



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 16, 2011

Sunnyside Municipal Airport  
Attn: Jim Bridges, Manager  
818 E. Edison Avenue  
Sunnyside, WA 98944

**Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:**

- Name: Sunnyside Municipal Airport Pesticide Spray Shed
- Address: 818 E. Edison Avenue, Sunnyside
- Parcel No.: 23102924003
- Facility/Site No.: 20367

Dear Mr. Bridges:

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 are 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".

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find the City of Sunnyside liable under RCW 70.105D.040 for the release of hazardous substances at the Sunnyside Municipal Airport Pesticide Spray Shed facility (Site). This proposed finding is based on the following evidence:

1. According to the Yakima County Assessor, the City of Sunnyside currently owns parcel number 23102924003, the subject Site location.
2. Analytical results from soil samples taken at the Site indicate 4,4-DDT; 4,4'-DDE; toxaphene; and deildrin, are present at concentrations exceeding MTCA cleanup levels
3. Contamination present at the Site constitutes a threat to human health and the environment.



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### **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.

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

Brean Zimmerman  
Central Regional Office Toxics Cleanup Program  
15 West 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**

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

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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, the PLP will be responsible for conducting the following actions under MTCA:

1. An investigation to determine the nature and extent of contamination at the Site. If possible, an Interim Action in accordance with WAC 173-340-430 is strongly encouraged;
2. Preparation of a cleanup action plan that identifies the preferred cleanup methods and specifies cleanup standards and other requirements at the site.
3. Implementation of the cleanup action plan to successfully achieve cleanup standards.
- 4.

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) 454-7835. Thank you for your cooperation.

Sincerely,



Breean Zimmerman  
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 495 2673

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Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I \_\_\_\_\_, a duly authorized representative of \_\_\_\_\_, do hereby waive the right to the thirty- (30) day notice and comment period described in WAC 173-340-500(3) and accept status of \_\_\_\_\_ as a Potentially Liable Person at the following site:

- Name: Sunnyside Municipal Airport Pesticide Spray Shed
- Address: 818 E. Edison Avenue, Sunnyside
- Parcel No.: 23102924003
- Facility/Site No.: 20367

By waiving this right, \_\_\_\_\_ makes no admission of liability.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Relationship to the Site: \_\_\_\_\_  
(i.e., owner or operator)