



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 18, 2018

Secret Assets, LLC (University Way Property)
c/o Mr. Shane Jump
140 Barnes Road
Ellensburg, WA 98926-8762

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

- **Site Name:** Kens Auto Wash II
- **Site Address:** 1013 E. University Way, Ellensburg
- **Cleanup Site ID:** 5208
- **Facility/Site ID:** 3892
- **Kittitas Co. parcel nos.:** 113734 and 273734

Dear Mr. Jump:

On April 3, 2018, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Secret Assets University Way Property LLC is a potentially liable person (PLP) for a release of hazardous substances at the Kens Auto Wash II Site (Site). The 30-day comment period on our preliminary determination has expired. On April 18, Ecology received your written comments submitted by your attorney, Jeff Slothower.

Based on available information, Ecology finds that credible evidence exists that Secret Assets, LLC (University Way Property) is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Secret Assets, LLC (University Way Property) 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 the Secret Assets, LLC (University Way Property) to bring about the prompt and thorough cleanup of hazardous substances at this Site. 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.

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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, John Mefford, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact John Mefford at 509-454-7836 or john.mefford@ecy.wa.gov.

Sincerely,



Valerie Bound
Section Manager
Toxics Cleanup Program, Central Region Office

By certified mail: 7018 0360 0000 1740 8032

cc: Angie Goodwin, Hart Crowser
Jeff Slothower, Lathrop Winbauer Harrel Slothower & Denison LLP
Ecology Site File