



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 4, 2012

George Johnson
Western General Land, LLC
PO Box 916
Sunnyside, WA 98944

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

- Name: Bee Jay Scales
- Address: 301 Warehouse Avenue, Sunnyside
- Assessor's Parcel No.: 22102522015
- Facility/Site ID No.: 504
- Cleanup Site ID No.: 3641

Dear Mr. Johnson:

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 Western General Land LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Bee Jay Scales facility (Site). This proposed finding is based on the following evidence:

1. Western General Land LLC is the current owner of a portion of the Site specifically that portion located at 301 Warehouse Ave., Sunnyside, Washington. The parcel number of record at the Yakima County Assessor's office is #22102522015.
2. In May 1990, Hart Crowser conducted analysis on soil samples and groundwater collected on and under property parcel #22102522016 and #22102522015. Results of the sampling showed the presence of hazardous substances in the soil and



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groundwater. The hazardous substances include the pesticides 2,4-D, and dinoseb, and the agrochemicals ammonia and nitrate. The presence of these contaminants was later confirmed by sampling conducted by the Department of Ecology on June 2, 1997 and by additional environmental investigations conducted by other parties. The concentrations of these contaminants exceed the method B cleanup levels for soil and groundwater listed in the Model Toxics Control Act Cleanup Regulation (chapter 173-340 Washington Administrative Code (WAC)).

3. Soil and groundwater contamination (pesticides, nitrate, ammonia, etc.) have been shown to be hazardous substances and are 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.

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

Mr. Norman Hepner
CRO Toxics Cleanup Program
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3452

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. Chevron Chemical Company [Chevron Environmental Management Company]
2. BP AMOCO [Atlantic Richfield Company]
3. Bee-Jay Scales Inc.
4. Hickenbottom & Sons

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.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to do the following:

1. Finalize the Cleanup Action Plan for the site during Spring 2013.
2. Negotiate and implement a mechanism with the PLP's for site remediation through either a Consent Decree, Agreed Order, or Enforcement Order.

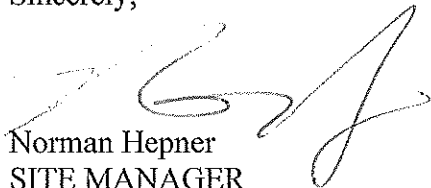
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For a description of the process for cleaning up a site under MTCA, please refer to the enclosed fact sheet.

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.

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 509/454-7839. Thank you for your cooperation.

Sincerely,



Norman Hepner
SITE MANAGER
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951 0334