



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

March 6, 2019

Rich Mueller
Port of Moses Lake
7810 Andrews Northeast Suite 200
Moses Lake, WA 98837

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

- **Site Name:** Moses Lake Port Pumphouse 1
- **Site Address:** 7810 Andrews N.E., Moses Lake, WA 98837
- **Cleanup Site ID:** 7021
- **Facility/Site ID:** 612
- **County Assessor's Parcel Number(s):** 171020000

Dear Mr. Mueller:

On January 24, 2019, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that the Port of Moses Lake (Port) is a potentially liable person (PLP) for a release of hazardous substances at the Moses Lake Port Pumphouse 1 facility (Site). On February 27, 2019, the 30-day comment period on our preliminary determination expired. On February 22, 2019, Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment.

Based on available information, Ecology finds that credible evidence exists that the Port is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that the Port 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 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 the Port 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, Katie Larimer, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Katie Larimer at (509) 329-3419 or via email at Katie.Larimer@ecy.wa.gov

Sincerely,



Kathy Falconer
Section Manager
Toxics Cleanup Program, ERO

kf:mk

By certified mail: [7016 1970 0000 9925 2226]

cc: Jon Thompson
Ecology Site File