



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 9, 2009

CERTIFIED MAIL

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Bhupinder Gillon
Parminder Gillon
Simvir Enterprises, Inc.
1475 Sierraville Ave
San Jose, CA 95132

RE: Early Notice Letter Regarding the Release of Hazardous Substances on Gillon Chevron (formerly D&J Food Mart) property located at 201 W. 1st Street, Cle Elum, Washington, Facility Site ID #24266265

Dear Sirs:

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an initial investigation to determine if further action is warranted.

Our records indicate the above-reference property had underground storage tanks (USTs) removed in 1991. Bison Environmental reported to Ecology that they had removed petroleum contaminated soil, apparently released from two USTs where the lining had failed. Bison also noted additional soil contamination remained under the building, and groundwater was potentially impacted as well. The record indicates samples were taken, but no laboratory data has been located to date. It is possible Bison Environmental was not directed to prepare a report on the removal of tanks and subsequent contamination findings. The record also indicated the owner planned additional assessment and remediation activities. However, Ecology has no evidence of any additional work completed at the site.

In 1996, Ecology installed 25 monitoring wells in the City of Cle Elum to assess petroleum contamination. Sampling results demonstrated groundwater contamination exceeding state cleanup levels. Three of these wells (MW-7, MW-9, and MW-10) were located in right-of-ways near the site. MW-7, which is located in the right-of-way in front of the site, has significant groundwater contamination in excess of cleanup levels for benzene (240 ppb and 140 ppb where the cleanup level is 5 ppb), toluene, ethylbenzene, xylene, and TPH-Gasoline (21,000 ppb where the cleanup level is 800 ppb). These samples were collected in June and September of 1996.



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On February 2, 2009, Ecology was copied on correspondence between Ms. Cuykendall and Ms. Gaylord on behalf of yourself and Chevron USA, Inc. regarding petroleum contamination in soil and groundwater in the vicinity of 201 and 207 W. 1st St., Cle Elum, known as Gillon Chevron (Ecology F/S ID 24266265), formerly known as D and J Food Mart, and Cle Elum Shell (Ecology F/S ID 92387155), formerly known as Simpson's Texaco. We appreciate being included in the distribution of those letters.

Ecology has received no data or reports specifically for this site since the initial call in 1991. If there are any such reports or information, please forward them to Ecology at your earliest convenience. Please note that such reporting is required under the Model Toxics Control Act (MTCA). In addition, if any reports from previous or historical activities, either remedial actions, cleanup action plans or reports of sampling events are in your possession, such as a report of the Bison Environmental soil removal action in 1991, Ecology would like to receive those to provide a more complete administrative record of past work at the site.

Under the MTCA, Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpag.HTM>. We have placed the above-referenced property on this database because of contaminated soil and groundwater.

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).

It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A

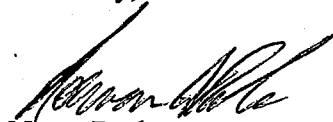
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copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants **no further action**, you are encouraged to participate in the Voluntary Cleanup Program (VCP). Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Frosti Smith, CRO VCP Coordinator, at (509) 454-7841.

If you have any questions about this letter, or entry into Ecology's VCP, please feel free to contact me at (509) 454-7837, or by email at nope461@ecy.wa.gov.

Sincerely,



Norm Peck
Site Manager
Toxics Cleanup Program

Enc: Chapter 173-340 WAC
Chapter 70.105D RCW

cc: Clydia Cuykendall, Cushman Law Offices
Amy Gaylord, Chevron USA, Inc.
Gillon Properties, LLC
Matthew Morton, City of Cle Elum
Simvir Enterprises, Inc., Cle Elum
Aiza Villaron, Chevron USA, Inc.