



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 20, 2017

Mr. Shane DeGross  
BNSF Railway Company  
605 Puyallup Avenue South  
Tacoma, WA 98421

Re: Final Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

Site Name: Michael Irrigation  
Site Address: 5640 Sunset Highway, Cashmere  
Facility/Site No.: 3154383  
Cleanup Site ID No: 2149

Dear Mr. DeGross:

Please accept this correspondence as the official notice by the Department of Ecology (Ecology) of our determination of your status as a potentially liable person (PLP) for the Michel Irrigation site (Site).

On November 13, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that BNSF Railway Company (BNSF) is a potentially liable person for a release of hazardous substances at the Michael Irrigation site (Site). The 30-day comment period on our preliminary determination expired on December 13, 2017. We received your letter dated December 14, 2017, stating that BNSF does not dispute its PLP status at the Site.

Based on available information, Ecology finds that credible evidence exists which supports the status of BNSF as a potentially liable person for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that BNSF is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for BNSF to bring about the prompt and thorough cleanup of hazardous substances at this Site.



Shane DeGross  
BNSF Railway Company  
December 20, 2017  
Page 2

Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Frank Winslow, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Frank Winslow at (509) 454-7835 or [frank.winslow@ecy.wa.gov](mailto:frank.winslow@ecy.wa.gov).

Sincerely,



Valerie Bound  
Section Manager  
Toxics Cleanup Program, Central Region Office

By Certified Mail [91 7199 9991 7037 1451 1892]