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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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August 26, 2021

Nicole Kimzey
Merrill & Ring
809 E 8th St
Port Angeles, WA 98362
nkimzey@merrillring.com

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

- **Site Name:** Terminals 5 6 & 7 Uplands
- **Site Address:** Marine Drive, Port Angeles, Clallam County, WA 98363
- **Cleanup Site ID:** 15440
- **Facility/Site ID:** 97700
- **County Assessor's Parcel Number(s):** 063000190090, 063099190025, 063099190035, 063000505520

Dear Nicole Kimzey:

On July 15, 2021, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Merrill & Ring is a potentially liable person (PLP) for a release of hazardous substances at the Terminals 5 6 & 7 Uplands facility (Site). On August 18, 2021, the 30-day comment period on our preliminary determination expired. As of August 19, 2021, Ecology had not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that Merrill & Ring is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Merrill & Ring 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 70A.305.040(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 plans to work with the Port of Port Angeles to bring about the prompt and thorough cleanup of hazardous substances at this Site. Should you wish to be involved in the cleanup, or should Ecology determine that it is necessary for you to take actions to facilitate the cleanup, please be aware that failure to cooperate with Ecology or comply with MTCA in this matter could 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. 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 70A.305.050(1)).

Your rights and responsibilities as a PLP are outlined in chapter 70A.305 RCW, and chapters 173-340 and 173-204 WAC.

If you have any questions regarding this notice, please contact Connie Groven at (360) 407-6254 or connie.groven@ecy.wa.gov.

Sincerely,



Rebecca S. Lawson, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Region Office

By certified mail: 9489 0090 0027 6092 9912 60

cc: James Gibb, Owens Corning

cc by email: Karen F. Goschen, Port of Port Angeles, kareng@portofpa.com
Jesse Waknitz, Port of Port Angeles, jessew@portofpa.com
Allison Geiselbrecht, Floyd|Snider, Allison.Geiselbrecht@floydsnider.com
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Ecology Site File