLEADED	PREMIUM	UNL. PREM.	DIESEL #2	PROPANE	55
56			05	06	03	04	13	27	56
57	GALLONS ON HAND (LINE 60 FROM PREVIOUS REPORT)		9225	16427		3679	2911	721	57
58	GALLONS RECEIVED (CONVERTED TO TANK TEMPERATURE)								58
59	GALLONS SOLD		2004	2141		328	188	35	59
60	BOOK INVENTORY (LINE 57 + 58 LESS 59)		7221	4286		3351	2723	686	60
61	ACTUAL GALLONS ON HAND (STICK READING)		7303	4131		3349	2799	680	61
62	(OVER) SHORT		(82)	-155		-2	(76)	-6	62
63	STICK READING IN INCHES								63
64	TANK TEMPERATURE								64

ADDITIONAL REMARKS PLEASE USE OTHER SIDE

02-SA001 (REV. 10/84)

Damage
Dial MP - lost

FLYING J INC.

LOCATION

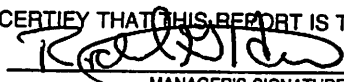
DAILY SALES REPORT

COMPANY NO.	02	REPORT DATE	28	I (WE) HEREBY CERTIFY THAT THIS REPORT IS TRUE AND CORRECT.  MANAGER'S SIGNATURE
STATION NO.	1148	ACCT'G MO.	1	
REPORT NO.	28	STATE	02	

LINE	PUMP NUMBER	REGULAR 532-05	UNLEADED 532-06	PREMIUM 532-03	UNL. PREM. 532-04	DIESEL #2 534-13	PROPANE 501-27	DIFFERENCE 532-05	TOTAL PUMP DOLLARS	LINE
1		930631							637496	1
2		116822							867375	2
3		868821							010652	3
4			048998						243180	4
5			811068						511784	5
6			967618						875456	6
7					564021				985836	7
8					461621				203344	8
9					665993				217744	9
10						542048				10
11							7822			11
12										12
13										13
14										14
15									4572867	15
16										16
17										17
18										18
19	TOTAL ENDING READINGS	11916274	11826884		11691635	154204	17822			19
20	LESS ENDING PREVIOUS REPORT	21915199	21825288		21691353	254028	27757	TOTAL GALLONS	4297949	20
21	ADD PUMP ROLLOVERS	3	3	3	3	3	3	500-00	254918	21
22	TOTAL GALLONS SOLD	4 1075	5 1596	6	7 282	8 176	9 65	10 13194	23621	22
23	PUMP PRICE	849	849	10	999	999	929	532-05	MUST BE EQUAL ADD 4 THRU 10	23
24	TOTAL DUE GALLON x PRICE	4 91268	5 135500	6	7 28172	8 17582	9 6039	10 51920	278539	24
25	ATTACH RECEIPTS *					STATE SALES TAX		305-		25
26	CASH ON HAND (FROM PREVIOUS REPORT)	100-00	(268)		SALES-OIL & ADDITIVES		536-16		145	26
27	CASH ON HAND (ENDING)	100-00	268		SALES-PARTS & ACCESSORIES		536-22			27
28	AMOUNT DEPOSITED	101-	2632.28		SALES-CLOTHING		536-46			28
29	AMOUNT DEPOSITED	101-	180.94		SALES-BEER		536-53			29
30	AMOUNT DEPOSITED	101-			SALES-TOBACCO		536-54		6625	30
31	AMOUNT DEPOSITED	101-			SALES-GROCERIES		536-56		240	31
32	AMOUNT RECEIVABLE	110-01			SALES-DELI		536-72			32
33					SALES-TAPES		536-78			33
34	VIDEO MOVIE DISCOUNTS	548-75			SALES-SUNDRIES		536-80			34
35	PLANT SUPPLIES	641-01			SALES-GIFT & SOUVENIRS		536-81			35
36	MAINTENANCE & REPAIR BLDG.	642-01			SALES-MAGAZINES		536-85			36
37	MAINTENANCE & REPAIR EQUIP.	642-02			ARCADE GAME REV.		548-51			37
38	POSTAGE & PRINTING	646-01			MOVIE/VCR RENTAL		548-72			38
39	OFFICE SUPPLIES	646-03	36.55		MEMBERSHIP REV.		548-73			39
40	(OVER) & SHORT CASH	650-01	< .97		BAD CHECK COLLECTION		651-01			40
41										41
42	INV. MDSE. PD OUTS	132-99								42
43	CR. CARD DISCOUNT	660-05	5.60							43
44										44
45										45
46										46
47					NON EXEMPT DIESEL		307-			47
48					STATE PROPANE TAX		309-			48
49		GALLONS	DOLLARS		FEDERAL PROPANE TAX		309-06			49
50	OFF HIGHWAY FUEL				DIESEL EXCISE TAX		310-13			50
51	LESS STATE TAX	307-	14	112	PROPANE EXISE TAX		310-27			51
52	LESS FEDERAL TAX	307-06								52
53	ADD SALES TAX	305-							7010	53
54	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)			285549	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)			285549		54
55	SUMMARY OF INVENTORY ACTIVITY			REGULAR	UNLEADED	PREMIUM	UNL. PREM.	DIESEL #2	PROPANE	55
56				05	06	03	04	13	27	56
57	GALLONS ON HAND (LINE 60 FROM PREVIOUS REPORT)		7221	4286		3351	2723	686		57
58	GALLONS RECEIVED (CONVERTED TO TANK TEMPERATURE)		4701	7201						58
59	GALLONS SOLD		1075	1596		282	176	65		59
60	BOOK INVENTORY (LINE 57 + 58 LESS 59)		10847	9891		3069	2547	621		60
61	ACTUAL GALLONS ON HAND (STICK READING)							600		61
62	(OVER) SHORT							-21		62
63	STICK READING IN INCHES									63
64	TANK TEMPERATURE									64

