



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

December 27, 2007

CERTIFIED MAIL

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Mr. Ray Paoella
City of Yakima
City of Yakima Legal Department
200 South Third Street
Yakima, WA 98901

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

- Name: Yakima Valley Transportation Company Site
- Address: 3rd Avenue South and West Pine Street
- County Assessor's Parcel Number: 181323444465
- Facility/Site No.: 9688850
- ERTS: 602218

Dear City of Yakima:

Under the Model Toxics Control Act (MTCA), chapter 70.105D Revised Code of Washington (RCW), which governs the cleanup of hazardous waste 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."

As a result of an initial investigation conducted by Ecology at the Yakima Valley Transportation Company Site, 3rd Avenue South and West Pine Street in Yakima, Washington, on December 20, 2007, Ecology believes that a release of a hazardous substance has occurred and that further action will be required at this Site. Based on this investigation, Ecology intends to add this property to our database of suspected hazardous waste sites.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find City of Yakima liable under RCW 70.105D.040 for the release of hazardous substances at the Yakima Valley Transportation Company facility (Site). This proposed finding is based on the following evidence:



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1. The Yakima County Assessor's office finds City of Yakima a leaseholder of the Yakima Valley Transportation Company located at 3rd Avenue South and West Pine Street in Yakima, Washington. The City of Yakima has also been an operator of this Site.
2. HWA GeoSciences Inc. of Lynnwood, Washington, completed a Phase 1 and Phase 2 Site Assessment on June 1, 2007, and August 16, 2007, respectively. The Phase 2 Assessment included soil and groundwater sampling. Samples found lube oil, cadmium, and lead concentrations in excess of MTCA Method A soil cleanup levels and cadmium concentrations in excess of MTCA Method A groundwater cleanup level.
3. Lube oil, cadmium, and lead are hazardous substances to human health and the environment. A Site lube oil sample contained 91,000 milligrams per kilogram (mg/kg) where the MTCA Method A soil cleanup level is 2,000 mg/kg. Cadmium was found in the soil at 18 mg/kg where the MTCA Method A soil cleanup level is 2 mg/kg, and lead in soil was found at 1,400 mg/kg where the MTCA Method A soil cleanup level is 250 mg/kg. In the limited soil sampling that did occur, contaminants of PCBs (1254 and 1260), chromium, and mercury were also found.

In the groundwater sample analyzed from the one Site groundwater monitoring well, cadmium was found at 62 micrograms per Liter (ug/L). This is in excess of the MTCA Method A groundwater cleanup level for cadmium of 5 ug/L.

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:

Richard Bassett
Toxics Cleanup Program Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902-3452

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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 has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

- Central Washington Comprehensive Mental Health

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. Encourage the owner and/or the leaseholder to enter negotiations with Ecology for an Agreed Order to conduct a Remedial Investigation/Feasibility Study (RI/FS) at the Site;
2. Provide materials and guidance for the PLPs to apply for a Remedial Action Grant for the investigation and cleanup of the Site.

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For a description of the process for cleaning up a hazardous waste 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 hazardous waste 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

Also enclosed is the information on this facility that Ecology has added to our database of suspected hazardous waste sites. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at (509) 454-7839. Thank you for your cooperation.

Sincerely,



Richard Bassett
Site Manager
Toxics Cleanup Program
Central Regional Office

Enclosures

cc: Brett Sheffield, City of Yakima