



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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CERTIFIED MAIL

February 13, 2008

Salter Joyce Ziker
Attention: Mr. William F. Joyce
1601 Fifth Avenue, Suite 2040
Seattle, Washington 98101-1627

RE: Determination of Potentially Liable Person Status

Dear Mr. Joyce:

On January 4, 2008, the Department of Ecology (Ecology or we) sent American Construction Company (ACC) written notice regarding its proposed status as a potentially liable person (PLP) for a release of hazardous substances at the following site:

- **Site Name:** North Marina West End
- **Site Address:** Located between 11th and 14th Streets off West Marine View Drive, Everett, Washington 98201
- **Snohomish County Assessor's Parcel Number:** 29051800208800, 29051800208900, 29051800209000, and 29051800302400
- **Facility/Site Number:** FSID No. 3306834

The 30-day comment period on this preliminary notice expired on February 4, 2008. We received and evaluated your acknowledgement letter dated February 1, 2008. Your letter acknowledges receiving the preliminary PLP notice letter.

Based on the information available to date, we find that credible evidence exists which supports ACC's status as a PLP for the release at the North Marina West End Site. On the basis of this finding, Ecology has determined that ACC is a PLP with regard to the North Marina West End Site.



Mr. William F. Joyce
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ACC's rights and responsibilities as a PLP are outlined in Chapter 70.105D of the RCW, and Chapter 173-340 of the WAC. Our site manager for the facility, Andy Kallus, will contact you with information about how Ecology intends to proceed with the cleanup at this site.

If you have any questions regarding this notice, please contact Mr. Kallus at (360) 407-7259.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Nord', with a stylized flourish at the end.

Tim L. Nord, Manager
Land and Aquatic Lands Cleanup Section
Toxics Cleanup Program

cc: Steven P. Brannon, American Construction Co., Inc.
Jerry Heller, Port of Everett
Steve Thiele, Counsel for Port of Everett