



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 2, 2018

BN Leasing Corporation
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, Delaware 19801

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

- **Site Name:** Glacier Park Budget Fuel East
- **Site Address:** 1408 Highway 2, Leavenworth, WA 98826
- **Cleanup Site ID:** 4234
- **Facility/Site ID:** 349
- **County Assessor's Parcel Number(s):** 241701430025, 241701430700

To whom it may concern:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find BN Leasing Corporation liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Glacier Park Budget Fuel East 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 BN Leasing Corporation 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. BN Leasing Corporation currently owns the property on which the Glacier Park Budget Fuel East Site exists. This Site is located adjacent to the east side of the intersection of State Highway 2 and State Route 209 (Chumstick Road). The associated parcel numbers are 241701430025, 241701430700 as shown in the records at the Chelan County assessor's office.
2. The property formerly housed a bulk fueling facility that consisted of two 5,000 gallon above ground storage tanks (ASTs), one 13,000 gallon AST, one 20,000 gallon AST, a pump house, and an associated truck loading rack and drum storage area.



3. Analysis of samples obtained from the monitoring wells on the Site show that the subsurface media is impacted by diesel and heavy oil above the Method A groundwater cleanup levels listed in the Model Toxics Control Act (MTCA). The initial Remedial Investigation show that the soil was impacted by gasoline range organics and diesel range organics. Soil contamination by volatile organic compounds associated with gasoline is also suspected.
4. Petroleum hydrocarbon contamination is present in the soil and groundwater at concentrations above their respective Method A cleanup levels as listed in MTCA. Contaminant concentrations above the applicable cleanup levels 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; 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, Cleanup Project Manager
Central Region Office, 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. BNSF Railway Company.
2. Chevron U.S.A.

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 has proposed an amendment of Agreed Order DE 1TCPCR-3168. The amendment requires the PLPs to perform a Supplemental Remedial Investigation/Feasibility Study and to prepare a Draft Cleanup Action Plan (DCAP).
2. Failure to perform these actions may subject the PLPs to an enforcement action.
3. The DCAP may be finalized into a Cleanup Action Plan (CAP) that will be implemented as another amendment to the existing Agreed Order.

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.

BN Leasing Corporation

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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: 7018 0360 0000 1740 8230

ec: Cheryl Cameron, Chevron Environmental Management Company
Dan Carrier, Chevron Environmental Management Company
Ann Essko, Office of the Attorney General
Scott MacDonald, BNSF Railway Company
Ecology Site File