



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

June 5, 2017

Galen Roberts
Orbit Land, LLC
10711 Estes Rd
Yakima WA 98908

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

Site Name: Unocal Bulk Plant 0766
Site Address: 511 East Lincoln Avenue, Sunnyside
Assessor's Parcel No.: 221036-21464
Facility/Site ID No.: 539
Cleanup Site ID No.: 1907

Dear Mr. Roberts:

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 Orbit Land, LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Unocal Bulk Plant 0766 facility (Site). This proposed finding is based on the following evidence:

1. Taylor Oil Company, Inc. was the operator of the bulk fuel facility located at 511 E Lincoln Ave.
2. Union Oil Company of California (UNOCAL) was the former operator of the bulk fuel facility located at 511 E Lincoln Ave. Chevron Environmental Management Company is listed as the agent for UNOCAL.
3. Orbit Land, LLC is listed as the owner of parcel 221036-21464, referred to as 510 E Lincoln Ave in the Yakima County GIS system.
4. An application to enter the Voluntary Cleanup Program (VCP) was received by the department on March 12, 2012. The VCP agreement was terminated on June 13, 2016 due to a lack of response to a department request for status update.



5. The Site currently holds a Site Hazard Assessment (SHA) Rank of 1. This is the highest rank category. During most recent groundwater sampling reported to the department in 2013-2014, MTCA standards were exceeded in groundwater samples. In addition, non-aqueous phase liquids were reported in purge water from monitoring well MW-3A in 2014. The current status of petroleum hydrocarbon contamination in soil is unknown at this time.

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:

Frank P. Winslow
CRO-Toxics Cleanup Program
1250 W Alder Street
Union Gap, WA 98903

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

1. Union Oil Co. of California c/o Chevron Environmental Management Company
2. Taylor Oil Company, Inc.

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.

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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. Ecology intends to enter negotiation with the cooperative PLPs to enter into an Agreed Order for this Site.

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 509-379-1287. Thank you for your cooperation.

Sincerely,



Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1762 1307]

cc: Ron Santos, Leidos Engineering
Brett Hunter, Chevron Environmental Management Co.
Walter L. Schefter Jr. Esq., Taylor Oil Co. Inc.