FLYING J INC. LOCATION Milwaukee

DAILY SALES REPORT

COMPANY NO.	02	REPORT DATE	29	I (WE) HEREBY CERTIFY THAT THIS REPORT IS TRUE AND CORRECT. 
STATION NO.	1148	ACCT'G MO.	1	
REPORT NO.	29	STATE	04	
MANAGER'S SIGNATURE				

LINE	PUMP NUMBER	REGULAR 532-05	UNLEADED 532-06	PREMIUM 532-03	UNL. PREM. 532-04	DIESEL #2 534-13	PROPANE 501-27	DIFFERENCE 532-05	TOTAL PUMP DOLLARS	LINE
1	1	931584							718426	1
2	8	117599							933345	2
3	9	869172							040424	3
4	1		049449						349390	4
5	2		812290						615470	5
6	3		968015						909172	6
7	4				564184				002178	7
8	5				461804				221642	8
9	6				666057				224104	9
10	10					54436				10
11	Propane						7948			11
12										12
13										13
14										14
15										15
16										16
17										17
18									4014151	18
19	TOTAL ENDING READINGS	1918355	1829754	1	1692045	154436	17948			19
20	LESS ENDING PREVIOUS REPORT	21916274	21826884	2	21691635	254204	27822			20
21	ADD PUMP ROLLOVERS	3	3	3	3	3	3	TOTAL GALLONS	4552867	21
22	TOTAL GALLONS SOLD	2081	2870	6	7410	8232	9126	1015719	461284	22
23	PUMP PRICE	849/10	849/10	10	999/10	999/10	929/10	532-05	35135	23
24	TOTAL DUE GALLON x PRICE	4176677	5243663	6	740959	823177	911958	10(15)	MUST BE EQUAL ADD 4 THRU 10 \$496419	24
25	ATTACH RECEIPTS *					STATE SALES TAX		305-		25
26	CASH ON HAND (FROM PREVIOUS REPORT)		100-00	(268)	SALES-OIL & ADDITIVES		536-16		145	26
27	CASH ON HAND (ENDING)		100-00	268	SALES-PARTS & ACCESSORIES		536-22			27
28	AMOUNT DEPOSITED	1	101-	474319	SALES-CLOTHING		536-46			28
29	AMOUNT DEPOSITED	1	101-	16578	SALES-BEER		536-53			29
30	AMOUNT DEPOSITED	12	101-	125113	SALES-TOBACCO		536-54		3625	30
31	AMOUNT DEPOSITED		101-		SALES-GROCERIES		536-56		480	31
32	AMOUNT RECEIVABLE		110-01	8172	SALES-DELI		536-72			32
33	Husky			8172	SALES-TAPES		536-78			33
34	VIDEO MOVIE DISCOUNTS		548-75		SALES-SUNDRIES		536-80			34
35	PLANT SUPPLIES		641-01		SALES-GIFT & SOUVENIRS		536-81			35
36	MAINTENANCE & REPAIR BLDG.		642-01		SALES-MAGAZINES		536-85			36
37	MAINTENANCE & REPAIR EQUIP.		642-02		ARCADE GAME REV.		548-51			37
38	POSTAGE & PRINTING		646-01		MOVIE/VCR RENTAL		548-72			38
39	OFFICE SUPPLIES		646-03		MEMBERSHIP REV.		548-73			39
40	(OVER) & (SHORT) CASH		650-01	(723)	BAD CHECK COLLECTION		651-01			40
41										41
42	INV. MDSE. PD OUTS		132-99							42
43	CR. CARD DISCOUNT		660-05	2537.66						43
44	CC Discount			513						44
45										45
46										46
47					NON EXEMPT DIESEL		307-			47
48					STATE PROPANE TAX		309-			48
49					FEDERAL PROPANE TAX		309-06			49
50	OFF HIGHWAY FUEL				DIESEL EXCISE TAX		310-13			50
51	LESS STATE TAX	307-		.14	PROPANE EXISE TAX		310-27			51
52	LESS FEDERAL TAX	307-06								52
53	ADD SALES TAX	305-								53
54	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)			500669	TOTAL RECEIPTS (BOTH AMOUNTS MUST AGREE)				500669	54
55	SUMMARY OF INVENTORY ACTIVITY		REGULAR	UNLEADED	PREMIUM	UNL. PREM.	DIESEL #2	PROPANE		55
56			05	06	03	04	13	27		56
57	GALLONS ON HAND (LINE 60 FROM PREVIOUS REPORT)		10847	9891		3069	2547	621		57
58	GALLONS RECEIVED (CONVERTED TO TANK TEMPERATURE)							305		58
59	GALLONS SOLD		2081	2870		410	232	126		59
60	BOOK INVENTORY (LINE 57 + 58 LESS 59)		8766	7021		2659	2315	800		60
61	ACTUAL GALLONS ON HAND (STICK READING)		8882	6878		2758	2290	760		61
62	(OVER) SHORT		(116)	-143		(94)	-25	-40		62
63	STICK READING IN INCHES		67	5314		27	3112	76		63
64	TANK TEMPERATURE									64

