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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

October 19, 2022

The Honorable Bruce Harrell
Mayor
City of Seattle
P.O. Box 94749
Seattle, WA 98124

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

- **Site Name:** Duwamish Waterway Park
- **Site Address:** 7900 10th Ave S Seattle, 98108
- **Cleanup Site ID:** 15139
- **Facility/Site ID:** 49919
- **Including, but not limited to, County Assessor's Parcel Number(s):** 7327901195, 7327902355, 7327902346, 7327901215, 322404HYDR, and Seattle Department of Transportation Right of Way

Dear Mayor Harrell:

On September 7, 2022, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that the City of Seattle is a potentially liable person (PLP) for a release of hazardous substances at the Duwamish Waterway Park facility (Site). On October 10, 2022, the 30-day comment period on our preliminary determination expired. On October 7, 2022, Ecology received your written comments.

Based on available information, Ecology finds that credible evidence exists that the City of Seattle is liable for a release of hazardous substances at the Site as the current owner of contaminated property. On the basis of this finding, Ecology has determined that the City of Seattle 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 City of Seattle to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with

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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 70A.305 RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, David Butler, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact David Butler by phone at (206) 518-3513 or by email at david.butler@ecy.wa.gov.

Sincerely,



Robert Warren
Section Manager
Toxics Cleanup Program, NWRO

By certified mail: [9171 9690 0935 0192 9821 74]

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Ecology Site File