



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

~~XXXX~~ ~~Chenwater Kane~~ • PO Box 47775 • Olympia, Washington 98504-7775 • ~~XXXX~~ ~~751-2353~~

September 16, 1994

CERTIFIED MAIL

Mr. Darrell Watson
Texaco Refining and Marketing, Inc.
10602 N.E. 38th Place
Post Office Box 2969
Kirkland, Washington 98033-7901

RE: NOTICE OF POTENTIAL LIABILITY FOR THE RELEASE OF
HAZARDOUS SUBSTANCES UNDER THE MODEL TOXICS
CONTROL ACT.

Dear Mr. Watson:

Chapter 70.105D RCW, the Model Toxics Control Act (MTCA), requires the Department of Ecology (Ecology) to provide written notice to all persons it believes to be potentially liable for the release of hazardous substances.

It is Ecology's understanding that Texaco Refining and Marketing, Inc. (Texaco) is a former operator of a gas station currently operating as Cowlitz B.P. station located at 101 Mulford Road in Toledo, Washington. The active Cowlitz B.P. station is a portion of a site which is defined as the parcels of property owned by Mr. Frank Vineyard where the active station and an inactive former gasoline service station are located.

The site is on the east side of Interstate 5 at the Vader/Ryderwood exit (Exit 59) in Lewis County. Credible evidence exists indicating that a release (or threatened release) of a hazardous substance occurred during the time Texaco leased the active Cowlitz B.P. station. The evidence supporting these findings is as follows:

1. Texaco leased the current Cowlitz B.P. station from 1955 to 1980.
2. In April 1977, a leak in the product delivery line was repaired. It was estimated that this leak resulted in a loss of approximately 2,296 gallons of gasoline. The retailer was later reimbursed by Texaco for the loss of gasoline due to the leaky pipe.

3. In February 1991, an environmental investigation was conducted at the Cowlitz B.P. facility. During this investigation, four monitoring wells were installed. Ground water samples collected from these wells confirmed ground water contamination in excess of MTCA Method A Cleanup Standards for TPH as gasoline (TPH-G) and benzene, ethylbenzene, toluene, and xylene (BTEX).
4. In January 1992, an additional nine monitoring wells were installed as part of a Remedial Investigation/Feasibility Study (RI/FS) in response to Ecology Enforcement Order No. DE91-S123. Ground water samples collected from these monitoring wells revealed ground water contamination in excess of MTCA Method A Cleanup Standards for TPH-G and BTEX.

As a result of this evidence, you have been identified as a person potentially liable for the release at this site.

Under the MTCA, you have thirty (30) calendar days from the receipt of this letter to submit written comments to Ecology on your proposed status as a potentially liable person (PLP). Following a review of those comments, Ecology will make a final written determination of your status.

In the interest of expediting this process without admitting liability, you may wish to accept your status as a Potentially Liable Person by waiving your right to the thirty (30) day notice and comment period. This may be accomplished by signing and returning the enclosed form or sending a letter containing similar information to Ecology.

If you are aware of any other persons who may be potentially liable for the release at this site, Ecology encourages you to provide us with their identity and the reason you believe they are potentially liable.

Ecology intends to issue an Enforcement Order or negotiate a Consent Decree or Agreed Order to conduct a cleanup at the site.

Ecology's policy is to work cooperatively with PLPs. Please note that cooperating with Ecology in planning or conducting remedial actions at the site is not an admission of guilt or liability and could ultimately result in a more efficient, prompt, and effective cleanup.

Darrell Watson
September 16, 1994
Page 3

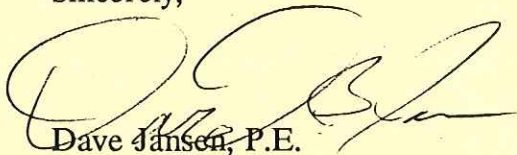
To date, Ecology has notified Frank Vineyard and Bob and Sherry Smith that they are potentially liable for the release at the Cowlitz B.P. site.

Ecology suggests you contact these persons to discuss how you can work jointly to most efficiently clean up this site.

Enclosed is a copy of Chapter 70.105D RCW and Chapter 173-340 WAC for your information.

If you have any questions or comments please feel free to contact Tammy Hall, the site manager, at (206)407-6247.

Sincerely,



Dave Jansen, P.E.
Southwest Region Section Supervisor
Toxics Cleanup Program

DBJ:ak
Enclosures

cc: Charles Vineyard
Frank Vineyard
Jeff Myers, Short Cressman, & Burgess
Bob and Sherry Smith
Eugene H. Tennyson, III, Horenstein & Duggan
Kathy Gerla, Attorney General's Office



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

~~X272X~~ ~~XXXXXXXXXXXX~~ • PO Box 47775 • Olympia, Washington 98504-7775 • ~~(206) 733-2353~~

October 25, 1994

CERTIFIED MAIL

Mr. Darrell Watson
Texaco Refining and Marketing, Inc.
10602 N.E. 38th Place
Post Office Box 2969
Kirkland, Washington 98033-7901

RE: Determination of Potentially Liable Person Status

Dear Mr. Watson:

On September 16, 1994, the Department of Ecology (Ecology) sent you written notice regarding your proposed status as a potentially liable person for a release of hazardous substances at the Cowlitz B.P. site.

The 30-day comment period on this preliminary notice expired on October 16, 1994.

Ecology has reviewed your comments and based on the information available to date, Ecology finds that credible evidence exists which supports your status as a potentially liable person for the release at the Cowlitz B.P. On the basis of this finding, Ecology has determined that you are a Potentially Liable Person (PLP) with regard to the Cowlitz B.P. site.

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapter 173-340 WAC. Ecology's site manager for the facility, Tammy Hall, will contact you with information about how Ecology intends to proceed with the cleanup at this site.

If you have any questions regarding this notice, please contact Tammy Hall at (206) 407-6247.

Sincerely,

David B. Jansen, P.E.
Southwest Region Section Supervisor
Toxics Cleanup Program

DBJ:ak

cc: Frank Vineyard
Charlie Vineyard
Jeff Myers, Short, Cressman, & Burgess
Bob and Sherry Smith
Eugene H. Tennyson, III, Horenstein & Duggan
Maia Bellon, Attorney General's Office