Dept. of Environmental Quality
RECEIVED
APR 05 1990

NORTHWEST REGION





POLAROID

TELEPHONE USE REPORT

CALL FROM/TO: Don ROGNON
COMPANY/TITLE: Flying "J"
PHONE NO.: 801 734-9416
CITY: Utah COUNTY: _____

DATE: 3/28/90

TIME: 12:53

(Circle for filing)

AQ _____ Asbestos

WQ _____ OSS

SW _____ HW

General _____ Spill

Flying "J" Service station

SUMMARY OF CALL:

Don has copy of my letter requiring report on
Spill. Will send report responding to the items
I requested except # 8 - Soil Sampling. He
will include info indicating it is not
rec. as no release occurred below. Ground
Surface.

Arden Bollar

Signature

TELEPHONE USE REPORT

CALL FROM/TO: Richard Howe
 COMPANY/TITLE: Flying 'J'
 PHONE NO.: 654-9812
 CITY: Oak Grove COUNTY: _____

DATE: 9-7-89
 TIME: 9:05 4:26
 (Circle for filing)
 AQ Asbestos
 WQ OSS
 SW HW
 General Spill

SUMMARY OF CALL:

9-7-89 left message for Richard to call
9-8-89 11:30 No Answer
9-18-89 will send letter today
10-19-89 busy
4:14 left message for him to call. - Sent letter after last call.
 will send Another letter (copy) tomorrow
11-20-89 said he sent add'l copy
 will Fax me letter this fine (Today or tomorrow)
12-7-89 called left message I'd never received Fax + to call me
12-14-89 No Answer.
12-15-89 11:00 left message for Richard to call

AWP

Signature

TELEPHONE USE REPORT

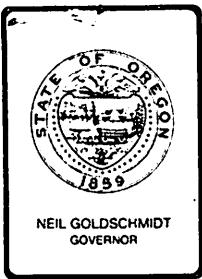
CALL FROM/TO: Jim Lucky / Richard Howe DATE: 8-16
COMPANY/TITLE: Flying J' Service Station TIME: 10:35
PHONE NO.: _____ (Circle for filing)
CITY: _____ COUNTY: _____
AQ Asbestos
WQ OSS
SW HW
General Spill

SUMMARY OF CALL:

Called about my letter of 8-4-89 - WON
Richard says he never got Rick Vogel's
letters and that he gave Rick a letter summarizing
clean up. I indicated that we'd never gotten
a letter. He indicated he thought only 40-50
gallons of fuel were lost.

I asked for a report detailing the
events that occurred + and his estimate of
product lost. I also indicated a copy
of fire marshals report would help. He
indicated he would send it

Andee Pollock
Signature



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

March 13, 1990

Mr. Richard Howe
Flying J Service Station
17873 SE McLoughlin Boulevard
Milwaukie, Oregon 97222

CERTIFIED MAIL
Return Receipt Requested

Re: UST-Clackamas County
Flying J Service Station
NWR-UST-90-104
NOTICE OF NONCOMPLIANCE

Dear Mr. Howe:

As of March 13, 1990, the Department has not received any reports concerning the gasoline spill that occurred at your facility located at 17873 SE McLoughlin Boulevard in Milwaukie, Oregon. The spill occurred on January 27, 1988.

We have repeatedly requested that you submit a report and you have ignored these requests. Therefore, we are referring your file to the Department's Enforcement Section with the recommendation to immediately initiate formal enforcement action. This may include the assessment of civil penalties.

By failing to submit a report you are continuing to violate the Oregon Administrative Rules (OAR) 340-108-040. The Department is unable to complete our review of the spill and actions taken at the site without a report. Failure to submit the spill report is subject to civil penalties of up to \$10,000 per day.

The following is a list of the information that will be required in the report:

- 1: A description of how the spill occurred including a description of where the gasoline went, including a site map.
- 2: How future spills will be prevented.
- 3: How much product was lost and subsequently cleaned up.
- 4: A copy of Oak Lodge Fire Department's incident report.
- 5: What cleanup actions were undertaken.
- 6: How it was determined that cleanup was complete, including copies of any sample analyses.

Mr. Richard Howe
March 13, 1990
Page 2

- 7: Since our information indicates that the release originated below the ground surface, we require information indicating what, if any, soil was removed and where it was taken for disposal.
- 8: If no soil removal was conducted, soil samples must be collected adjacent to the pump island to determine if any impacts have occurred. Soil sample analyses, using EPA method 418.1, will be required.
- 9: If contamination above current cleanup criteria is evident, additional investigation and/or cleanup may be required.

If you have any question concerning this matter, please call me at (503) 229-6923.

