



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON

Ecology Division
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October 19, 2012

John W. Hicks
Schacht & Hicks
P.O. Box 1165
Mount Vernon, WA 98273-1165

RE: *Department of Ecology v. Ernie Olmsted*
Skagit County Superior Court No. 92-2-00618-1

Dear Mr. Hicks:

I am writing regarding the Consent Decree entered July 1992 in the matter referenced above. Upon review of the decree, the Department of Ecology (Ecology) finds that your client, Mr. Ernie Olmsted, has satisfactorily completed his obligations under the Consent Decree. *See Section XV (Satisfaction of this Decree).*

The Consent Decree was executed to pursue the cleanup of a release of hazardous substances at the Truck City Truck Stop Site (Site). Following a determination of Mr. Olmsted's mixed funding eligibility under the Model Toxics Control Act (MTCA), he was required to remit monthly payments of not less than \$500 to reimburse Ecology for up to \$100,000 in remedial action costs incurred at the Site. As of the date of this letter, Ecology has spent \$308,123 on remedial actions at the Site. Ecology's financial records show that Mr. Olmsted paid monthly payments totaling \$99,500 to Ecology, with his most recent payment received on October 27, 2010.


For the reasons above, Ecology proposes that the Consent Decree be dismissed. Although this decree does not contain a "covenant not to sue" provision pursuant to RCW 70.105D.040(4)(c), Ecology views the Consent Decree as a full settlement and resolution of Mr. Olmsted's liability to the State for the matters addressed within the decree. This resolution, however, applies only to Mr. Olmsted based on the circumstances at the Site at the time the settlement was executed. It does not apply to liability potentially held by any other party (including subsequent owner(s) of Mr. Olmsted's former property), nor does it apply to any new and unrelated releases that may have occurred at the Site. This letter does not serve as notice of intent to remove the Site from the MTCA Hazardous Sites List. Public notice and comment on the dismissal is therefore not required.

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A draft joint motion for dismissal and order are attached to this letter. Please contact me by October 31, 2012, with any questions and/or your client's response to Ecology's proposed dismissal of the Consent Decree. If Mr. Olmsted is in agreement with dismissing the Consent Decree, the Attorney General's Office will finalize the motion and order and send final copies for your signature.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne M. Powell".

ANNE M. POWELL
Assistant Attorney General
(360) 586-4607

AMP:dmm
Enclosures

cc: Russ Olsen, VCP Unit Supervisor
Carrie Pederson, Site Manager