



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 23, 2011

Mr. James A. Sherrell
2403 NW Columbia Ave.
East Wenatchee, WA 98802

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

- Name: Midland Trucking
- Address: 3420 Hwy 97A, Wenatchee
- County Assessor's Parcel Number(s) 25108, Geographic ID 232022820025
- Facility/Site No.: 5162

Dear Mr. Sherrell:

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 Midland Transportation, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Midland Trucking facility (Site). This proposed finding is based on the following evidence:

1. Mr. James A Sherrell is the Owner of the property located at 3420 Hwy 97A in Wenatchee, WA. Midland Transport, Inc. operates a transport and truck repair business at this location. Mr. Sherrell was the owner at the time of a release of diesel fuel, a MTCA Hazardous Substance.
2. Based on a conversation with Mr. Sherrell, the presence of a strong odor of diesel fuel in soils at the site, and a visible oil sheen on puddles at the site in response to rainfall on the day of site inspection, Ecology has concluded that a release of diesel fuel has occurred at the site that resulted in confirmed contamination of the soil.



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3. Presence of a visible petroleum sheen on surface water indicates that surface water quality standards, which are incorporated in the MTCA Regulations by reference, have also been exceeded at the site.

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.

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

Norm Peck
CRO Toxics Cleanup Program
15 W. Yakima Ave., Ste. 200
Yakima, WA 98902

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 will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. Midland Transportation, Inc. (aka Midland Trucking)

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

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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. Place the site on Ecology's Confirmed and Suspected Sites List.
2. and Ecology may, in the future, conduct a Site Hazard Assessment at the site.

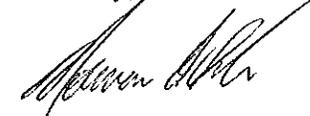
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

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 509-454-7837. Thank you for your cooperation.

Sincerely,



Norman D. (Norm) Peck
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7007 2560 0001 7676 0589