Sincerely,


Andree Pollock
UST Cleanup Specialist
Northwest Region

cc: Enforcement Section, DEQ
CT Corporation Systems
800 Pacific Building
Portland, Oregon 97204
Flying J, Inc.
P.O. Box 678
Brigham City, Utah 84302
Attn: Edward M. Swapp

AUP
 NWK
 P 572 186 048
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to: *Richard J. Service; Howie; Flying J. Service; 17873 S.E. McLaughlin Blvd; Portland, OR 97222*
 Street and No.: *17873*
 P.O., State and ZIP Code: *Portland, OR 97222*
 Postage: \$
 Certified Fee: \$
 Special Delivery Fee: \$
 Restricted Delivery Fee: \$
 Return Receipt showing to whom and Date Delivered: \$
 Return Receipt showing to whom, Date, and Address of Delivery: \$
 TOTAL Postage and Fees: \$
 Postmark of origin: *Portland, OR*
 PS Form 3800, June 1995
 NORTHWEST REGION

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Richard J. Service; Howie; Flying J. Service; 17873 S.E. McLaughlin Blvd; Portland, OR 97222</i>		4. Article Number
5. Signature - Address <i>[Signature]</i>		Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent <i>[Signature]</i>		
7. Date of Delivery <i>3-14-90</i>		
		8. Addressee's Address (ONLY if requested and fee paid)



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

February 15, 1990

Mr. Richard Howe
Flying J Service Station
17837 SE McLoughlin Boulevard
Milwaukie, Oregon 97222

CERTIFIED MAIL
Return Receipt Requested

Re: UST-Clackamas County
Flying J Service Station
NWR-UST-90-73
NOTICE OF NONCOMPLIANCE

Dear Mr. Howe:

As of February 15, 1990, the Department has not received any reports concerning the gasoline spill that occurred at your facility located at 17837 SE McLoughlin Boulevard in Milwaukie, Oregon. The spill occurred on January 27, 1988.

We have repeatedly requested that you submit the report and you have ignored these requests. Therefore, we are referring your file to the Department's Enforcement Section with the recommendation to immediately initiate formal enforcement action which may include the assessment of civil penalties.

By failing to submit a report you are continuing to violate the Oregon Administrative Rules (OAR) 340-108-040. The Department is unable to complete our review of the spill and cleanup or close our files on the site without the report. Failure to submit the spill report is subject to civil penalties of up to \$10,000 per day.

If you have any question concerning this matter, please call me at 229-6923.

Sincerely,

Andree Pollock
Leaking UST Specialist
Northwest Region

cc: Enforcement Section, DEQ

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASH. D.C. 20250

OFFICE OF THE DIRECTOR

WASHINGTON, D.C.

DATE: 10/1/68

TO: SAC, ALBUQUERQUE

FROM: ASST. DIR., BLM

SUBJECT: [Illegible]

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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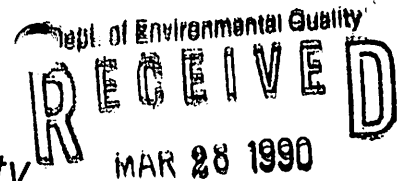
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[Illegible]



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5686
NORTHWEST REGION



MAR 28 1990

CERTIFIED MAIL P 882 467 847

Flying J, Inc.
c/o C T Corporation Systems
Registered Agent
800 Pacific Building
Portland, OR 97204

Re: Notice of Violation and Intent
To Assess Civil Penalty
No. WQ-NWR-90-55
Clackamas County

The Department has repeatedly requested that Flying J, Inc. submit a spill report to the Department detailing the oil spill, which occurred on January 27, 1988 at your facility located at 17873 S.E. McLoughlin Boulevard, Milwaukie, Oregon. These requests were made pursuant to Oregon Administrative Rule (OAR) 340-108-040, which states:

"The Department may require the person responsible for a spill or other incident to submit a written report within 15 days of the spill or other incident describing all aspects of the spill and steps taken to prevent a recurrence."

The Department has requested orally and in writing on the following days that Flying J provide the Department with the requested information: February 12, 1988 (letter); October 17, 1988 (letter); August 14, 1989 (Notice of Noncompliance); August 16, 1989 (telephone call); September 11, 1989 (telephone call); October 19, 1989 (telephone call); November 20, 1989 (telephone call); December 20, 1989 (letter); and March 13, 1990 (Notice of Noncompliance).

Representatives of Flying J, Inc. have assured the Department that the requisite report will be forwarded. At one point, a company representative stated that the report had already been sent, although it was never received by the Department.

Because you violated the Department's rules, I am sending you the enclosed legal notice warning you that a civil penalty may be assessed if any cited violation continues or any similar violation occurs five (5) or more days after you receive this notice. The enclosed warning remains in effect indefinitely.

Civil penalties can be assessed for each day of each violation. Civil penalties are determined pursuant to Oregon Administrative

Flying J, Inc.
Case No. WQ-NWR-90-55
Page 2

Rule (OAR) 340-12-045. A copy of our enforcement procedure and civil penalty rules is enclosed.

The report must contain a site map and a detailed description of the following:

1. How the spill occurred;
2. The amount of product spilled;
3. Where the product flowed;
4. Cleanup actions taken;
5. The amount of product recovered through cleanup;
6. How it was determined that cleanup was complete, including copies of any soil sample analyses;
7. Steps taken to prevent a recurrence; and
8. A copy of the Oak Lodge Fire Department's incident report.

