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March 11, 2024

Mr. Zak Wall
Department of Ecology
Po Box 330316
Shoreline, WA 98133

Re : Preliminary Determination of Liability Letter, dated January 25, 2024; Union Station, Facility Site ID 2060, 411 South Jackson Street, Seattle, Washington

Dear Mr. Wall:

Thank you for your notification letter. It appears that Ecology has amended their thoughts on the stability of the site and is requiring additional investigation at the site. Our review of available documents indicate that concentrations of constituents of concern in groundwater have remained constant or are decreasing based on the historical information. It is unclear to Union Pacific why Ecology has shifted their evaluation criteria and understanding of the site during the 2021 Periodic Review Process.

It is also unclear to Union Pacific why Ecology has not required Union Station Associates to adhere to the language and actions required in the Corrective Action Plan (CAP). Actions called out in the CAP have not been implemented as required based on historic data. In the previous (prior to 2021) 5-year reviews, Ecology seems to have correctly agreed that known background concentrations upgradient of the site are major contributors to the exceedances observed onsite and at the site compliance wells, but Ecology now indicates that those known exceedances by upgradient sources cannot be taken into account or used as argument for not meeting the compliance criteria at a downgradient site. It is Union Pacific's position that it is not a downgradient owner's responsibility to clean up off property impacts from others' operations. If Ecology does believe it is a downgradient owner's responsibility, then why didn't Ecology require the quarterly monitoring and subsequent design of the CAP required remediation system earlier? The relative action levels identified in the CAP were triggered years ago and it is unclear to Union Pacific why Ecology has shifted its interpretation and is now considering action.

Ecology should require the current performing party, Union Station Associates, to adhere to the agreed upon CAP. Ecology may want to allow/require Union Station Associates to collect additional data to further the GW treatment system design or to back up their argument that the GW treatment system would exacerbate the groundwater conditions at the Site. This additional data may include the very data that Ecology is requesting and would streamline the data collection process. If Union Station Associates believes the current CAP required GW treatment system is not appropriate for remedial action, then Ecology should work with them and develop an alternative CAP to which both parties can agree.

Union Pacific purchased the property for use as a passenger rail station. Our records do not indicate that the railroad conducted any fueling or maintenance activities at the site or that there is any credible evidence that impacts observed are the results of historic railroad passenger depot operations. The Ecology 1997 Consent Decree for the site incorrectly assumes there were "limited" maintenance activities but then correctly indicates that "the heavy maintenance activities occurred off property". We would like to better understand Ecology's credible evidence as it pertains to the timing of the release of hazardous substances at the site implicating Union Pacific. We do not believe the observed impacts at this site are the result of Union Pacific operations at the site.

We also respectfully request that if Ecology is looking require action by others besides Union Station Associates that they include other past landowners as PLP's including The City of Seattle, PSE and Gladding McBean.

Sincerely,

A handwritten signature in black ink, appearing to read "John DeJong", with a long, sweeping horizontal stroke extending to the right.

John DeJong

Sr. Manager Site Remediation