



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office  
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 22, 2025

Charlotte Caton  
1251 Humphrey Road  
Tieton, WA 98947

**Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:**

- **Site Name:** Caton Limited Purpose Landfill
- **Site Address:** 1500 Naches-Wenas Road, Naches, Yakima County
- **Facility Site ID No.:** 4504
- **Cleanup Site ID No.:** 11536
- **Parcel No.:** 171401-22003, 171402-11003

Dear Charlotte Caton:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Caton Limited Purpose Landfill (Caton Landfill) facility (Site) requiring cleanup under the [Model Toxics Control Act \(MTCA\)](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act)<sup>1</sup> and [Chapter 70A.305 RCW](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305).<sup>2</sup> This determination is based on our review of a submitted laboratory report dated March 6, 2023. Ecology has also determined that the condition of the Site represents a threatened release of hazardous substances that may also require cleanup. This determination is based on our observations of the disposal of vehicles at the Site, snow melt patterns suggesting a smoldering subsurface fire, and apparent waste placement on parcels not approved for landfill operations.

Based on credible evidence, Ecology is proposing to find you liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds to be liable, based on credible evidence, is known under MTCA as a "potentially liable person" or "PLP." This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and the next steps in the cleanup process at the Site.

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<sup>1</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

### Proposed finding of liability

Ecology is proposing to find Caton Landfill and Recycling, LLC, Harvest View Estates, LLC, Randy Caton, Kris Struttner, and Charlotte Caton liable under [RCW 70A.305.040](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.040)<sup>3</sup> for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

- Charlotte Caton is an “Owner or Operator”, as defined in [RCW 70A.305.020\(22\)](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.020(22))<sup>4</sup> of a “Facility” as defined in RCW 70A.305.020(8). Based on observations of Ecology staff and verbal and written statements of facility operators, solid waste has been handled and disposed of on a parcel owned by Charlotte Caton without a permit.
- Harvest View Estates, LLC is an “Owner or Operator”, as defined in RCW 70A.305.020(22) of a “Facility” as defined in RCW 70A.305.020(8). Based on observations by Ecology staff and verbal and written statements of facility operators, solid waste has been handled and disposed of on parcels owned by Harvest View Estates, LLC, without a permit.
- Caton Landfill and Recycling, LLC is an “Owner or Operator”, as defined in RCW 70A.305.020(22) of a “Facility” as defined in RCW 70A.305.020(8). Based on observations of Ecology staff and verbal and written statements of facility operators, solid waste has been handled and disposed of by Caton Landfill and Recycling, LLC, without a permit.
- Randy Caton is an “Owner or Operator”, as defined in RCW 70A.305.020(22) of a “Facility” as defined in RCW 70A.305.020(8). Based on observations of Ecology staff and verbal and written statements of facility operators, solid waste has been handled and disposed of by Randy Caton without a permit.
- Kris Struttner is an “Owner or Operator”, as defined in RCW 70A.305.020(22) of a “Facility” as defined in RCW 70A.305.020(8). Based on observations of Ecology staff and verbal and written statements of facility operators, solid waste has been handled and disposed of by Kris Struttner without a permit.
- The landfill has had subsurface fires multiple times in recent years. Based on visual observations, Ecology has reason to believe that a fire is still smoldering beneath the surface.
- Based on visual observations, Ecology suspects that hazardous substances associated with petroleum hydrocarbons have been deposited within the landfill.
- The results of air emissions sampling demonstrate exceedances of the MTCA Method B cleanup levels for benzene in ambient outdoor air. Benzene is defined as a hazardous substance under MTCA.

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<sup>3</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.040>

<sup>4</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.020>

### 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; or
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:

Luke LeMond, LHG  
Solid Waste Management Program  
Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903  
luke.lemond@ecy.wa.gov  
(509) 379-3961

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

Under MTCA, Ecology reserves the right to notify additional PLPs at any time. As resources permit, Ecology will facilitate PLPs' efforts to identify additional PLPs. Ecology has identified three other PLPs for the Site, identified in the "proposed finding of liability" section of this letter.

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

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.

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 70A.305.060](#)<sup>5</sup> 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:

- Initiate discussion with the PLPs to ensure investigations are performed to assess the nature and extent of contamination and to more fully evaluate the potential and actual exposure pathways. These activities will occur under an Agreed Order negotiated with Ecology.
- Ecology has the option to initiate an Enforcement Order if negotiation for an Agreed Order fails.

For a description of the process for cleaning up a contaminated 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.

### Site listing

Ecology has added the Site to its list of confirmed and suspected contaminated sites. The preliminary Site Hazard Ranking is medium. You can find site information and electronic records for this site at Ecology's [Cleanup and Tank Search](#).<sup>6</sup> Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

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<sup>5</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060>

<sup>6</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/11536>

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### Contact information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (509) 731-5163 or [james.rivard@ecy.wa.gov](mailto:james.rivard@ecy.wa.gov). Thank you for your cooperation.

Sincerely,



James Rivard  
Section Manager  
Solid Waste Management Program  
Central Regional Office

- Enclosures (2):
1. Focus Sheet: [Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites](https://apps.ecology.wa.gov/publications/summarypages/FTC94129.html) # 94-129<sup>7</sup>
  2. PLP Waiver Form

By certified mail: 9414 8098 9864 3070 3475 76

cc: Shawn Magee, Yakima Health District  
Ivy Anderson, Office of the Attorney General  
Ecology site file

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<sup>7</sup> <https://apps.ecology.wa.gov/publications/summarypages/FTC94129.html>