Additionally, Department records indicate the release originated below the ground surface. The Department requires that you report the amount of any soil that was removed and where it was disposed. If no soil has been removed, soil samples must be collected adjacent to the pump island and analyzed using EPA Method 418.1, to determine whether the spill caused any soil impacts. If this analysis reveals contamination above the cleanup standards set forth in OAR Chapter 340, Division 108, the Department may require additional investigation or remedial action including groundwater contamination sampling, analysis and cleanup.

Any bills for cleanup which document cleanup activities may be attached to your report. Please also attach any relevant documentation of the information listed above.

If you have any questions about this enforcement action, please contact Andree Pollock with the Department's Northwest Region at 229-6923. I look forward to your future cooperation.

Sincerely,



Thomas R. Bispham
Administrator
Regional Operations Division

TRB:hd:b
GB9480L

Enclosures

cc: Northwest Region, DEQ
Water Quality Division, DEQ
Environmental Cleanup Division, LUST
State Fire Marshal
Department of Justice
Environmental Protection Agency,

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY	)	NOTICE OF VIOLATION OF
THE STATE OF OREGON,	)	AND INTENT TO ASSESS
	)	CIVIL PENALTY
	)	No. WQ-NWR-90-55
Department,	)	CLACKAMAS COUNTY
v.	)	
FLYING J, INC.,	)	
	)	
Respondent.	)	

I. AUTHORITY

This notice is being issued to Respondent, Flying J, Inc., a Utah corporation licensed to do business in Oregon, by the Department of Environmental Quality (Department), pursuant to Oregon Revised Statutes (ORS) 465.250, 468.125(1) and Oregon Administrative Rules (OAR) Section 340-12-040(1) and (2).

II. VIOLATIONS

1. On or about January 27, 1988, an oil spill occurred at Respondent's facility located at 17873 S.E. McLoughlin Boulevard, Milwaukie, Oregon. Respondent has failed to respond to the Department's requests made pursuant to OAR 340-108-040 for a spill report. Respondent's failure to submit the requested report is a violation of ORS 465.250 and OAR 340-108-040. This is a Class II violation pursuant to OAR 340-12-073(2)(a).

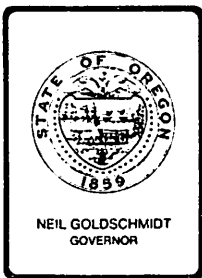
III. CONSEQUENCES OF ADDITIONAL VIOLATIONS

If five (5) or more days after Respondent receives this Notice, the violation(s) cited in Section II of this Notice continue or a violation occurs, the Department may assess a civil

1 penalty against Respondent. In the event that a civil penalty is
2 imposed upon Respondent, it will be assessed by a subsequent
3 written notice pursuant to OAR Chapter 340, Division 12.
4 Respondent will be given an opportunity for a contested case
5 hearing to contest the allegations and penalty assessed in that
6 notice, pursuant to ORS 468.135(2) and (3), ORS Chapter 183, and
7 OAR Chapter 340, Division 11. Respondent is not entitled to a
8 contested case hearing at this time.

9
10
11 3-28-90
12 Date

Tom Bispham
13 Thomas R. Bispham, Administrator
14 Regional Operations, DEQ
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19
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21
22
23
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25
26



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

February 15, 1990

Mr. Richard Howe
Flying J Service Station
17837 SE McLoughlin Boulevard
Milwaukie, Oregon 97222

CERTIFIED MAIL
Return Receipt Requested

Re: UST-Clackamas County
Flying J Service Station
NWR-UST-90-73
NOTICE OF NONCOMPLIANCE

Dear Mr. Howe:

As of February 15, 1990, the Department has not received any reports concerning the gasoline spill that occurred at your facility located at 17837 SE McLoughlin Boulevard in Milwaukie, Oregon. The spill occurred on January 27, 1988.

We have repeatedly requested that you submit the report and you have ignored these requests. Therefore, we are referring your file to the Department's Enforcement Section with the recommendation to immediately initiate formal enforcement action which may include the assessment of civil penalties.

By failing to submit a report you are continuing to violate the Oregon Administrative Rules (OAR) 340-108-040. The Department is unable to complete our review of the spill and cleanup or close our files on the site without the report. Failure to submit the spill report is subject to civil penalties of up to \$10,000 per day.

If you have any question concerning this matter, please call me at 229-6923.

Sincerely,

Andree Pollock
Leaking UST Specialist
Northwest Region

cc: Enforcement Section, DEQ

NOR
AUP

P 572 186 012

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

Richard (See Reverse) Howe

Sent to
Flying S Service Sta.
Street and No.
17837 S.E. McLaughlin
P.O., State and ZIP Code
Milwaukee WI 53222

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.00

Postmark or Date
2/16/90

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Date: 2-13-90 9:07am
From: Charles Clinton:NWR:DEQ
To: AVPollock:NWR
Subj: NOI
Forwarded: Message from Van Kollias:RO:DEQ of 2-13-90

----- Forwarded Message Body -----

Date: 2-13-90 7:14am
From: Van Kollias:RO:DEQ
To: CRClinton:NWR
cc: Van Kollias:RO:DEQ
Subj: NOI

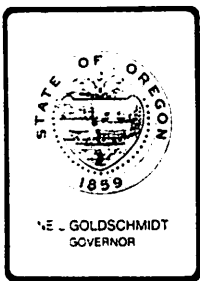
I didn't copy Andre on this e-mail as his name isn't on the e-mail/phone directory yet. So please forward this to him.

