



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 19, 2013

Mr. Lynne Koehler
212501 East Finley Road
Kennewick, WA 99337

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Site:

- Site Name: Columbia Park Marina
- Site Address: 1776 Columbia Park Trail, Richland
- Facility/Site ID No.: 84244226
- Cleanup Site ID No.: 6750

Dear Mr. Koehler:

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 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 Lynne Koehler liable under RCW 70.105D.040 for the release of hazardous substances at the Columbia Park Marina facility (Site). This proposed finding is based on the following evidence:

1. The Benton County Assessor lists the United States Army Corp of Engineers (ACOE) as the owner of the Site. It is our understanding that the property is leased to Benton County, then sub-leased to the City of Richland which in turn sub-leased the property under a concession agreement to Mr. Lynne Koehler.
2. Mr. Lynne Koehler removed two USTs at the Site in 1994 and provided the following report to Ecology:

White Shield, Inc. 1994. *LUST Closure/Interim Cleanup Report, The Boat Shop, Richland, WA*. June.

3. June 29, 1994; Ecology was notified of a release of petroleum products discovered during the removal of USTs at the Site. The release impacted both soil and groundwater. The sampling and analyses described in closure and cleanup report were not adequate to fully characterize the nature and extent of contamination at the Site. The installation of at least three groundwater monitoring wells was recommended.
4. Petroleum products, when released to the environment, are defined as a hazardous substance per chapter 70.105D.020 (10) RCW, the Model Toxics Control Act. The confirmed release of petroleum products to both soil and groundwater is evidence of a release of a hazardous substance.
5. The identified release of petroleum products to soil at the Site is considered a threat or potential threat to human health or 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:

Jennifer Lind
CRO-Toxics Cleanup Program
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

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 may be potentially liable for the release of hazardous substances at the Site:

1. The City of Richland

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 intends to conduct the following actions under MTCA:

1. Ecology requires a remedial investigation, to characterize the potential impacts to subsurface soil and groundwater at the Site, be completed within 90 days of issuance of this letter.
2. If contamination is discovered, Ecology encourages the PLP's to clean up the Site independently. This would include joining the Voluntary Cleanup Program (VCP).

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3. Other options include negotiating an Agreed Order with Ecology to formally outline the expectations for all parties as we move forward with cleanup, or an Enforcement Order if a cleanup solution cannot be achieved expeditiously through negotiation.

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) 454-7839. Thank you for your cooperation.

Sincerely,



Jennifer Lind
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4950 5262

cc: Joe Schiessl, City of Richland
Paul Shampine, US Army Corps of Engineers
Damian Walter, US Army Corps of Engineers
Amy Ford, Columbia Park Marina