

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

August 26, 1991

CERTIFIED MAIL

Mr. Ernie Olmstead
Truck City Truck Stop
1731 Old Highway 99 S
Mt. Vernon, WA 98271

Re: Proposed Finding of Potential Liability Status

Dear Mr. Olmstead:

The Model Toxics Control Act (MTCA) requires the Department of Ecology (Ecology) to provide written notice to persons it believes to be a "potentially liable person" (PLP). The Act requires Ecology to provide such persons with an opportunity to comment on the proposed finding before the final determination of PLP status is made. The Department's proposed finding that a person is a PLP is subject to comment, and must be based upon "credible" evidence. See sections 2(8) and 4 of the MTCA.

At this time, the Department of Ecology has credible evidence upon which to make a finding that Mr. Ernie Olmstead is a potentially liable person under the Act. A summary of the information upon which Ecology proposes to make such a finding is set forth below.

First, Mr. Olmstead is the present owner and operator of a "facility" as defined in section 2(3) of the MTCA. This facility is known as Truck City Truck Stop and is located at 1731 Old Highway 99 S., Mt. Vernon, WA 98273.

Second, based upon information contained in Ecology files, there has been a "release" or threatened release of a "hazardous substance" as defined at section 2(5) and 2(10) of the MTCA, which poses a threat or potential threat to human health and the environment. The evidence supporting these findings is contained in the following report:

Hydrocarbon Contamination Assessment
Truck City Truck Stop
1731 Old Highway 99 South
Mount Vernon, WA
November 13, 1989

Mr. Olmstead is hereby notified that Ecology proposes to find him to be a potentially liable person under section 2(8) and section 4 of the MTCA with regard to the above described facility commonly known as Truck City Truck Stop.

You have 30 calendar days from the date of this letter to comment on this proposed finding by Ecology. Following the 30-day comment period, or upon receipt of comments, Ecology will make a final written determination of PLP status, either by letter or through an enforcement action to undertake or require remedial action at the site.

If you have any questions or require additional information, please contact:

John Stormon
Department of Ecology
Northwest Regional Office
3190 160th SE
Bellevue, WA 98008-5452

(206) 649-7274

Sincerely,



John Stormon
Hydrogeologist
Toxics Cleanup Program

JS:js



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SEP 27 1991
DEPT. OF ECOLOGY

September 18, 1991

John Stormon
Department of Ecology
N.W.R.O.
3190 160th Southeast
Bellevue, WA 98008-5452

Dear Mr. Stormon,

By definition of law, I am the "potentially liable person". I am the owner. I have no choice but to accept this fact if I wish to continue in business. My future as well as the jobs of forty employees is at stake here. Through my eyes this is no small matter.

However, I wish to point some things out. Truck City was first opened in February 1952. It was a 24 hour operation then and still is today.

I started operating the truck stop in 1982. This is 1991, almost 92. That's forty years of continuous operation, of which I have only been responsible for ten years.

When the truck stop first opened in 1952, the station site (the problem tank nests) was leased out to the Standard Oil Co. of California. From what I can find out, they (Standard Oil) subleased the site to a number of different operators until the expiration of their lease in 1976. The owner of the property operated the station from 1976 until I began purchase of the business in 1982. When I purchased the business, the site which contains the problem tank area had been abandoned due to a fire. A new facility had been constructed about 200 feet to the east and was operating. The new facility had been built with trucks as the major concern and autos had little or no thought in the planning.

I decided I could rebuild the old site into a self serve for autos only, thereby segregating the trucks and cars. I had all the tanks pressure tested before I began construction. Supply lines were removed as all new piping was part of the project.

In the Hydrocarbon Contamination Assessment we had done in 1989, there is evidence of some diesel fuel release in

one tank nest. This nest consists of three 5,000 gallon tanks. I have never had diesel in any of these three tanks. I have never even used all three tanks. I had the siphon disconnected and used only one of the tanks for regular gas. I didn't need 15,000 gallon storage for regular gas. The best month I've ever had for gas is a little over 30,000 gallons, and that's all three grades, regular, unleaded and premium combined.

The bottom line is, I don't feel I should be held totally responsible for a site 40 years old. I have only had control for the last ten years. What took place here in the preceding thirty years?

I have contacted Standard Oil (Chevron USA now) and they can't tell me anything about the tanks, other than there were some tanks added or upgraded in the 1970's. They can't or won't say which ones, how big, or how many, etc. They only say that there was work done on the site to allow for the addition of unleaded gas. Not much help!

My big concern is the financial end of the responsibility. As I have said before, I'm having problems in that area now. Whether I can continue to operate or not is going to depend on the total cost of the cleanup and the amount I will be responsible for. It's as simple as that.

If you can offer any suggestions or have any advice on this matter, it would be greatly appreciated.

Thank you for taking the time to read this. I only hope it makes some sense to someone other than me.

Sincerely,



E. J. Olmsted

EJO/mt

CHRISTINE O. GREGOIRE
Director



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PLP WAIVER

Ernie Olmstead
Truck City Truck Stop
1731 Old Highway 99 South
Mount Vernon, WA 98273

Re: Petroleum contamination at Truck City Truck ^{Stop} ~~Town~~,
1731 Old Highway 99 South, Mt Vernon, WA.

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I
(NAME) Ernest J. Olmsted, a duly
authorized representative of (Company Name) Truck City
Truck Stop, do hereby waive my right to
the thirty (30) day notice and comment period described in
WAC 173-340-500(3), and accept(s) status as a Potentially
Liable Person. This waiver is solely for purposes of
entering into a consent decree. By waiving this right, I
make no admission of liability.

Ernest J. Olmsted
Signature

Sept. 6, 1991
Date

owner
Relation to the Site
(i.e., Owner or Operator)

