



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 4, 2009

CERTIFIED MAIL

7007 2560 0001 9534 4562

Dr. Roberts Enterprises LLC
1345 Lee Boulevard
Richland, WA 99352

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Columbia Oil/Sgt. Bubs
- Address: 1345 Lee Boulevard
- County Assessor's Parcel Number(s) 111983020403001
- Facility/Site No.: ~~536950~~ 45583729 JC

Dear Dr. Roberts Enterprises LLC:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Dr. Roberts Enterprises L.L.C. liable under RCW 70.105D.040 for the release of hazardous substances at the Columbia Oil/Sgt. Bubs facility (Site). This proposed finding is based on the following evidence:

1. Dr. Roberts Enterprises L.L.C. is the owner of the property at 1345 Lee Boulevard. It was once owned by Columbia Oil/Sgt. Bubs. Ownership to Dr. Roberts Enterprises L.L.C. was gift transferred by the City of Richland Attorney.
2. On June 14, 2000, Ecology received an Underground Storage Tank (UST) submittal from White Shield Inc., of Grandview, Washington. This submittal report was prepared for Columbia Oil Company. In the submittal, White Shield documented that seven USTs were excavated from the property. These included three 8,000 gallon gasoline USTs, one



10,000 gallon diesel UST, one 5,000 gallon gasoline UST, one 500 gallon used oil UST, and one 250 gallon heating oil UST. These USTs were in service from the 1950s to the 1980s. During the March 17-23, 2000 Site activity by White Shield, excavation of an estimated 425 cubic tons of petroleum contaminated soil (PCS) were removed and transported to Lower Valley Remediation in Mabton, Washington.

However, all the Site PCS was not removed. Diesel PCS to 6,100 milligrams per kilogram (mg/kg), gasoline PCS to 14,000 mg/kg, benzene PCS to 25 mg/kg, toluene PCS to 370 mg/kg, ethylbenzene PCS to 250 mg/kg, and total xylene PCS to 1,200 mg/kg were left in the soil in the excavations. MTCA cleanup concentration standards for the contaminants above are respectively; diesel PCS, 2,000 mg/kg; gasoline PCS, 100 mg/kg without benzene present and 30 mg/kg with benzene present; benzene, 0.03 mg/kg; toluene, 7 mg/kg; ethylbenzene, 6 mg/kg; and total xylene, 9 mg/kg.

In addition, the groundwater level at this Site is shallow. The White Shield submittal (page 6) states, "Groundwater near this site ranges in depth from 6 feet to 13 feet. Refer to the well logs in Exhibit F". White Shield took two groundwater samples from the excavations and found high concentrations of gasoline, benzene, toluene, ethylbenzene, total xylenes and diesel fuel.

On March 28, 2002, Ms. Krystal Rodriguez of Ecology wrote Columbia Oil (Mr. Colin Beiler) a letter inquiring about the cleanup at this Site and noted the need for further Site action. Our Site file shows that no letter was ever received from Columbia Oil in response to her letter.

3. Gasoline, benzene, toluene, ethylbenzene, xylene, diesel, and used motor oil have all been shown to be hazardous materials and are 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;
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.

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Please submit your waiver or written comments to the following address:

Mr. Richard Bassett, Site Manager
Washington State Department of Ecology
CRO Toxics Cleanup Program
15 West Yakima Avenue, Suite 200
Yakima, WA 98902-3452

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 and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

Ecology is notifying no other persons that they are potentially liable for the release of hazardous substances at the Site.

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

Please note that 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.

Please also note that 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 70.105D.055 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:

1. Finalize the list of all Potentially Liable Persons (PLPs) for this Site.

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2. Encourage Dr. Roberts Enterprises L.L.C. to clean up the Site and enter our Voluntary Cleanup Program (VCP) or enter an Agreed Order with Ecology to clean up of the Site.

For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at (509) 454-7839. Thank you for your cooperation.

Sincerely,



Richard Bassett
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

cc: City of Richland Attorney (via certified mail # 7007 2560 0001 9534 4579)