

Early Potentially Liable Person Notice Letter
Thirty-Day Comment Period Waiver Form

Port of Tacoma
One Sitcum Plaza
Toledo, WA 98421

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I

Eric D. Johnson, a duly authorized representative of Port of Tacoma, do hereby waive the right to the thirty- (30) day notice and comment period described in WAC 173-340-500(3) and accept status of Port of Tacoma as a Potentially Liable Person at the following site:

- Site Name: APM Terminals Pacific LTD
- Site Address: 1675 Lincoln Ave Tacoma, WA 98421-2902
- Cleanup Site ID: 2124
- Facility/Site ID: 66987611
- County Assessor's Parcel Number(s): 8950000221 and 8950000231

This waiver is solely for the purpose of cooperating with Ecology to conduct the additional investigation and remedial action necessary at the site. By waiving this right, Port of Tacoma makes no admission of liability.

Eric D. Johnson

Signature

August 24, 2023

Date

e-Copy



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775 • Olympia, WA 98504-7775 • 360-407-6300

August 30, 2023

Sarah Weeks
Port of Tacoma
One Sitcum Plaza
Tacoma, WA 98421
sweeks@portoftacoma.com

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

- **Site Name:** APM Terminals Pacific LTD
- **Site Address:** 1675 Lincoln Ave Tacoma, Pierce County 98421-2902, WA
- **Cleanup Site ID:** 2124
- **Facility/Site ID:** 66987611
- **County Assessor's Parcel Number(s):** 8950000221 and 8950000231

Dear Sarah Weeks:

On 08/10/2023, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Port of Tacoma is a potentially liable person (PLP) for a release of hazardous substances at the APM Terminals Pacific LTD facility (Site). On 08/24/2023, 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 Port of Tacoma is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Port of Tacoma 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 of Tacoma 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, Tia Misuraca, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Tia Misuraca at (360)742-2807 or tia.misuraca@ecy.wa.gov.

Sincerely,



Rebecca S. Lawson, P.E., L.G., L.HG
Section Manager
Toxics Cleanup Program,
Southwest Region Office

By certified mail: 9489 0090 0027 6383 2224 86

cc by email: LeeAnne Kane, Office of the Attorney General, leeanne.kane@atg.wa.gov
Rebecca Lawson, Ecology, rebecca.lawson@ecy.wa.gov
Tia Misuraca, Ecology, tia.misuraca@ecy.wa.gov
Ecology Site File