



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 11, 2011

Mr. Michael Key
Love's Travel Stops & Country Stores
P.O. Box 26210
Oklahoma City, OK 73126

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Pilot Travel Center
- Address: 1512 HWY 97, Ellensburg
- County Assessor's Parcel Number(s): 376133
- Facility/Site No.: 18911356

Dear Mr. Key:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Love's Travel Stops & Country Stores liable under RCW 70.105D.040 for the release of hazardous substances at the Pilot Travel Center facility (Site). This proposed finding is based on the following evidence:

1. Love's Travel Stop and Country Markets is the current operator of a facility at which a release has occurred. PBC Properties is the owner of the property at 1512 HWY 97 in Ellensburg, according to documents on file at the offices of the Kittitas County Auditor and Assessor.



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2. On or about September 16, 2010, Ecology received a report *Limited Subsurface Investigation, September 10, 2010* from Broadbent and Associates, Inc. prepared for Love's Travel Stops and Country Stores, Inc., Oklahoma City, OK. The report indicated soil and groundwater at the site are contaminated with gasoline, diesel and lube oil range petroleum at levels above MTCA cleanup standards, at levels likely to indicate the presence of free-phase petroleum in soils and/or on groundwater.
3. The levels of petroleum found at the site exceed MTCA cleanup standards, which are human-health based cleanup standards. The presence of these contaminants at above MTCA cleanup standards establishes the release(s) of petroleum at the site pose a threat to human health and the environment. If free phase petroleum is present, a threat to public safety is also present as a result of the release(s).

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Norm Peck
CRO Toxics Cleanup Program
15 W. Yakima Ave., Ste. 200
Yakima, WA 98902-3452

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

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Identification of Other Potentially Liable Persons

Ecology has notified the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. Pilot Travel Centers
2. PBC Properties

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Please note that Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Ecology intends to conduct or require a site investigation characterizing the nature and extent of contamination, known as a Remedial Investigation at the site. Please note that the MTCA definition of a "Site" is any place contaminants have come to be located, irrespective of property boundaries.
2. Ecology intends to conduct or require immediate action to contain and actively recover and/or remove any free-phase petroleum (floating on groundwater or saturating soil) if any is present at the site.

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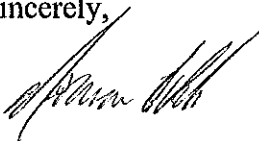
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at 509-454-7837. Thank you for your cooperation.

Sincerely,



Norman D. (Norm) Peck
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951 6176

cc PBC Properties, c/o Burke and Assoc
Ms. Paula Williams, Pautzke Bait Company, Inc.
Mr. Gerald Keith Williams, Registered Agent, PBC Properties