



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 13, 2010

Mr. John Reeves
Roy Farms Inc.
401 Walters Road
Moxee, WA 98936-9775

Dear Mr. Reeves:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located
at 401 Walters Road, Moxee, Washington
ERTS # 613316
Facility/Site ID # 89739294

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

Ecology's initial investigation is based on the Aboveground Storage Tank Site Assessment and Remedial Action Report, Parcel # 20120831001, Moxee, Washington report submitted by PBS Engineering and Environmental in July, 2009. The Phase I Environmental Site Assessment recommended soil sampling near the fueling location because of the possibility of leaking from underground lines and pump structures. Subsequent site characterization activities found gasoline, benzene, toluene, ethylbenzene, xylenes (BTEX) and diesel range organics in both soil and groundwater at concentrations above Model Toxics Control Act (MTCA) Method A Cleanup Levels.

Under MTCA, Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpage.HTM>. It is Ecology's decision that the above-referenced property will be added to this database because soil and groundwater are contaminated at the site.

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).



Mr. John Reeves
Roy Farms Inc.
August 13, 2010
Page 2

It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants no further action, you are encouraged to participate in the Voluntary Cleanup Program (VCP). Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Frosti Smith, CRO VCP Coordinator, at (509) 454-7841.

If you have any questions regarding this letter, please feel free to contact me at (509) 454-7839.

Sincerely,



Richard Bassett
Initial Investigations
Toxics Cleanup Program

Enc: Chapter 173-340 WAC
Chapter 70.105D RCW

By certified mail: 7007 2560 0001 7676 0381