Here is what I propose. Send the Company a very short NON stating we have still not received its report of the spill that occurred on Jan 27, 1988 and that they continue to violate OAR 340-108- 046 -. The Department is unable to close the file until the report is submitted. Failure to submit the spill report is subject to civil penalties of up to \$10,000 per day. 421

We have repeatedly requested you to submit the report and you have ignored these requests. Therefore, we are referring your file to the Department's Enforcement Section with the recommendation to immediate initiate formal enforcement action which may include the assessment of civil penalties.

Then refer it. If between the time you send out the NON and before we finalize and send out a NOI the company submits the report, then I would recommend dropping the NOI unless you feel the company may do something like this again and we should have the NOI on file anyway. If we issue the NOI, we should not give them anymore time then the 5 days to get the report in and if they are even one day late we should assess a penalty.

Please include a copy of this e-mail as an attachment to the referral.
Thanks.



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

December 20, 1989

Mr. Jim Lucky
Flying J Service Station
17873 SE McLoughlin Boulevard
Oak Grove, Oregon 97222

Re: UST-Clackamas County
Flying J Service Station

Dear Mr. Lucky:

As of today, December 20, 1989, we have not received any reports concerning the gasoline spill that occurred at your facility on January 27, 1988.

I called Richard Howe on September 11, 1989, to inform him that I had not receive a copy of a report as I discussed with you and Richard on August 16, 1989. At that time he read me the report that he had written to make sure it would satisfy the Department's requirements. At that time I indicated that it satisfied our requirements and gave him my address. I never received the letter.

On October 19, 1989, I again contacted Richard and indicated I never received the report. He informed me that he no longer had a copy of the original but would write a new, handwritten report and send it to me. I made sure that he had my address to ensure the report would get to me.

By November 20, 1989, I still had not received a report so I again called Richard. This time I gave him the Department's FAX number and he indicated that he would FAX the report to me. I never received a FAX.

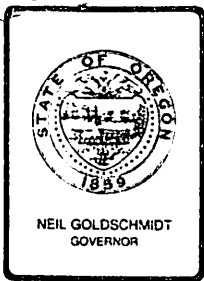
A report is required by the Oregon Administrative Rules. If a copy of a report has not been received by me before January 31, 1990, we will have to proceed with formal enforcement action.

If you have any question regarding this matter, please contact me at 229-6923.

Sincerely,

Andree Pollock
Leaking UST Specialist
Northwest Region

cc: Environmental Cleanup Division, IUST Section



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

August 14, 1989

Flying J Service Station
17873 SE McLoughlin Boulevard
Oak Grove, Oregon 97222

Re: UST-Clackamas County
Flying J Service Station
UST-89-119
NOTICE OF NONCOMPLIANCE

Dear Sir(s):

We have not received any reports from you regarding investigative or cleanup actions taken at your facility located at 17873 SE McLoughlin Blvd. in Portland, Oregon.

On January 27, 1988 we received a spill report that 200 to 250 gallons of gasoline leaked from a pump flange. At that time we requested, both verbally and in writing, that an investigation be conducted to determine the extent of the possible fuel contamination and that a written report detailing the investigation be prepared. We never received any response to either of our letters (copies enclosed) requesting this information.

OAR 340-108-040 gives the Department the authority to "...require the person responsible for a spill or other incident to submit a written report within 15 days of the spill or other incident describing all aspects of the spill and steps taken to prevent a recurrence."

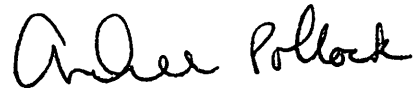
Please submit a report detailing the actions taken at your property in response to the aforementioned spill by September 4, 1989. We have again enclosed a copy of OAR 340-108 "Oil and Hazardous Material Spills and Releases" for your information regarding your responsibilities under these rules.

Failure to comply with this request may result in further enforcement action by the Department and may include civil penalties up to \$10,000.

Flying J Service Station
August 14, 1989
Page 2

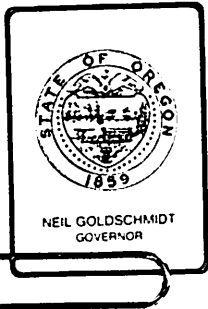
If you have any questions regarding this matter, please call me at 229-6923.

Sincerely,

A handwritten signature in cursive script that reads "Andree Pollock".

Andree Pollock
Northwest Region
Leaking UST Program

cc: Environmental Cleanup Division, LUST section
Enforcement Division



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1334 PHONE (503) 229-5696

October 17, 1988

Flying J. Service Station
17873 SE McLoughlin Boulevard
Oak Grove, OR 97222

Re: UST-17873 SE McLoughlin Blvd.
Facility I.D. No. 1747
Clackamas County

This is in regard to the Department's February 12, 1988 letter to you requesting information gasoline leak at the above address which occurred on January 27, 1988. The letter asked you to perform an investigation to determine the extent of the possible fuel contamination in order to decide what, if any, cleanup was necessary. The letter requested a response from you by February 29, 1988.

