



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 8, 2012

SEL Inc
Derek and Associates Properties, LLC
120 N. Naches Avenue
Yakima, WA 98901

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

- Name: Tidrick's Quality Transmission
- Address: 1802 S. 1st Street, Yakima
- Assessor's Parcel No.: 191331-11012
- Facility/Site No.: 543
- Cleanup Site ID No.: 4944

Dear Mr. Thompson:

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 a complaint of oil dumping to the ground and a drain at the Tidrick's Quality Transmissions facility (Site) reported July 21, 1992, Ecology completed an initial investigation. This investigation confirmed a release of a hazardous substance occurred and further action was required. This site was ranked a "1" and placed on Ecology's Hazardous Sites List in 1994. The ranking of "1" is the highest ranking a site can receive on a scale of 1 to 5, where 1 represents the highest relative risk to human health and the environment.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Mr. Derek Thompson liable under RCW 70.105D.040 for the release of hazardous substances at the Tidrick's Quality Transmissions facility (Site). This proposed finding is based on the following evidence:

1. Derek and Associates Properties LLC is the current owner of the Site property. A 50 year chain of title search indicates that Derek and Associates Properties LLC purchased the Site in 2005.



2. The site file contains a history of reported releases of hazardous substances, posing a threat to human health and the environment:
 - a) Oil dumping to the ground and a drain was reported July 21, 1992. An Initial Investigation was completed by Ecology in August, and the results were noted in an Early Notice letter issued to Charles Chambers on October 13, 1992.
 - b) Three underground storage tanks and two drywells were removed in 1994. Approximately 700 tons of petroleum contaminated soil was excavated. An undetermined quantity of petroleum contaminated soil was left in place under a building. The report is insufficient to determine the nature and extent of contamination left on site. *Removal of two gasoline tanks and one used oil tank located at the corner of 1st Ave. and Mead in Yakima, WA; Cayuse Environmental; November 26, 1994.*
 - c) A Dangerous Waste Compliance Inspection was completed by Ecology's Hazardous Waste Program on March 6, 2007. The inspection was conducted in response to conditions identified from the roadway by Hazardous Waste program inspectors. The inspection is documented in a letter to Mr. Brad Tidrick, dated March 23, 2007. Photographs and notes from the investigation indicate numerous spills and extensive contamination to soil and a stormwater drain.
 - d) Another Initial Investigation was conducted by Brian Deeken of Ecology's Toxics Cleanup Program on March 6, 2007, concurrent with the Hazardous Waste Compliance Inspection. The Initial Investigation is documented in a letter to Mr. Derick (sic) Thompson, dated April 30, 2007. The letter states that both samples taken exceeded the Model Toxics Control Act Method A cleanup level for Lube oil of 2000 mg/kg. Analytic results of the two samples obtained during the investigation indicate concentrations of 2,200 mg/kg and 6,300 mg/kg. Other contaminants detected in the soil samples include metals and volatile organic compounds.
3. The Site has drywells that have been impacted by the release of hazardous substances. In addition, an oil-water separator drain is suspected to be impacted. This drain is connected to the city sewer system, potentially serving as a conduit to groundwater and/or surface water.
4. The past and potentially ongoing releases of hazardous substances are a threat to human health and the environment. These releases have not been remediated.

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;

SEL Inc
Derek and Associates Properties, LLC
August 8, 2012
Page 3

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:

Mark Dunbar
CRO Toxics Cleanup Program
15 West Yakima Ave. Suite 200
Yakima, WA 98902

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

Ecology will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

Mr. Brad Tidrick
Tidrick's Quality Transmissions
PO Box 3043
Union Gap, WA 98903
or
920 West Ahtanum Road
Union Gap, WA 98903

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.

SEL Inc
Derek and Associates Properties, LLC
August 8, 2012
Page 4

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. Initiate discussions for an Agreed Order. An Agreed Order describes the site activities that must occur in order to remediate the site. An Agreed Order is negotiated between the PLPs and Ecology, or;
2. If negotiations for an Agreed Order are unsuccessful, Ecology is prepared to initiate an Enforcement Order.

For a description of the process for cleaning up a contaminated 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) 454-7836. Thank you for your cooperation.

Sincerely,



Mark Dunbar
CRO Toxics Cleanup Program

Enclosures: 2

By certified mail: 7009 2250 0004 4951-3274