



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

October 9, 2023

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

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

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

Dear Joey Cupp:

On August 4, 2023, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Pilot Travel Center (Pilot) is a potentially liable person (PLP) for a release of hazardous substances at the Pilot Travel Center 389 facility (Site). On September 5, the 30-day comment period on our preliminary determination expired. As of September 8, Ecology had not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that Pilot is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Pilot is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)).¹ Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for Pilot to bring about the prompt and thorough cleanup of hazardous substances at this Site.

¹ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.040>

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Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).²

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW,³ and Chapters 173-340⁴ and 173-204 WAC.⁵ Ecology's cleanup project manager for the Site, Chelsea Wisotzkey, will contact you with information about how Ecology intends to proceed with the cleanup.

Please contact Chelsea Wisotzkey at 509-571-4708 or Chelsea.Wisotzkey@ecy.wa.gov If you have any questions regarding this letter.

Sincerely,



Valerie Bound
Section Manager
Toxics Cleanup Program
Central Regional Office

By certified mail: 7020 0090 0000 1112 8775

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

² <https://apps.leg.wa.gov/RCW/dispo.aspx?cite=70.105D.050>

³ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D>

⁴ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>