



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 25, 2020

Wes Heyden
Heyden Properties, LLC.
1215 Aaron Drive
Richland, WA 99352

RE: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:

- **Site Name:** Tiger Oil 24th and West Nob Hill
- **Site Address:** 2312 West Nob Hill Boulevard
- **Cleanup Site ID:** 4919
- **Facility/Site ID:** 469
- **County Assessor's Parcel Number(s):** 181326-42051

Dear Wes Heyden,

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Tiger Oil 24th and West Nob Hill facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. Cleanup is currently ongoing. This determination was based on an initial investigation conducted in 9/22/1982. This Site is on Ecology's list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find Heyden Properties, LLC liable under the MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP." This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Heyden Properties LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Site.



Wes Heyden
Heyden Properties, LLC.
March 25, 2020
Page 2

This proposed finding is based on the following evidence:

1. According to documents provided to Ecology by the City of Yakima, Heyden Properties LLC purchased Yakima County Parcel # 181326-42051 on May 28, 2019.
2. A large volume of gasoline was released at this property in 1982, and much of the release is still in the soils and groundwater at the Site.
3. Gasoline-range organics and benzene are present at concentrations that exceed MTCA cleanup levels. These contaminants pose a risk to Site groundwater, soils and indoor air.

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; or
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:

Mary Monahan
Cleanup Project Manager
Toxics Cleanup Program
Central Regional Office
1250 West Alder Street
Union Gap, WA 98903-0009

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.

Wes Heyden
Heyden Properties, LLC.
March 25, 2020
Page 3

Identification of Other Potentially Liable Persons

Ecology has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. City of Yakima

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

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.

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 is conducting the following actions under MTCA:

1. The Site is currently managed by Ecology under Amended Consent Decree # 02-2-00956-2, filed on September 5, 2014. Ecology will continue to work with the City of Yakima and Heyden Properties LLC to facilitate a cleanup at this Site.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed focus 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.

Wes Heyden
Heyden Properties, LLC.
March 25, 2020
Page 4

Site Listing

Ecology has added the Site to its list of confirmed and suspected contaminated sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 509-454-7840 or Mary.Monahan@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Mary Monahan
Cleanup Project Manager
Toxics Cleanup Program
Central Regional Office

Enclosures (3): 1 - Focus Sheet: MTCA #94-129
2 - PLP Waiver Form
3 - Site Listing Information

By certified mail: 7014 3490 0001 5526 4649

cc: Joan Davenport, City of Yakima
John Level, Office of the Attorney General