



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

January 25, 2024

Jeff Whitten
Whitten Oil, Inc.
1118 27th Avenue
Seattle, WA 98122

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

- **Site Name:** Whitten Oil 1
- **Site Address:** 370 West 5th Ave, Colville
- **Cleanup Site ID:** 9440
- **Facility/Site ID:** 49354234
- **County Assessor's Parcel Number(s):** 0070900, 0070800, 0070700, 0070600, 0125800, 0125700

Dear Jeff Whitten:

On December 12, 2023, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Whitten Oil, Inc. is a potentially liable person (PLP) for a release of hazardous substances at the Whitten Oil 1 facility (Site). On January 11, 2024, the 30-day comment period on our preliminary determination expired. As of January 22, 2024, Ecology had not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that Whitten Oil, Inc. is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Whitten Oil, Inc. 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 70A.305.040(2)). 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 Whitten Oil, Inc. to bring about the prompt and thorough cleanup of hazardous substances at

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this Site. 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 70A.305.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70A.305 RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Ted Uecker, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Ted Uecker at 509-342-5564 or ted.uecker@ecy.wa.gov.

Sincerely,



Nicholas Acklam
Section Manager
Toxics Cleanup Program, ERO

By certified mail: 9214 8901 9403 8346 3665 58

cc: John Level, Office of the Attorney General
Christer Loftenius, Ecology
Ted Uecker, Ecology
Ecology Site File