The Department has not received any information regarding the original request and again asks you to perform the investigation and submit your findings for review. Please submit the report to the Department to the Department prior to November 20, 1988. Failure to submit the requested information may result in future enforcement action by the Department.

A copy of our original request is enclosed for your information.

Feel free to contact me at 229-5245 if you have any questions or comments regarding this matter.

Sincerely,

Richard J. Volpel

Richard J. Volpel
Environmental Specialist
Northwest Region

RJV:s
RS28
Enclosure
cc: Environmental Cleanup Division, LUST Section



2/29
Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

February 12, 1988

Flying J Service Station
Attn: Richard
17873 SE McLoughlin Boulevard
Oak Grove, OR 97222

Re: UST - 17873 SE McLoughlin
Clackamas County

This will confirm the Department's investigation of a leaky underground storage tank system located at a service station at 17873 SE McLoughlin Boulevard on January 27, 1988.

It is requested that the leaky equipment be repaired or replaced as soon as possible. Department cleanup guidelines require all fuel contaminated soil to be removed to a level of no detectable odor or sheen and taken to an approved site for proper disposal. Immediate cleanup will minimize the amount of soil contaminated by lost product. The lost product may impact groundwater in the future. If lost product migrated to the groundwater, cleanup costs be considerable.

It is requested that the Department be informed of proposed repairs and cleanup prior to February 29, 1988.

Enclosed is a copy of Oregon Administrative Rules (OAR) Division 108 regarding hazardous waste management. Please refer to OAR 340-108-030 and OAR 340-108-070 regarding cleanup standards and liability for cleanup.

If you have any questions or comments regarding this matter, please contact me at 229-5245.

Sincerely,

Richard J. Volpel

Richard J. Volpel
Environmental Analyst
Northwest Region

RJV:p
RP1333
Enclosure
cc: Remedial Action Section, DEQ

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
LUST Report

A-2

INITIAL INFORMATION

UST Facility I.D. #: _____
LUST Incident #: County 03 - Year 88 - Number 001
DATE RECEIVED: 1-27-88 RECEIVED BY: RJ Volpel
LEAK REPORTED BY: Claudia Anderson, EMD TELEPHONE #: 653-2432
ADDRESS: Cpt. Wolford Oaklodge FD
TANK LOCATION: 17873 SE McLoughlin / Oak Grove OR 97222
LUST CONTACT: Flying J. Service Station TELEPHONE #: _____
ADDRESS: _____
COMMENTS: _____

EMERGENCY RESPONSE TAKEN:

Yes _____ (Complete DEQ Emergency Response Form) No X

CONFIRMATION OF RELEASE:

Staff Site Inspection _____ Name: _____
Written Report by RP X _____
Lab Sample (& Origin) _____ DEQ _____ RP _____ Other _____
Results: _____
Other _____ Specify: _____

DATE RELEASE CONFIRMED: 1-27-88

SITE ASSESSMENT

DATE RELEASE DISCOVERED: 1-27-88

HOW DISCOVERED:

Routine Monitoring _____ Inventory Control _____
Decommissioning _____ Site Assessment _____
Complaint _____ Specify: _____
Other X Specify: Spill

TYPE OF MATERIAL RELEASED: Gasoline

ESTIMATED AMOUNT RELEASED: 81 Gallons _____ Unknown

SOURCE OF RELEASE:

Tank Leak _____ Overfill _____ Leaking Pipe _____
Unknown _____ Other _____ Specify: Spill

EXTENT OF CONTAMINATION:

Minor X Moderate _____ Major _____

POTENTIAL IMPACTS:

	Yes	No	Risk of Impact	Unknown
AQ/SW/WQ: Soil	_____	<u>X</u>	_____	_____
AQ: Vapors	_____	<u>X</u>	_____	_____
Fire: Vapors or Free Product	_____	<u>X</u>	_____	_____
WQ: Groundwater	_____	<u>X</u>	_____	_____
WQ: Surface Water or Storm Drain	_____	<u>X</u>	_____	_____
WQ: Drinking Water	_____	<u>X</u>	_____	_____
Specify: _____	_____	_____	_____	_____

COMMENTS: _____

* Closed *

SITE MANAGEMENT

DATE RELEASE STOPPED: 1-27-88

OFF-SITE MIGRATION:

Yes _____ No ✓ Unknown _____

DISPOSAL OF MATERIAL REMOVED:

Free Product: Yes ✓ No _____

If yes, please provide the following information:

Estimated Quantity: 81 gal

Party Responsible: Sorbent -

Location of Disposal: St. Johns Landfill

Date of Evacuation: 1-27-88

Soil: Yes _____ No X

If yes, please provide the following information:

Estimated Quantity: _____

Party Responsible: _____

Location of Disposal: _____

Date of Evacuation: _____

ENFORCEMENT ACTION UNDERTAKEN:

Yes X No _____

If yes, please provide the following information:

Type of Action: _____ Date _____

Notice of Violation X

NOI _____

Administrative Order _____

Court Action _____

CLEANUP ACTIVITY:

Date Cleanup Started: 1-27-88

Date Site Under Control: 1-27-88

Date Cleanup Completed: 1-27-88

Contractor's Name: Flying J

SOURCE OF PAYMENT FOR CLEANUP ACTIVITY:

