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**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Southwest Region Office

PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300

May 15, 2023

Shamsher Singh
Candid Travel Center Land LLC
464 Oregon Way
Longview, WA 98632-1446
hmahal@msn.com

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** Cowlitz Food & Fuel (also known as Exit 59 Food and Fuel and Former Texaco Service No. 211556)
- **Site Address:** 101 Mulford Rd, Toledo, Lewis County, WA 98591
- **Cleanup Site ID:** 7025
- **Facility/Site ID:** 1166
- **County Assessor's Parcel Number(s):** 012429003001, 012429004000, and 012429005001

Dear Shamsher Singh:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Candid Travel Center Land LLC liable under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, for the release of hazardous substances at the Cowlitz Food & Fuel (also known as Exit 59 Food and Fuel and Former Texaco Service No. 211556) facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Candid Travel Center Land LLC liable under RCW 70A.305.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Candid Travel Center Land LLC is the current owner of site parcels 012429003001 and 012429004000.
2. According to our information, recent and/or past releases at the site resulted in the contamination of soil and/or groundwater at levels that exceed the Model Toxics Control Act (MTCA) cleanup standards or other screening levels for total petroleum hydrocarbons (gasoline, diesel, and heavy oil ranges), benzene, toluene, ethylbenzene, and total xylenes (BTEX), carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and lead. The following reports support the conclusion that hazardous substances have been released at the site:
 - a. *Arcadis, Semi-Annual Status Report, Second Half 2022, Cowlitz Food & Fuel (Former Texaco Service Station No. 211556), March 8, 2023.*
 - b. *Arcadis, Chevron Environmental Management Company, Revised Feasibility Study Report, Cowlitz Food & Fuel, 101 Mulford Road, Toledo, Washington, September 2, 2021.*

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;
or
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:

Steve Teel
SWRO Toxics Cleanup Program
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

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 previously notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Texaco Downstream Properties Inc. (TDPI), a Delaware Corporation (former owner of improvements at the active station and former lessees of the property at the active station).¹
2. Charles Vineyard (former owner of the active station property and current owner of the inactive station property).
3. Bob and Sheri Smith (former operators).
4. Frank Vineyard (former owner).
5. West Coast Oil Co. (former owner of improvements at the active station and former lessees of the property at the active station).

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 clean up the Site most efficiently.

¹ Texaco Downstream Properties Inc.(TDPI) is a subsidiary of Chevron Corporation.

Responsibility and Scope of Potential Liability

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.

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 70A.305.060 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. Initiate discussions which may result in an Agreed Order. An Agreed Order is a legally binding contract for the cleanup of the site. WAC 173-340-530(5) states that Agreed Order discussions shall not exceed 60 days unless an extension is in the public interest.
2. Ecology may withdraw from Agreed Order discussions and pursue other enforcement strategies if it determines that:
 - a. Reasonable progress is not being made.
 - b. The Agreed Order is inappropriate based on new information or changed circumstances.

For a description of the process for cleaning up a contaminated 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 contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

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Early Potentially Liable Person Notice Letter

Thirty-Day Comment Period Waiver Form

Candid Travel Center Land LLC
464 Oregon Way
Longview, WA 98632-1446

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I _____, a duly authorized representative of Candid Travel Center Land LLC, 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 Candid Travel Center Land LLC as a Potentially Liable Person at the following site:

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This waiver is solely for the purpose of cooperating with Ecology to conduct the additional investigation and remedial action necessary at the site. By waiving this right, Candid Travel Center Land LLC makes no admission of liability.

Signature

Date