



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 27, 2017

Gary B. Christensen
Powell Distributing, LLC, DBA R.E. Powell & SeaPort
P.O. Box 98
Grandview, WA 98930

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

Site Name: DeBocks Main Street Texaco
Site Address: 100 W Wine Country Road, Grandview
Facility/Site No.: 94369212
Cleanup Site ID No: 6910
Parcel No: 23092312463

Dear Mr. Christensen:

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 Gary Christensen and Powell Distributing, LLC, DBA R.E. Powell & Seaport liable under RCW 70.105D.040 for the release of hazardous substances at the DeBocks Main Street Texaco facility (Site). This proposed finding is based on the following evidence:

1. The listed owner of the property located at 100 W. Wine Country Road in Grandview, WA, is “Powell,” based on the Yakima County Assessor’s website. According to the R.E. Powel & Seaport website, Gary and Annette Christensen purchased the R.E. Powell Company in 1980. The Washington Secretary of State website lists Powell Distributing, LLC as active and Gary and Annette Christensen as Governing Persons.



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2. A petroleum (gasoline) release was identified at the Site in the "UST Closure Site Assessment and Interim Remedial Action Report" prepared by White Shield, Inc. and dated May 1995, prepared for Mr. Gary Christensen, Powell Christensen, Inc. A partial remediation was conducted as documented in that report. The report recommended "the remaining petroleum contamination must be characterized to determine the horizontal and vertical extent and degree of contamination." Additional characterization work was documented in "Draft Limited Site Characterization Report" prepared by Sage Earth Sciences, Inc. dated March 1996, prepared for R.E. Powell Distributing Company. Additional characterization work was also done in 1998.
3. Gasoline range petroleum hydrocarbons were detected in soil and groundwater at concentrations above the MTCA Method A cleanup level in the northern part of the property, as documented in the May 1995, and March 1996 reports. Although a release also occurred on the property across Division Street to the east, that release has not impacted the northern part of the 100 W. Wine Country Road property, based on analytical and groundwater flow data presented in the "Additional Site Assessment Report, Site No 0700, East Wine Country Rd, Grandview, Washington" prepared by ES Engineering Services, and dated February 13, 2017.
4. The MTCA Method A exceedances in soil and groundwater constitute a threat to human health and the environment, and further action is therefore required.

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

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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

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 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.

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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) 454-7835. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank P. Winslow".

Frank P. Winslow
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1451 1557]