



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

August 31, 2006

CERTIFIED MAIL

7005 1820 0004 5364 3189

Mr. Robert A. Howie, Jr.
South Park Property Development, LLC
165 NE Juniper Street, Suite 100
Issaquah, WA 98027

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances & Notice of Intent to Conduct Site Hazard Assessment at the following Hazardous Waste Site:

- Name: South Park Landfill
- Address: 8100 & 8200 2nd Avenue South, Seattle
- County Assessor's Parcel Numbers: 3224049005, 7328400005
- Facility/Site No.: 2180

Dear Mr. Howie:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are 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".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find South Park Property Development, LLC (SPPD) liable under RCW 70.105D:040 for the release of hazardous substances at the South Park Landfill facility (Site). This proposed finding is based on the following evidence:

1. SPPD is the owner of the above referenced property.

King County Assessor Real Property Records:

http://www5.metrokc.gov/reports/property_report.asp?PIN=3224049005



King County News Release:

<http://dnr.metrokc.gov/dnrp/press/2006/0723SouthParksold.htm>

2. Several reports by Associated Earth Sciences, Inc. document the release of hazardous substances at the site. These documents are available at Ecology's Northwest Regional Office Central Records.

South Park Custodial Landfill
Environmental Site Investigation
Data Gaps Memorandum
Associated Earth Sciences, Inc., dated July 27, 1998

South Park Custodial Landfill
Cover Soil Investigation
Associated Earth Sciences, Inc., dated March 22, 1999

South Park Custodial Landfill
Monitoring Well and Gas Probe
Installation Technical Memorandum
Associated Earth Sciences, Inc., dated August 19, 1999

South Park Custodial Landfill
Monitoring Well and Gas Probe
Installation Technical Memorandum
Associated Earth Sciences, Inc., dated August 15, 2000

South Park Custodial Landfill
Brownfield Site Redevelopment
Site Characterization
Associated Earth Sciences, Inc., dated August 22, 2000

3. Several contaminants are currently known to exceed cleanup levels and pose a potential threat to human health or the environment.

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:

Department of Ecology
Attn: Brian S. Sato, P.E.
NWRO Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

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

1. City of Seattle
2. King County

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. Conduct a Site Hazard Assessment (SHA) as described further below;
2. Initiate discussions with the named PLPs for an agreed order to conduct a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of contamination associated with the former South Park Landfill and evaluate any remedial actions necessary for the Site. More information on beginning negotiations for a RI/FS will be forthcoming after the final PLP determinations have been made.

For a description of the process for cleaning up a hazardous waste 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 hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Explanation of SHA process:

Ecology will conduct a SHA of the former South Park Landfill Site, under the Model Toxics Control Act (MTCA), Chapter 173-340-320 WAC. This Site is on Ecology's Confirmed and Suspected Contaminated Sites List, as a cleanup site awaiting assessment. Mr. Michael J. Spencer will be the Ecology lead for this assessment.

The purpose of the SHA is to gather information on past/present waste management activities, along with other basic site-specific environmental data, in order to score the Site following the Washington Ranking Method (WARM) Scoring Manual guidelines. Potential/actual threats to human health and the environment are evaluated for each applicable migration route, with a "hazard ranking" determination for the Site.

Sites are ranked on a scale of one to five, with one representing the highest level of concern, and five the lowest, relative to all other assessed/ranked sites in the state. The level of relative concern may be such that Ecology requires further investigations and remedial actions or a recommendation of "No Further Action" (NFA) is made, and the Site will then be removed from Ecology's Integrated Site Information System (ISIS) list.

For your information, Ecology will publish a notice in an upcoming issue of the *Site Register* that a SHA is scheduled for this Site. This notice may evoke media inquiries. Likewise, the outcome of the SHA, either as a ranked site or a determination as NFA, will be published in the *Site Register*.

Mr. Robert A. Howie, Jr.
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Following review of current Ecology regional office files, the next step in this assessment process will be to determine if any new Site-specific information is able to be provided by the Site owner/operator.

Additional data could include any environmental assessments or laboratory analyses which have been conducted regarding this Site and which have not previously been submitted to Ecology. Every attempt will be made to obtain the most recent and accurate data for scoring the Site. If you have better information or comments on the adequacy of the data we already have, please let us know as soon as possible. The final site rank will be based primarily on the information used in the scoring. The Site priority will be based in part on this ranking, in combination with other factors such as resource commitments and resource availability. Your active participation in the assessment and scoring process is important to insure that only the best data available is used.

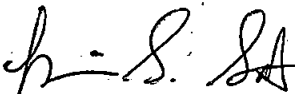
Fact sheets describing Site Hazard Assessments, the Washington Ranking Method and the Hazardous Sites List are enclosed for your information, as well as a copy of the ISIS Site Data Summary Sheet for this Site.

Contact Information

If you have any questions regarding the SHA and WARM ranking, please contact Mr. Michael J. Spencer at (360) 407-7195.

If you have any questions or comments regarding the preliminary notice of PLP status, please feel free to contact me at (425)649-7265. Thank you for your cooperation.

Sincerely,



Brian S. Sato, P.E.
NWRO Toxics Cleanup Program

BSS:nr

Enclosures: 6

Mr. Robert A. Howie, Jr.
South Park Property Development, LLC
165 NE Juniper Street, Suite 100
Issaquah, WA 98027

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I, Robert A. Howie, Jr., a duly authorized representative of South Park Property Development, LLC (SPPD), do hereby waive the right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept status of SPPD as a Potentially Liable Person at the following Site:

- Name: South Park Landfill
- Address: 8100 & 8200 2nd Avenue South, Seattle
- County Assessor's Parcel Numbers: 3224049005
- Facility/Site No.: 2180

This waiver is solely for purposes of entering into an Agreed Order for a Remedial Investigation/Feasibility Study and for subsequently entering into a Consent Decree settlement. By waiving this right, SPPD makes no admission of liability.

Signature

Date

Name: Robert A. Howie, Jr.

Title: _____

South Park Property Development, LLC, Owner of South Park Landfill