



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 12, 2019

Allen Faltus
Faltus Motor Co., Inc. dba University Auto Center
1817 SR 97
Ellensburg, WA 98926

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

- **Site Name:** University Auto Center Facility
- **Address:** 610 N Pearl Street, Ellensburg
- **Assessor's Parcel No:** 736933
- **Facility/Site No:** 46818261
- **Cleanup Site ID No:** 6144

Dear Allen Faltus:

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 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".

As a result of an initial investigation conducted by Ecology at the above-reference site on May 31, 2002, a release of a hazardous substance has occurred and further action will be required. Based on this investigation, Ecology has added this property to our database of confirmed and suspected contaminated sites.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Allen Faltus and Faltus Motor Co, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the University Auto Center Facility (Site).



This proposed finding is based on the following evidence:

1. The Kittitas County Assessors web site shows that Parcel # 736933 was owned by "Faltus & Peterson" from at least August 1, 1997 to July 8, 2003.
2. The Secretary of State's website lists "Faltus Motor Co, Inc." as active since 1950. The website lists Allen Faltus as registered agent and as a governor of this registered business. The listed address for this business is 1817 SR 97, Ellensburg. Business at this address is currently operated as University Auto Center.
2. Contamination was found in soil samples above MTCA cleanup levels in 2002 as reported in "*Closure Site Assessment Report*", prepared by Sage Earth Sciences, Inc. and dated April, 2002. The work was done on behalf of University Auto Center, which reportedly owned and operated the facility. The "authorized site contact" was listed as Allen Faltus.
3. Contamination above MTCA cleanup levels constitutes a threat to human health and the environment, and 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 Winslow
Department of Ecology
Central Regional Office
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.

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:

1. Ecology intends to enter into an Agreed Order with the cooperative PLP(s) for the conduct of a remedial investigation, feasibility study, and preparation of cleanup plans.

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.

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If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please email me at frank.winslow@ecy.wa.gov or call me at 509-454-7835. Thank you for your cooperation.

Sincerely,



Frank P. Winslow
Central Regional Office
Toxics Cleanup Program

Enclosures: 2

By certified mail: 7018 0360 0000 1740 9053

cc: Stephen Townsend, Eburg Parking LLC