



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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September 17, 2015

Chevron Environmental Management Company
Marketing Business Unit
6101 Bollinger Canyon Road
BR1X – Room 5315
San Ramon, CA 94583

Victory Business Park L.L.C.
1503 Lower Marine Drive
Bremerton, WA 98312

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

- Name: **Newman's Chevron**
- Address: 2021 6th St., Bremerton WA 98310
- Kitsap County Assessor's Parcel Number: 3717-002-015-0106
- Facility/Site No.: 1436359
- Cleanup Site No.: 5252
- VCP ID No: NW0620

Dear Sir or Madam:

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 Chevron Environmental Management Company and Victory Business Park L.L.C. liable under RCW 70.105D.040 for the release of hazardous substances at the Newman's **Chevron** facility (Site). This proposed finding is based on the following evidence:

1. Limited Phase II Environmental Site Assessment (Aug 20, 2009). In 1990, four steel 4,000-gallon gasoline underground storage tanks (UST), one steel 6,000-gallon gasoline UST, and one 550-gallon waste oil UST were removed. During the 1990 removal it was observed that



the waste oil UST was leaking. Also observed was a leaking product line in the gasoline UST tank pit. Soil samples from the 1990 excavation showed gasoline range petroleum hydrocarbon (TPH-g) concentrations to be 10,230 parts per million ppm. The July 2009 Soil data showed TPH-g at 4,400 ppm. Benzene concentrations were also documented as exceeding MTCA cleanup levels.

2. The Voluntary Cleanup Program application terminated on October 23, 2003, due to lack of remedial activity and response by the applicant to Ecology enquiries.

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:

Dale Myers
NWRO Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008

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 may be notifying additional persons that they may be 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. Conduct a Site Hazard Assessment;
2. Negotiate an Agreed Order to complete the Remedial Investigation, Feasibility Study and Draft Cleanup Action Plan to remediate 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 contact me at (425) 649-4446 or by email at dale.myers@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Dale Myers
Toxics Cleanup Program

Enclosures: Focus: Model Toxics Control Act Cleanup Regulation: Process for
Cleanup of Hazardous Waste Sites (Pub. No. #94-129)
Voluntary Waiver of Right to Comment Form
Site Maps

By Certified Mail 7011 0470 0003 3682 3694 - Chevron Environmental Management Co.
7011 0470 0003 3682 3687 - Victory Business Park L.L.C.

