



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 11, 2013

Celski and Associates, Inc.
Attn: Lee Celski
5219 W. Clearwater Ave., Suite 16
Kennewick, WA 99336

Re: A Reported Release of Hazardous Substances and Potential Liability for the Release at the following site.

- Site Name: Medical Arts Facility
- Site Address: 750 Swift Boulevard, Richland
- Assessor's Parcel No: 111982020615002
- Facility/Site ID No.: 93331192
- Cleanup Site ID No.: 11111

Dear Mr. Celski:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of contaminated sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds 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".

Based on Ecology's review of the reports previously received for the Medical Arts Facility site, a release of a hazardous substance has occurred and further action will be required. Based on this investigation, Ecology intends to add this property to our database of confirmed and suspected contaminated sites.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Celski and Associates, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Medical Arts Facility (Site). This proposed finding is based on the following evidence:

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1. Celski and Associates, Inc. is the current operator of the property at 750 Swift Boulevard in Richland, which includes tax parcel 111982020615002 currently occupied by the Medical Arts Facility.
2. In November 1993, 10 heating oil underground storage tanks (USTs) were removed from this site. Initial soil sampling found petroleum contaminated soil (PCS) in five of the ten UST excavations. The PCS was returned to the excavations.
3. PD Consultants collected soil samples from borings in June 1995 at the former locations of USTs 1, 2, 6, 7, and 9. Maximum concentrations included 11,000 mg/kg for gasoline range organics and 14,000 mg/kg for diesel range organics. PCS was not removed because it is located beneath the buildings, sidewalks, and parking lots on the property. Annual groundwater sampling between 1995 and 2006.
4. Petroleum hydrocarbon soil and groundwater contamination (gasoline, diesel, heavy oils, benzene, toluene, ethylbenzene, xylenes, etc.) have been shown to be hazardous materials and are 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:

Matt Durkee
CRO Toxics Cleanup Program
15 W Yakima Avenue, Suite 200
Yakima, WA 98902

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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

Ecology will be notifying the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Al and June Corrado LLC

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 recommends conducting the following actions under MTCA:

1. Cleanup the site through an Independent Remedial Action. This may include conducting an investigation to determine the current nature and extent of contamination at the site.

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2. Provide Ecology with copies of any existing environmental covenant for the site and/or any previous reports that have not already been submitted to Ecology.
3. Join Ecology's Voluntary Cleanup Program to obtain technical assistance. This could include review of independent cleanup actions and determining if the site warrants no further action. Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Frosti Smith, CRO VCP Coordinator, at (509) 454-7841.

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 509-454-7835 or Norm Hepner at 509-457-7127. Thank you for your cooperation.

Sincerely,



Matthew Durkee
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4950 5231

cc: Al and June Corrado LLC