



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 30, 2013

Kittitas County Fire District #2
Attn: John Sinclair
102 N. Pearl Street
Ellensburg, WA 98926

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

- Site Name: Mackner's Transport, Inc.
- Site Address: 400 Mountain View Avenue, Ellensburg
- Facility/Site ID No.: 27815219
- Cleanup Site ID No.: 11724

Dear Mr. Sinclair:

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".

As a result of an initial investigation conducted by Ecology at the above-referenced site in 2012, a release of a hazardous substance has occurred and further action will be required. The site investigation conducted in early 2012 revealed gasoline, diesel, benzo(a)pyrene and lead in soil at the site in concentrations that exceed MTCA Method A Soil Cleanup Levels for Unrestricted Use. In addition, the groundwater at the site contains diesel concentrations that exceed MTCA Method A Groundwater Cleanup Levels for Unrestricted Use.

Based on this investigation, Ecology has added this property to our database of confirmed and suspected contaminated sites.

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Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Kittitas Valley Fire and Rescue liable under RCW 70.105D.040 for the release of hazardous substances at the former Mackner's Transport facility (Site). This proposed finding is based on the following evidence:

1. According to the Kittitas County Assessor's web page accessed on October 24, 2013, (<http://kittitaswa.taxsifter.com/taxsifter/SearchResults.asp?Situs=400>), Kittitas County Fire District #2 is the current owner of the six parcels that comprise the Site.
2. Sampling of soil and groundwater at the Site that occurred in 2012 provide evidence that petroleum products (gasoline, diesel) have been released.
3. Laboratory analysis of soil and groundwater samples collected from the Site reveal concentrations of petroleum hydrocarbons that exceed MTCA Method A Cleanup Levels for both soil and groundwater at the Site. These concentrations pose a risk 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:

Mary Monahan
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:

- Florence H. Mackner Trust

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:

- Ecology intends to have a remedial action conducted at this site in order to mitigate any risk to human health and the environment at this Site. Ecology intends to initiate discussions leading to a Consent Decree with Kittitas County Fire District #2.

For a description of the process for cleaning up a site under MTCA, please refer to the enclosed fact sheet.

Kittitas County Fire District #2

Attn: John Sinclair

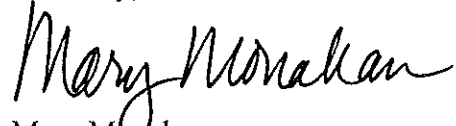
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Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

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 509-454-7840. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Mary Monahan".

Mary Monahan

Site Manager

CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4950 5590