



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

April 14, 2011

Mr. Richard Koopmans, Registered Agent  
Sportland Project LLC  
15 Oro Beach Drive  
Oroville, WA 98844

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

- Name: Sportland Mini Mart
- Address: 4400 Bullfrog Road, Cle Elum
- County Assessor's Parcel Number(s) 673034 and 953132
- Facility/Site No.: 77133953

Dear Mr. Kopmans:

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 Sportland, Project LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Sportland Mini Mart facility (Site). This proposed finding is based on the following evidence:

1. Sportland LLC is the current owner at the site, according to records on file in the offices of the Kittitas County Assessor in Ellensburg, Washington.
2. The following reports submitted to the Department of Ecology report the presence of petroleum hydrocarbons in the gasoline distillate range in soil, groundwater and as free-phase liquid at the site:



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- a. *Underground Storage Tank Assessment, Sportland Mini-Mart Texaco, 4400 Bullfrog Road, Cle Elum, Washington, Site ID# 002200, Great Northern, Inc., October 22, 1998*
  - b. *Report of Soil/Groundwater Characterization Assessment, Sportland Mini-Mart Texaco Service Station, Cle Elum, Washington, Great Northern, Inc., November 9, 1998*
  - c. *Letter Report of Free Product Recovery, Sportland Mini-mart Texaco Service Station, Cle Elum, Washington, (Site ID# 00200), Great Northern, Inc., December 28, 1998*
  - d. *Quarterly Groundwater Monitoring, Sportland Mini-Mart, Cle Elum, Washington, Great Northern, Inc. September 8, 1999*
3. The reports above document that release(s) of gasoline-range petroleum hydrocarbons to soil and groundwater at the site have occurred that exceed MTCA cleanup standards, and that free-phase spilled gasoline may be present in the subsurface. Exceedances of MTCA cleanup standards establish that a threat to human health or the environment exists, and if free-phase gasoline-range hydrocarbons are present at the site, a threat to public safety exists.

**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:

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

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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**

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

1. YJ L.L.C., Mr. Jack Wadkins, Registered Agent;
2. Mr. Jack Wadkins;
3. Sportland, Inc. and Sportland Mini Mart, Inc.

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 or assure that the following actions are conducted under MTCA:

1. Resume monitoring to establish present conditions of release(s) at the site;

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2. Resume an interim action of recovery of free-phase petroleum hydrocarbons at the site, if present;
3. Plan for and implement a site remediation plan capable of achieving MTCA cleanup standards in all affected media in a reasonable restoration timeframe (usually 5-15 years or less).

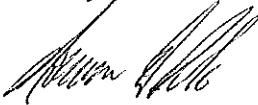
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

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. If compliance cannot be achieved cooperatively, Ecology may initiate an enforcement action to achieve the actions listed immediately above.

**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: 7007 2560 0001 7676 1029

cc Mr. Jack Wadkins, YJ LLC  
Mr. Jack Wadkins  
Mr. Jeff Slothower, Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.  
Mr. Jeff Anderson, Sportland Mini-Mart