



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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March 6, 2020

Jim Broadlick
City Investors XI L.L.C.
505 5th Ave S #900
Seattle, WA 98104

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

- **Site Name:** TOSCO 25535330857
- **Site Address:** 600 Westlake Avenue North, Seattle, Washington 98109
- **Cleanup Site ID:** 6134
- **Facility/Site ID:** 46445373
- **King County Assessor's Parcel Number(s):** 4088803235, 4088803236, 4088803240, 40888033345, 4088803355, and 19872000015

Dear Jim Broadlick:

On December 27, 2019, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that City Investors XI L.L.C. is a potentially liable person (PLP) for a release of hazardous substances at the **TOSCO 25535330857** facility (Site). On January 27, 2020, the 30-day comment period on our preliminary determination expired.

On January 23, 2020, Ecology received your comments and written notice accepting your status as a PLP for the Site and waiving your opportunity to comment. With respect to your comment regarding chlorinated volatile organic compounds (CVOCs) at the Site, until further characterization and investigation is done, any exemptions to owner or operator liability cannot be determined and the parties remain jointly and severally liable for the release(s).

Based on available information, Ecology finds that credible evidence exists that City Investors XI L.L.C. is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that City Investors XI L.L.C. 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 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA



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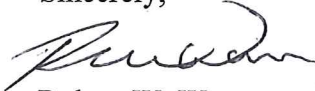
statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site.

Ecology will contact you regarding the actions necessary for City Investors XI L.L.C. to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will 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 70.105D.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Tena Seeds, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Tena Seeds at (425) 649-7008 or tena.seeds@ecy.wa.gov.

Sincerely,



Robert W. Warren
Section Manager
Toxics Cleanup Program, NWRO

By certified mail: 9171 9690 0935 0206 7588 56

cc: Ed Ralston, Phillips 66 Company
Barry Ziker, Joyce Ziker Parkinson
Clifford Schmitt, Farallon Consulting, L.L.C.
Allyson Bazan, Office of the Attorney General
Ecology Site File