



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 27, 2017

Mr. Jay Sentz
Registered Agent
Westpark Properties, LLC
5802 Scenic Ridge Loop
Yakima, WA 98908

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

Site Name: Johns Dry Cleaning
Site Address: 4001 Summitview Avenue, Yakima
Assessor's Parcel No.: 1813-222-4490
Facility/Site ID No.: 53248389
Cleanup Site ID No.: 2115

Dear Mr. Sentz:

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 Westpark Properties, LCC liable under RCW 70.105D.040 for the release of hazardous substances at the Johns Dry Cleaning site (Site). This proposed finding is based on the following evidence:

1. Parcel 1813-222-4490 is owned by Westpark Properties, LLC, according to the Yakima County Assessor's website. Mr. Jay Sentz is the registered agent of Westpark Properties, LLC, according to the Washington Secretary of State's website.
2. A release of tetrachloroethene (aka perchloroethylene aka PCE) occurred at 4001 Summitview Ave, parcel 1813-222-4490, as documented in in "Limited Remedial Action Report, Former Godfathers Building at the Westpark Shopping Center" prepared by Fulcrum Environmental Consulting, Inc. for Westpark Properties, LLC and dated October 2009.



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3. Although PCE contaminated soil was removed and disposed of in the area of one structure (former Godfathers building), significant concentrations of PCE remained in soil beneath the former dry cleaners building (now operating as Comotion Dance Center). The 2009 Limited Remedial Action Report, indicated that 10,900 µg/kg of PCE were detected beneath the structure at a depth of 3 ft bgs, above the Model Toxics Control Act (MTCA) Method A cleanup level of 50 µg/kg. No characterization of groundwater has been done at the site, based on Ecology's file records.
4. The detected PCE concentrations in soil constitute a threat to human health and the environment, further action 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 Street
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.

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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 enter negotiation with the cooperative PLPs to enter into an Agreed Order for this Site.

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
Site Manager
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [91 7199 9991 7037 1451 1823]