



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

December 30, 2015

Mr. Henry Kang  
309 N 73rd Avenue  
Yakima, WA 98908

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

Name: Pit Stop Naches  
Address: 10121 Highway 12, Naches  
Parcel Number: 17140332004  
Facility/Site No.: 505  
Cleanup Site No.: 4928

Dear Mr. Kang:

Under the Model Toxics Control Act (MTCA), chapter 70.105D 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”.

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find Mr. Henry Kang liable under RCW 70.105D.040 for the release of hazardous substances at the Pit Stop Naches facility (Site). This proposed finding is based on the following evidence:

1. Mr. Han Chang is the current owner of the gasoline station generally located at 10121 Highway 12 in Naches, Washington, according to records at the Yakima County assessor’s office Mr. Chang acquired this property from Mr. Henry S. Kang in 2005.
2. In May 1991, White Shield, Inc. performed soil and groundwater assessment. At least two areas of release were identified. These areas of release appeared to be associated with either an abandoned dispenser island or the underground storage tank area. Concentrations of gasoline and associated volatile organic compounds (benzene, toluene, ethylbenzene and xylenes) were found above the MTCA Method A cleanup levels in soil and groundwater.
3. In May 1998, Northwest Envirocon conducted a limited site investigation and remediation, in which approximately 150 cubic yards of soil were excavated from one of the four contaminated areas identified by White Shield in 1991. Groundwater was not assessed for diesel or gasoline contamination.



4. In 2005, Mr. Henry Kang entered Ecology's Voluntary Cleanup Program. Ecology issued a further action determination based on lack of groundwater characterization. The opinion called for a minimum of three monitoring wells to assess groundwater contamination.
5. Petroleum hydrocarbons in soil and groundwater are above state cleanup levels, and pose 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:

Kyle Parker  
Toxics Cleanup Program  
Central Regional Office  
1250 W. Alder Street  
Union Gap, WA 98903-0009

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 is notifying the following additional person(s) that they are potentially liable for the release of hazardous substances at the Site:

- Mr. Han Chang

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.

Mr. Henry Kang  
December 30, 2015  
Page 3

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:

- Meet with PLPs to discuss and determine cleanup plan

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 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.

**Contact Information**

If you have any questions regarding this letter or if you would like additional information, please call me at 509-454-7833. Thank you for your cooperation.

Sincerely,



Kyle Parker  
Cleanup Project Manager  
Toxics Cleanup Program

Enclosures: 2

cc: Han Chang

By Certified Mail [7010 02980 0000 7128 2654]