



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

August 4, 2023

Joey Cupp
Pilot Travel Centers
5508 Lonas Drive
Knoxville, TN 37909

Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the Following Contaminated Site:

- **Site Name:** Pilot Travel Center 389
- **Property Address:** 1512 Hwy 97, Ellensburg
- **Facility/Site ID:** 18911356
- **Cleanup Site ID:** 5649

Dear Joey Cupp:

The Department of Ecology (Ecology) has confirmed that a previously unknown release of hazardous substances has occurred at the Pilot Travel Center 389 facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA),¹ chapter 70A.305 RCW.² This determination is based on an Initial Investigation conducted on July 25, 2023. We have added the release to the list of confirmed and suspected releases at the Site.

Based on credible evidence, Ecology is proposing to find Pilot Travel Centers liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds to be liable, based on credible evidence, 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 Pilot Travel Centers liable under RCW 70A.305.040³ for the release of hazardous substances at the Site.

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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This proposed finding is based on the following evidence:

- Pilot Travel Centers is a known previous owner and already named as a PLP for the Site.
- While on Site for tank decommissioning activities, Ecology personnel observed the presence of petroleum contamination in soil and groundwater.
- Petroleum contamination exists in levels about MTCA cleanup standards, posing 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; 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:

Chelsea Wisotzkey
Toxics Cleanup Program
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903

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 regarding this new release and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

Ecology will be notifying the following additional persons that they may be/are potentially liable for the release of hazardous substances at the Site:

- Love's Travel Stops and Country Stores
- PBC Properties

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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

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.305.060⁴ 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:

- Commence negotiations for an Agreed Order with all PLPs at the Site.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed focus 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.

Site Listing

The Site is listed on Ecology's Confirmed and Suspected Contaminated Sites List. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

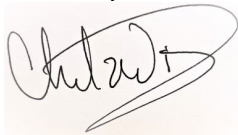
⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060>

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Contact Information

If you have any questions regarding this letter, or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 509-571-4708 or Chelsea.Wisotzkey@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Site Manager
Toxics Cleanup Program
Central Regional Office

Enclosures: Focus Sheet: MTCA Cleanup Regulation: #94-129⁵
PLP Waiver Form
Site Listing Information

By certified mail: 7014 3490 0001 5526 5455

cc Gerald Williams, PCB Properties
Chris Weldon, Love's Travel Stops and Country Stores
Kathryn Wyatt, Office of the Attorney General

⁵ <https://apps.ecology.wa.gov/publications/summarypages/FTC94129.html>