



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

October 20, 2021

Law Offices of Tom Zeilman
c/o Tom Zeilman
PO Box 34
Yakima, WA 98907

RE: Final Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** Jacks Grocery
- **Site Address:** 706 S. Columbus Street, Goldendale
- **Cleanup Site ID:** 6826
- **Facility/Site ID:** 89542539

Dear Tom Zeilman:

On August 12, 2021, the Department of Ecology (Ecology) sent your client written notice of our preliminary determination that Steven Johnston and Joyce Johnston are potentially liable persons (PLPs) for a release of hazardous substances at the Jacks Grocery Site. On September 14, 2021, the 30-day comment period on our preliminary determination expired. On September 15, Ecology received your written comments.

Based on available information, Ecology finds that credible evidence exists that Steven Johnston and Joyce Johnston are liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Steven Johnston and Joyce Johnston are PLPs with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site.



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Ecology will contact you regarding the actions necessary for Steven Johnston and Joyce Johnston to bring about the prompt and thorough cleanup of hazardous substances at this Site.

Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Your client's rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, John Mefford, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact John Mefford at (509) 731-9613 or John.Mefford@ecy.wa.gov.

Sincerely,



Valerie Bound
Section Manager
Toxics Cleanup Program
Central Region Office

By certified mail: 7014 3490 0001 5526 4885

cc: Steven Johnston and Joyce Johnston
Allyson Bazan, Office of the Attorney General, Ecology Division