



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

July 14, 2017

Carol Carey
Registered Agent
L.R. Bailey, Inc.
703 N Bridge PR NE
Benton City, WA 99320

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

Site Name:	Richland Uptown Shopping Center Parcel 10
Site Address:	1364 Jadwin Avenue, Richland
Assessor's Property ID:	15825
Facility Site ID No.:	10144
Cleanup Site ID No.:	11645

Dear Ms. Carey:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Richland Uptown Shopping Center Parcel 10 (Site) requiring cleanup under the Model Toxics Control Act (MTCA), chapter 70.105D RCW. This determination is based on Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center" prepared by Huntingdon Engineering and Environmental and dated June 8, 1994. Ecology has added the Site to its Confirmed and Suspected Contaminated Sites List (CSCSL).

Based on credible evidence, Ecology is proposing to find L.R. Bailey, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP". This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

This proposed finding of liability is based on the following evidence:

1. L.R. Bailey, Inc. is the owner of the Richland Uptown Shopping Center Parcel 10, located at 1364 Jadwin Ave, in Richland, WA, according to the Benton County Assessor's website.



Carol Carey
Registered Agent
L.R. Bailey, Inc.
July 14, 2017
Page 2

2. Four underground storage tanks (tanks 19-22) were removed from the Site in 1994, based on "Underground Storage Tank Removal Project, Limited Environmental Site Assessment, Uptown Shopping Center" prepared by Huntingdon Engineering and Environmental and dated June 8, 1994.
3. Four subsurface soil samples were collected from the UST excavations during the 1994 site assessment and analyzed for total petroleum hydrocarbons (TPH) by modified EPA Method 8015. Two of the four soil samples had TPH concentrations of 13,000 mg/kg and 6,400 mg/kg, exceeding the Model Toxics Cleanup Act (MTCA) Method A cleanup level of 2,000 mg/kg.
4. Concentrations exceeding the MTCA Method A cleanup level constitute a risk to human health and the environment. Further action to address these risk is therefore required.

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:

Frank P. Winslow
CRO Toxics Cleanup Program
1250 W Alder St
Union Gap, WA 98903

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

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.

Carol Carey
Registered Agent
L.R. Bailey, Inc.
July 14, 2017
Page 3

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:

- Options for cleanup include independent action under the Voluntary Cleanup Program or directed action under an Agreed Order or Enforcement Order.

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. Thank you for your cooperation.

Sincerely,



Frank P. Winslow
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1759 7718]