



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 2, 2012

Mr. George Johnson
Northwest American Land, LLC
301 Warehouse Avenue
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: Hickenbottom & Sons
- Address: 301 Warehouse Ave, Sunnyside
- Assessor's Parcel Number: 221025-22016
- Facility/Site No.: 94128943
- Cleanup Site ID No.: 6903

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 Northwest American Land liable under RCW 70.105D.040 for the release of hazardous substances at Hickenbottom & Sons (Site). This proposed finding is based on the following evidence:

1. Northwest American Land is the current owner of the former Hickenbottom & Sons property located at 301 Warehouse Avenue, Sunnyside, WA.
2. A PLSA Engineering & Surveying submittal, titled "Site Assessment and Intermediate Cleanup Engineering Report on Leaking Underground Storage Tank Cleanup for Hickenbottom & Sons, Inc." dated February 1992 reported that soil contamination is present in the remedial excavation at levels greater than MTCA Method A cleanup standards.



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3. Gasoline, xylenes, and benzene have been shown to be hazardous substances and represent 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

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.

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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. Encourage the PLPs to demonstrate that cleanup of the Site has occurred through the monitoring of groundwater.
2. Ecology may also perform a Site Hazard Assessment (SHA) for the Site. That may entail additional soil and groundwater sampling.

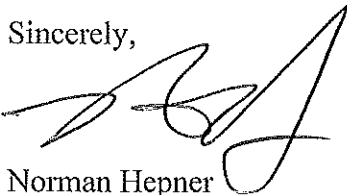
For a description of the process for cleaning up a site under MTCA, please refer to the enclosed fact sheet.

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.

Contact Information

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 1072