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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 11, 2023

Matt Ellis
City of Issaquah
P.O. Box 1307
Issaquah, WA 98027

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Sites:

Site Name	Site Address	Cleanup Site ID	Facility Site ID	King County Parcel Number
Eastside Fire & Rescue Headquarters	175 Newport Way NW	16581	83936264	2824069165
Rainier Trail	No street address	16582	57044	3424069043
Issaquah Valley Elementary School & Dodd Fields Park	555 NW Holly St	16583	87761647	2824069012
Memorial Field	105 2nd Ave NE	16584	96747	5279100070

Dear Matt Ellis:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find the City of Issaquah (the City) liable under the Model Toxics Control Act (MTCA), RCW 70A.305, for the release of hazardous substances at the four facilities (Sites) listed above. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a “potentially liable person” or “PLP.”

This letter identifies the basis for Ecology’s proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find the City liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. EFR conducted firefighting training exercises with aqueous film-forming foam containing perfluorooctane sulfonate (PFOS) and additional per- or polyfluorinated alkyl substances (PFAS) at each of the four properties listed above (EFR 2017¹, Farallon 2019²).
2. The City is a member of EFR (EFR 2020³) and the City conducted training on the four properties listed above prior to the formation of EFR (Farallon 2019).
3. PFOS and additional PFAS have been detected in soil at each of the properties listed above, demonstrating that a release has occurred at each property (Farallon 2021⁴).
4. The PFAS releases pose a threat to human health and the environment because PFOS and other PFAS compounds have been detected in soil and/or groundwater at each of the properties listed above at concentrations exceeding MTCA cleanup levels (Farallon 2021). Site characterization work and groundwater modeling conducted to date indicate that the releases from EFR and Issaquah Valley Elementary School & Dodd Fields Park are impacting City of Issaquah's water supply well COI-PW04 (Geosyntec 2021⁵). To date it is unknown whether the releases from Rainier Trail and Memorial Field are comingled with the releases from EFR and Issaquah Valley Elementary School & Dodd Fields Park.

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; or

¹ EFR. 2017. Summary of Activities Related to Perfluorooctanesulfonic Acid (PFOS) Investigation. June 12.

² Farallon Consulting. 2019. Per- and Poly-fluoroalkyl substances Characterization Study Summary Report, Lower Issaquah Valley, Issaquah, Washington. March 27. Section 2.4.

³ EFR. 2020. Articles of Incorporation of Eastside Fire & Rescue. October 8.

⁴ Farallon Consulting. 2021. Per- and Poly-fluoroalkyl Substances Additional Characterization Study Summary Report, Lower Issaquah Valley, Issaquah, Washington. April 14. Tables 7-12.

⁵ Geosyntec Consultants. 2021. Groundwater Flow and PFAS Transport Modeling Report, Issaquah, Washington. September 13. Figures 5a-12 and A-3.

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:

Priscilla Tomlinson
NWRO Toxics Cleanup Program
P.O. Box 330316
Shoreline, WA 98133

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 will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. Eastside Fire & Rescue.

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

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.

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. Site hazard assessment.
2. Negotiation for an agreed order(s) to conduct a remedial investigation(s), a feasibility study(ies), and a draft cleanup action plan(s).

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

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (425) 324-0732 or by email at priscilla.tomlinson@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Priscilla Tomlinson
Cleanup Project Manager
Toxics Cleanup Program, Northwest Regional Office

Enclosures (2)

[ENCLOSE THE FOLLOWING DOCUMENTS:

1. FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION: PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (#94-129)
2. PLP WAIVER FORM TEMPLATE]

By certified mail: [#### #### #### ####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: Ivy Anderson, Office of the Attorney General
Ecology Site File