



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

June 20, 2012

Mr. Michael Key
Love's Travel Stops and Country Stores, Inc.
P.O. Box 26210
Oklahoma City, OK 73126

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

- Name: Love's Travel Stop and Country Store
(Former Pilot Travel Center)
- Address: 1512 Hwy 97, Ellensburg
- Facility/Site No.: 18911356
- Cleanup Site ID No.: 11732

Dear Mr. Key:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste 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 Love's Travel Stop and Country Store, 1512 Hwy 97, Ellensburg on December 30, 2011, Ecology has determined a release of a hazardous substance 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 Love's Travel Stops and Country Stores, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Love's Travel Center and Country Store facility (Site). This proposed finding is based on the following evidence:



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1. Love's Travel Stops and Country Stores, Inc. is the current operator of the property at 1512 Hwy 97 in Ellensburg according to documents on file at the offices of the Kittitas County Auditor and Assessor.
2. In July 2011, during maintenance of the first cell of the stormwater detention/treatment swale at the Love's Travel Center, 1512 Hwy 97, Ellensburg WA, a soil sample was collected. Results of 2800 mg/kg diesel-range petroleum (NWTPH-Dx) and 2600 mg/kg lube oil-range petroleum (NWTPH-O) are in excess of the Model Toxics Control Act cleanup level of 2000 mg/kg for each. The release is noted in the report submitted to Ecology. On November 30, 2011 Ecology conducted a drive-by Initial Investigation and interviewed Mr. Jon Morrow, City of Ellensburg Stormwater Manager, who was present during the excavation of sediments from the stormwater detention/treatment swale.
3. The levels of petroleum found at the site exceed MTCA cleanup standards, which are human-health based cleanup standards. The presence of these contaminants at above MTCA cleanup standards establishes that the release(s) of petroleum at the site pose a threat to human health and the environment. If free phase petroleum is present, a threat to terrestrial ecological and aquatic species utilizing surface water in the swale(s) is also present as a result of the release(s).

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.

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Please submit your waiver or written comments to the following address:

Norman D. (Norm) Peck
CRO Toxics Cleanup Program
15 W Yakima Avenue, Suite 200
Yakima, WA 98902

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 may be potentially liable for the release of hazardous substances at the Site:

1. PBC Properties, LLC.
2. Pilot Travel Centers

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.

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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 will seek to effect remediation of sediments in the stormwater swales to meet MTCA cleanup standards.

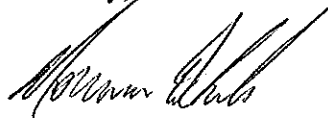
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste 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 hazardous waste sites, please call me at (509) 454-7837. Thank you for your cooperation.

Sincerely,



Norman D. (Norm) Peck
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951 0655

cc Mr. Gerald Keith Williams, Registered Agent, PBC Properties, LLC.
Mr. Joey Cupp, Environmental Manager, Pilot Travel Centers