



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 8, 2012

Leland Davis & Lloyd Wachtel
L&L Exxon
8925 West Falls Avenue
Kennewick, WA 99336

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

- Name: L&L Exxon
- Address: 1315 Lee Blvd, Richland, Washington
- Assessor's Parcel No.: 111983020402002
- Facility/Site ID No.: 78835792
- Cleanup Site ID No.: 71285314

Dear Mr. Davis & Mr. Wachtel:

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 Mr. Leland Davis and Mr. Lloyd Wachtel liable under RCW 70.105D.040 for the release of hazardous substances at the L & L Exxon facility (Site). This proposed finding is based on the following evidence:

1. Mr. Leland Davis and Mr. Lloyd Wachtel are past and current owners of the facility. Underground storage tanks were present during their ownership of the property. Underground storage tanks have been removed from the property.
2. Based on information contained in the *Underground Storage Tank Site Assessment, Former L&L Exxon Service Station, 1315 Lee Boulevard, Richland, Washinton, by GN Northern, Inc., March 19, 1999*, five UST's were removed from the site. Based on the report's findings, contaminated soil remains on the property. The property owner has indicated that the groundwater monitoring wells on the property have been sampled in the past and have shown contamination present.



3. Petroleum hydrocarbon soil contamination (gasoline, benzene, toluene, ethylbenzene, xylene, diesel, naphthalene, etc.) have been shown to be hazardous materials and are a threat to human health and the environment.

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:

Mr. Norman Hepner
CRO Toxics Cleanup Program
15 W. Yakima Ave., Suite 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.

Identification of Other Potentially Liable Persons

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.

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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 do the following:

1. Encourage the PLP's to clean up the Site through an Independent Remedial Action.
2. If independent cleanup is not viable, discussions for an Agreed Order may take place.
3. If the PLP's are not willing or able to pursue cleanup of the site, Ecology intends to conduct the cleanup and seek reimbursement for the cleanup costs.

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 509/454-7839. Thank you for your cooperation.

Sincerely,



Norman Hepner
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951 2253

Leland Davis & Lloyd Wachtel
L&L Exxon
8925 West Falls Avenue
Kennewick, WA 99336

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I _____, a duly authorized representative of _____, do hereby waive the right to the thirty- (30) day notice and comment period described in WAC 173-340-500(3) and accept status of _____ as a Potentially Liable Person at the following site:

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- Address: 1315 Lee Blvd, Richland, Washington
- Assessor's Parcel No.: 111983020402002
- Facility/Site ID No.: 78835792
- Cleanup Site ID No.: 71285314

By waiving this right, _____ makes no admission of liability.

Signature

Date

Relationship to the Site: _____
(i.e., owner or operator)