



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 12, 2018

Masood Choudhury
Frontier Communications, Inc.
280 S. Locust Street
Pomona, CA 91766

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

Site Name: Chelan Chevron
Site Address: 232 E. Woodin Avenue, Chelan
Cleanup Site ID: 6660
Facility/Site ID: 77751227

Dear Mr. Choudhury:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Frontier Communications, Inc. liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Chelan Chevron facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a “potentially liable person” or “PLP.”

This letter identifies the basis for Ecology’s proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Frontier Communications, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Interstate Telephone Company is the owner of the property located at 128 E. Johnson Avenue, according to the information listed on the Chelan County assessor’s webpage. The listing shows that the parcel number is 44711 and the building on this property has existed since 1946.



2. Frontier Communication, Inc. is the operator of the business located at 128 E. Johnson Avenue, according to the information available in Ecology's Underground Storage Tank (UST) database. This database lists Verizon Northwest, Inc. as the previous business operator prior to Frontier Communications. Verizon Northwest, Inc. was formerly known as GTE Northwest, Inc.
3. Ecology received a memo dated March 17, 1989, titled: "UST" program – notification of construction activity. According to this memo from GTE Northwest, Inc., two USTs existed at this property (one 500-gallon diesel UST and one 1,000 gallon diesel UST). Another document from GTE Northwest Inc. lists a 500 gallon diesel UST as being installed in 1956, and then replaced in 1989. The 1,000 gallon diesel UST is listed as being installed in 1960, and closed in place by March 1989.
4. Only one soil sample was obtained during a UST site assessment performed by Applied Geotechnology, Inc. (AGI) on April 19, 1989. Although this sample exhibited a soil concentration of 15 mg/Kg of diesel, this single detection indicated a release had occurred. AGI's letter report stated that the sample was obtained from the bottom of the excavation yet no site diagram or other information was provided to verify the location and actual collection depth of this sample. No other soil samples were collected during this site assessment to delineate the area of contamination or to alternatively show that the impacted area was limited in spatial extent and/or by contaminant concentration.
5. The soil log for monitoring well, MW-27 demonstrates vadose zone contamination in a shallow silty zone between 15 and 21.5 feet below ground surface (bgs). Analytical results for MW-27 showed diesel present in soil at 15 feet bgs with a concentration of 22,000 mg/Kg, which is a concentration that is near residual saturation for this soil and product type. At 20 feet depth, the diesel concentration was 9,200 mg/Kg.
6. MW-27 is located within 50 feet of the property occupied by Frontier Communications, Inc. and this property is the nearest potential source for the diesel present in the subsurface in this vicinity.
7. Historic and current analytical results of groundwater samples obtained from MW-27 show diesel contamination which exceeds the Model Toxics Control Act cleanup standards. Contaminant distribution (e.g. diesel versus gasoline extent) and forensics data of the dissolved phase plume support a conclusion that the property occupied by Frontier Communications, Inc. is the likely source of the diesel.
8. Light nonaqueous phase liquid petroleum hydrocarbons (LNAPL) have also been observed at MW-27.

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9. The MTCA Cleanup Standards for soil and groundwater are promulgated to provide protection of human health and the environment. Contaminant levels in soil and groundwater that exceed MTCA cleanup standards pose a risk 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; or
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:

John Mefford
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 has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

- Chevron U.S.A Inc. dba Chevron Products Company

Ecology is notifying the following additional person that they are potentially liable for the release of

- Interstate Telephone Company

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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

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.

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. Chevron Products Company, a division of Chevron U.S.A. Inc., entered into Agreed Order DE 10629 to perform a Supplemental Remedial Investigation and prepare a Supplemental Feasibility Study to develop and evaluate cleanup action alternatives. The party to this Order is currently conducting these investigations under Ecology oversight.
2. Following the Supplemental RI/FS, a remedial alternative will be selected for design and implementation of a cleanup action. A new Agreed Order or a Consent Decree will be negotiated for cleanup action. Frontier Communications may enter into negotiation for the implementation of the cleanup action or it may choose to refrain from being a party to the agreement. If named as a PLP, Frontier Communications may be subject to a private right of action by Chevron.

For a description of the process for cleaning up a contaminated 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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Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (509) 454-7836 or john.mefford@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



John Mefford
Cleanup Project Manager
Toxics Cleanup Program, Central Region Office

Enclosures (2)

By Certified Mail: [91 7199 9991 7037 1760 7455]

cc: Phyllis Barney, Office of the Attorney General
Eric Roehl, Chevron Environmental Management Company
Russell Shropshire, Leidos