



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 26, 2019

Mark M. Myers  
Independent Counsel for ExxonMobil Corporation  
Williams, Kastner & Gibbs PLLC  
Two Union Square  
601 Union Street, Suite 4100  
Seattle, WA 98101

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

- **Site Name:** DeBock's Main Street Texaco (aka Debock's Auto Repair)
- **Site Address:** 100 W., 101 E., and 101 W. Wine Country Road, Grandview
- **Facility/Site No.:** 94369212
- **Cleanup Site ID No:** 6910
- **Parcel No:** 23092312463

Dear Mark Myers:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the DeBock's Main Street Texaco facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This determination was based on an Initial Investigation conducted on May 4, 1995. Ecology has received additional information in a report titled "*Technical Memorandum, Supplemental Investigation Tasks (August 2019)*" prepared by EES Environmental Consulting Inc., and dated October 23, 2019. Data presented in this report indicates that in addition to the known gasoline release at 100 W. Wine Country Road, gasoline releases also occurred at 101 E. Wine Country Road and 101 W. Wine Country Road. The releases at these three properties appear to be comingled; hence, Ecology considers them to be one "site" under MTCA.

Based on credible evidence, Ecology is proposing to find ExxonMobil Corporation liable under MTCA for the release of hazardous substances at the 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**

Based on credible evidence, Ecology is proposing to find ExxonMobil Corporation (Exxon) liable under RCW 70.105D.040 for the release of hazardous substances at the DeBock's Main Street Texaco facility (Site).

This proposed finding is based on the following evidence:

1. Gasoline range organics (GRO) were detected above MTCA cleanup levels in two groundwater samples collected in the right-of-way adjacent to 101 W. Wine Country Road (at the northwest corner of Wine Country Road and Division Street) in August 2019. Groundwater flows to the southwest in the vicinity of the DeBock's Main Street Texaco Site.
2. According to chain of title records, Exxon Corporation, owned the property located at 101 W. Wine Country Road (parcel 23092312555) prior to October 10, 1978. Humble Oil and Refining Company, a predecessor of Exxon, acquired the property on March 28, 1967.
3. The release above MTCA cleanup levels constitutes 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;
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.

Mark Meyers  
Williams, Kastner & Gibbs PLLC  
November 26, 2019  
Page 3

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

Frank Winslow  
Toxics Cleanup Program  
Central Regional Office  
1250 W. Alder Street  
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. Gary Christensen and Powell Distributing, LLC, DBA R.E. Powell & Seaport

In addition, Ecology will be notifying the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Gorgeous Property LLC
2. A.J. Still and Elizabeth M. Still
3. Chevron Corporation

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.

Mark Meyers  
Williams, Kastner & Gibbs PLLC  
November 26, 2019  
Page 4

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:

- Ecology intends to enter negotiation with the cooperative PLPs to enter into an Agreed Order for this Site.

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

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7835. Thank you for your cooperation.

Sincerely,



Frank P. Winslow  
Toxics Cleanup Program  
Central Regional Office

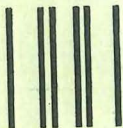
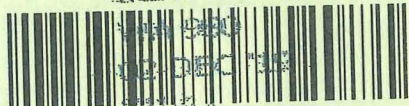
Enclosures: 2

By certified mail: 7019 0140 0000 9806 3585

cc: Gary B. Christensen, Powell Distributing, LLC, DBA R.E. Powell & SeaPort  
Paul Ecker, EES Environmental Consulting, Inc.  
Holly Castle, Registered Agent  
A.J. Still and Elizabeth Still  
Cheryl Cameron, Property Specialist, Chevron Environmental Management Company



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits. <b>TCP RL</b></li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Adult Signature  <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <b>Samuel</b></p> <p>C. Date of Delivery  <b>12/19</b></p>
<p>1. Article Addressed to:</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No          If Yes, enter delivery address below:</p>
<p>MARK M MYERS          INDEPENDANT COUSEL FOR EXXON MOBILE CORP          WILLIAMS KASTNER &amp; GIBBS PLC          TWO UNION SQUARE          601 UNION STREET SUITE 4100          SEATTLE WA 98101</p>	
<p>9590 9402 3667 7335 4342 87</p>	<p>Service Type</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adult Signature</li> <li><input type="checkbox"/> Adult Signature Restricted Delivery</li> <li><input checked="" type="checkbox"/> Certified Mail®</li> <li><input type="checkbox"/> Certified Mail Restricted Delivery</li> <li><input type="checkbox"/> Collect on Delivery</li> <li><input type="checkbox"/> Collect on Delivery Restricted Delivery</li> <li><input type="checkbox"/> Insured Mail</li> <li><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</li> <li><input type="checkbox"/> Priority Mail Express®</li> <li><input type="checkbox"/> Registered Mail™</li> <li><input type="checkbox"/> Registered Mail Restricted Delivery</li> <li><input checked="" type="checkbox"/> Return Receipt for Merchandise</li> <li><input type="checkbox"/> Signature Confirmation™</li> <li><input type="checkbox"/> Signature Confirmation Restricted Delivery</li> </ul>
<p>2. Article Number (Transfer from service label)  <b>7019 0140 0000 9806 3585</b></p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>	

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