



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 22, 2025

Randy Caton
1251 Humphrey Road
Tieton, WA 98947

Re: Final Determination of Liability for Release of Hazardous Substances 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 Randy Caton:

On May 22, 2025, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Caton Landfill and Recycling, LLC is a potentially liable person (PLP) for a release of hazardous substances at the Caton Limited Purpose Landfill facility (Site). On July 11, 2025, Ecology received your written response in a letter dated July 10, 2025.

Your July 11, 2025 letter implies that there are no hazardous emissions from the landfill and includes a laboratory report for samples collected on August 8, 2024. However, this laboratory report indicates benzene in air at 12,700 parts per billion (ppb) or 40,572 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) which exceeds MTCA Method B thresholds for cancer ($0.32 \mu\text{g}/\text{m}^3$) and non-cancer ($14 \mu\text{g}/\text{m}^3$) risk for ambient air. Elevated concentrations of propene, acetone, benzene, 2-butanone (MEK), hexane, heptane, ethylbenzene, xylenes, and styrene in the sample, as well as low levels of numerous other hazardous substances, suggest the presence of a subsurface fire and supports Ecology's prior determination regarding the Caton Landfill.

Ecology records indicate that you willingly operated the landfill without a permit between July 1, 2023 and April 11, 2025, and that you were one of the individuals responsible for that decision. Ecology records indicate that you were informed by Yakima Health District in a letter dated July 3, 2023 that operation of the landfill without a permit is unlawful and a violation of RCW 70A.205.195.

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You were also notified by Ecology via email on March 27, 2024 that operation of the landfill without a permit is unlawful. The July 11, 2025 letter sent to Ecology does not provide any evidence that you are not an operator of the facility.

Based on available information, Ecology finds that credible evidence exists that you are liable for a release or threatened release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that you, Randy Caton, are a PLP 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 or are threatened to be released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70A.305.040(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. Ecology will contact you regarding the actions necessary for Caton Landfill and Recycling, LLC 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 70A.305.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70A.305 RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Luke LeMond, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Luke LeMond at (509) 379-3961 or luke.lemond@ecy.wa.gov.

Sincerely,



James Rivard
Section Manager
Solid Waste Management Program, Central Region Office

By certified mail: 70220410000326299052

cc: Ken Lederman, McCullough Hill PLLC
Shawn Magee, Yakima Health District
James Rivard, Department of Ecology

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Dan Lawler, Office of the Attorney General
Ecology Site File