



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 3, 2018

Mr. Bernhard E. Schneider
520 Covey Run
Ellensburg, WA 98926

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

- **Site Name:** Big B Mini Mart
- **Site Address:** 1611 Canyon Road, Ellensburg
- **Cleanup Site ID:** 4901
- **Facility/Site ID:** 386

Dear Mr. Schneider:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Bernhard Schneider liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Big B Mini Mart 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 Bernhard E. Schneider liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

- The Zbinden Oil Company leased the service station facilities from BNSF Railway Company from April of 1972 until at least 1991. Commercial appraisal reports from the Kittitas County Assessor show Zbinden Oil Company’s lease of the service station facilities until 1991.
- The Zbinden Oil Company subleased the facility to Bernhard E. Schneider who operated the service station from February 1986 through September of 1989.
- The Zbinden Oil Company subleased the facility to Balbir Singh and Gurmit Kaila Singh starting in September of 1989 through March of 2002.



Mr. Bernhard Schneider

April 3, 2018

Page 2

- In October 1990, following Mr. Schneider's operation of the service station, Ecology received a report of a petroleum hydrocarbon release to soil.
- In December 1990, Balbir Singh performed an interim action to address a diesel distribution line leak at the north portion of the property. The 1990 discovery of a petroleum release at the site and the subsequent interim action cleanup occurred shortly following Mr. Schneider's term operating the service station under a sublease with Zbinden Oil Company.
- Immediately following the interim action, SEACOR oversaw a soil and groundwater investigation throughout the facility. Subsequent analytical results of the groundwater confirmed gasoline, diesel, benzene, toluene, and xylenes above the MTCA cleanup levels and showed that the groundwater contamination extended to the south extent of the property boundary.
- Historic and current tests of groundwater at the site show that contamination with petroleum hydrocarbons exceeds MTCA cleanup standards.
- 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:

1. Short Stop, LLC
2. Big B, LLC
3. BNSF Railway Company
4. Mr. Balbir Singh
5. Mr. James Singh Kang

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. Ecology entered into an Agreed Order with a number of the named PLPs who as parties to the Order are currently performing a Remedial Investigation and Feasibility Study (RI/FS). The PLP parties to the Order will complete the RI/FS.
2. Ecology will write a Draft Cleanup Action Plan (DCAP) and then finalize this document as a Cleanup Action Plan (CAP).
3. After completion of the RI/FS, another agreement will be negotiated to implement the CAP. If named as a PLP, you may be subject to a private right of action by the other PLPs.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

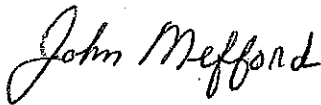
Mr. Bernhard Schneider
April 3, 2018
Page 4

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.

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, CRO

Enclosures (2)

By certified mail: 91 7199 9991 7037 7471 3762

cc: Gurinder Bains, Short Stop, LLC
Michael Chait, Montgomery Chait
W. Mitchell Cogdill, Cogdill, Nichols, Rein Wartelle Andrews
Caroline Cress, AGO Ecology Division, Office of the Attorney General
Valerie Fairwell, Cascadia Law PLLC
James Singh Kang
Brooke Kuhl, BNSF Railway Company
Josh Lipsky, Cascadia Law PLLC
Scott MacDonald, BNSF Railway Company
Surjit Singh, Big B, LLC
Ecology Site File