



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 18, 2014

Mr. Balbir Singh
2115 116th St NE
Tulalip, WA 98271

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

- Site Name: Big B Mini Mart
- Site Address: 1611 Canyon Road, Ellensburg
- Facility/Site ID No.: 386
- Cleanup Site ID No.: 4901

Dear Mr. Singh:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of contaminated 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 Mr. Balbir Singh liable under RCW 70.105D.040 for the release of hazardous substances at the Big B Mini Mart facility (Site). This proposed finding is based on the following evidence:

1. Mr. Balbir Singh along with Gurmit Singh Kaila became an operator of the service station located at 1611 Canyon Road, Ellensburg. Mr. Singh was a business co-owner of the facility from September 15, 1989 until September 4, 2007.
2. On October 20, 1990 Ecology received an initial Leaking Underground Storage Tank (LUST) report stating that petroleum-contaminated groundwater was being pumped to a ditch that drains to what appears to be a wetland. Ecology employees, Tony Valero and Susan Burgdorff, arrived at the Site and ordered the discharge to cease. The dewatering was incidental to an excavation that

reportedly was dug to install a new UST. The petroleum-contaminated soils were stockpiled near the northwest corner of the property.

3. On December 1990, SEACOR oversaw an initial investigation through excavation in the vicinity of the release detected on October 20, 1990. Analytical results indicated diesel contamination in soil above MTCA soil cleanup levels and above a default residual saturation of 2000 mg/kg. Free product was also observed in the groundwater encountered at six feet below ground surface in the excavation. Soil samples collected during installation of monitoring wells confirmed gasoline contamination above MTCA soil cleanup levels at the location of MW-2. Subsequent analytical results confirmed gasoline, diesel, benzene, toluene, ethylbenzene and xylene contamination above MTCA groundwater cleanup levels at MW-2 and showed that the contamination extended southward to MW-5.
4. Historic and current tests of groundwater at the site show that contamination with petroleum hydrocarbons exceeds MTCA cleanup standards.
5. Contaminant levels in soil and groundwater that exceed MTCA cleanup standards pose a risk 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.

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

John Mefford
CRO-Toxics Cleanup Program
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

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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 has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Short Stop, LLC
2. Big B, LLC
3. Burlington Northern Santa Fe Railway (BNSF)
4. Mr. Gurmit Singh Kaila
5. Wenatchee Petroleum Company
6. Mr. James Singh Kang

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:

- Ecology has entered into negotiations with BNSF, Short Stop, LLC and Big B, LLC to investigate the nature and extent of contamination on the Site under a formal agreement (Agreed Order).

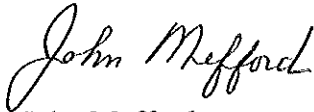
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For a description of the process for cleaning up a site under MTCA, please refer to the enclosed fact sheet.

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

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7836. Thank you for your cooperation.

Sincerely,



John Mefford
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7101 0290 0000 7127 4635

cc: Gurinder Bains, Short Stop, LLC
Surjit Singh, Big B, LLC
Scott Macdonald, Burlington Northern Santa Fe Railway
Wenatchee Petroleum Company
James Singh Kang