Responsible Party X

State With Trust _____

State Without Trust _____

COST RECOVERY INITIATED:

Yes _____ No X

ESTIMATED TOTAL COST OF CLEANUP: Unk

ESTIMATED STAFF TIME ON PROJECT: 20 hours

COMMENTS: _____

PAPER TRAIL:

INCOMING	Suspense	Received	OUTGOING	Suspense	Date
*Spill Report	_____	_____	*Confirmation Letter	_____	_____
*Assessment/ Remedial Action Plan	_____	_____	*Compliance Agreement	_____	_____
*Notification to Off-Site Owners	_____	_____			
*Monitoring Permit Request	_____	_____	*Monitoring Permit	_____	_____
*Progress/ Final Report	_____	_____	*Closeout Letter	_____	_____
*Other	_____	_____	*Other	_____	_____

DEPARTMENT OF ENVIRONMENTAL QUALITY
Leaking Underground Tank Report

Northwest Region UST #

A-2

03-88-001

Date Received: 1/27/88 Received By: R. J. Velpel
Leak Reported By: Claudia Anderson / EMD & Cpt. Wolford Oaklodge F.D.
Telephone Number: 653-2432
Address: _____

Leak Location: 17873 SE McLoughlin Ownership: Jim Lucky
Oak Grove, OR 97222 Flying J. Service Station

Type and amount of material lost: (Circle One)

Leak or Overfill or Unknown

When detected: 1/27/88
Detected by what method: Odor
Type of material: Gasoline
Approx. amount lost: 200-250 gallons 81

When detected:
How detected:
Type of material:
Approx. amount lost

Impact on neighbors if known (fumes in adjacent businesses, fumes in sewer lines, etc.)

Unknown

NONE

List any homes or businesses forced to evacuate:

None NONE

Describe environmental impact if known: groundwater, surface water, etc.

Unknown

NONE

Describe type of cleanup performed: See Report

Evacuated material tested for: _____ Results: _____

Evacuated material taken to: _____

If extent of loss unknown, when did remedial action begin? Detail.

Company conducting remedial action:

RP309

cc: Hazardous Materials
Water Quality
Regional Office

DEQ EMERGENCY RESPONSE FORM

NORTHWEST REGION SPILL # _____

PERSON RECEIVING REPORT

NAME: R.J. VolpelPHONE NO.: 229-5245

WHEN RECEIVED

DATE: 1/27/88 TIME: 2030EMD INCIDENT NO. 88-064
(If no EMD contact, SEE REVERSE)

PERSON REPORTING SPILL

NAME: Claudia AndersenCOMPANY/AGENCY: EMD

PHONE NO.: _____

ON SCENE CONTACT PERSON: Cpt. ⁶⁵³⁻²⁴³² Wolford
Oak Lodge F.D.NAME: RichardCOMPANY/AGENCY: Oak Lodge Fire DeptPHONE NO.: 654-9812 653-2432

WHERE/WHEN SPILL OCCURRED

LOCATION: ¹⁷⁸⁷³ SE Mr. BloughlinOak - Flying J. Service
Station Contact: RichardCOUNTY: ClackamasDATE: 1/27/88 TIME: ²⁰³⁰ 0830

MATERIAL(S) DESCRIPTION AND QUANTITY

200-250 gallons of gasolineLeaking from pumpPOTENTIAL FOR FURTHER SPILLAGE? Y N
XIF YES, DESCRIBE: Pump not securedas of yet (²⁰³³ 0835)AO RCRA X UST X WQ

NON-RCRA HW

THREAT TO PUBLIC WATERS? Y N
XIF YES, DESCRIBE: may enterstorm drainTHREAT TO PUBLIC SAFETY Y N
XIF YES, DESCRIBE: Possible explosion hazard

HOW SPILL OCCURRED

Leaky pump flange -

RESPONSE ACTION INITIATED:

1. IS SITE SECURED FOR SAFETY? Y N
XBY WHOM Oak Lodge F.D.

2. CONTAINMENT STEPS TAKEN _____

3. SPILLER NOTIFIED Y N
_____ASSUMED CLEANUP RESPONDS. _____
CONTACT NAME & NO. _____4. CLEANUP CREW AND EQUIPMENT Y N
ON SCENE _____
IF NOT, EXPECTED ARRIVAL _____5. OTHER PUBLIC AGENCIES RESPONDING
IF NO POLICE OR FIRE, SEE REVERSE

6. NOTIFICATION(S): _____

7. IS A PUBLIC ANNOUNCEMENT Y N
NEEDED? X

ACTION TAKEN: (2035)

• Contact Oak Lodge F.D. →
- Pipe is leaking underground
Not believed to be entering
storm drain at this time.• Contacted Richard from Flying J
654-9812 - Told him of
clean up requirements & requested
spill report. He said repairman will
be called ASAP - Station is shut
down at this time.

(Flying J.

17873 SE Mr.

Oak Grove 97222

• Letter drafted & 2/10/88

GO303 (8/86)

cc: Hazardous Materials Sect
Regional Operations
Public Affairs
Hazardous Waste Section (HW Related)
Water Quality (WQ Related)
Air Quality (AQ Related)