



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

March 30, 2012

Excel Dairy Service, Inc.  
Attn: Eastside 502, L.L.C.  
2725 Old Highway 99 South  
Mt. Vernon, WA 98273

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

- Name: Eastside 502, L.L.C.
- Address: 502 North Avenue, Sunnyside
- Assessor's Parcel No: 221024-34462
- Facility/Site ID No.: 6752215
- Cleanup Site ID No.: 5418

Dear Excel Dairy Service, Inc.:

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 Eastside 502, L.L.C. liable under RCW 70.105D.040 for the release of hazardous substances at the Eastside 502, L.L.C. facility (Site). This proposed finding is based on the following evidence:

1. According to the Yakima County Assessor website (<http://yes.co.yakima.wa.us/assessor/>), Eastside 502, L.L.C. is listed as the owner of the property;
2. A release of hazardous substances has occurred at the site: In 2006, a 1,100 gallon leaking underground storage tank (LUST) was removed from the site. Soil and groundwater samples revealed petroleum concentrations exceeding MTCA Method A Unrestricted Cleanup Levels.



3. Concentrations of petroleum hydrocarbons exceed cleanup levels and health risk-based standards, making this site a risk 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:

Mary Jo Monahan  
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**

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 conduct the following actions under MTCA:

1. Ecology intends to conduct a Remedial Investigation/Feasibility Study (RI/FS) at this site to better characterize the contamination on the site. This study will be used to develop and evaluate cleanup actions that are necessary to ensure protection of human health and the environment.

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 509-454-7840. Thank you for your cooperation.

Sincerely,



Mary Monahan  
Site Manager  
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951 2420