



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

December 19, 2017

Leland Davis
8925 West Falls Ave
Kennewick, WA 99336

Re: A Reported Release of Hazardous Substances and Potential Liability for the Release at the following site.

Site Name: L & L Exxon (Leo's Lineup & Tires)
Site Address: 1315 Lee Boulevard, Richland
Facility/Site ID No.: 78835792
Cleanup Site ID No.: 7128

Dear Mr. Davis,

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 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".

As a result of an initial investigation conducted by Ecology at the above-reference site during 2012, a release of a hazardous substance has occurred and further action will be required. Based on this investigation, Ecology intends to add this property to our database of confirmed and suspected contaminated sites.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Leland Davis liable under RCW 70.105D.040 for the release of hazardous substances at the L&L Exxon facility (Site). This proposed finding is based on the following evidence:

1. According to Chain of Title documents obtained on December 20, 2011, Leland W. Davis owned the property from September 9, 1997, until July 30, 2009.
2. Sampling of soils and groundwater at the Site revealed concentrations of gasoline-range petroleum hydrocarbons, diesel-range petroleum hydrocarbons, benzene, toluene, ethylbenzene, total xylenes, naphthalene, trichloroethene and tetrachloroethene exceeding Ecology's MTCA Method A Cleanup Levels for Unrestricted Property Use.



3. Concentrations of total petroleum hydrocarbons in soils and groundwater at the Site exceed MTCA Method A Cleanup Levels, and pose a threat 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:

Mary Monahan
CRO Toxics Cleanup Program
1250 W Alder St
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 will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

- Exxon Mobil Corporation

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.

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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 has already conducted a site hazard assessment at this site, and ranked it a '2', or a moderate-high risk. In addition, extensive soil and groundwater sampling has already been conducted at this site, and groundwater was monitored quarterly for over two years.
2. Ecology intends to initiate discussions for an Agreed Order to complete the cleanup actions at 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) 454-7840. Thank you for your cooperation.

Sincerely,



Mary Monahan
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1451 1878]