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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 3, 2025

Colleen Murphy
Snohomish County PUD
PO Box 1107
Everett, WA 98206
(cmmurphy@snopud.com)

Re: No further action necessary under state cleanup law for the following contaminated site based on Initial Investigation:

Site name: Snohomish PUD 3rd Ave NE
Property address: 28514 3rd Ave NE ROW, Arlington WA 98223
Facility/Site ID: 49131
Cleanup Site ID: 17116
ERTS ID: 657576

Dear Colleen Murphy:

The Washington State Department of Ecology (Ecology) received your report about a release of hazardous substances at Snohomish PUD 3rd Ave NE on June 19, 2015. We also received your report documenting your independent cleanup of the Site on February 1, 2016. We have investigated the release and reviewed your independent cleanup, as required under RCW [70A.305.030](#)(2)(d)¹ and WAC [173-340-310](#).²

Based on the investigation, Ecology has determined that a release posing a threat to human health or the environment occurred, but no further remedial action is necessary to clean up contamination at the Site due to a completed independent remedial action.

Ecology bases this determination on an analysis of whether the remedial action meets the substantive requirements of the Model Toxics Control Act, chapter [70A.305](#) RCW,³ and the cleanup

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.030>

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

regulations adopted under that act, chapters [173-340](#)⁴ and [173-204](#)⁵ WAC (collectively called the “state cleanup law”).

Based on this determination, Ecology has added the Site to the [No Further Action Sites List](#)⁶ and assigned it Cleanup Site ID 17116. You can find information and electronic records for the Site on the [Snohomish PUD 3rd Ave NE](#)⁷ webpage.

This determination applies only to the release reported on June 19, 2015, that has a completed independent remedial action.

Ecology bases this determination on the information contained in the following document:

- Oil Spill Incident Letter Report; ERTS # 657576; 28514 3rd Ave NE (Kuhnhauser Rd.); Arlington, WA; Snohomish County PUD regulator #'s 143, 145 and 155. GeoEngineers. January 19, 2024.

You can request site file documents by submitting a [records request](#).⁸ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040.

This determination is void if information in any of the listed documents is materially false or misleading.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This determination does not:

- Resolve or alter a person’s liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW [70A.305.040](#)(4).⁹

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This determination does not provide an opinion on whether the action you performed is substantially equivalent. Courts make that determination. See RCW [70A.305.080](#)¹⁰ and WAC [173-340-545](#).¹¹

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/nfa>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/17116>

⁸ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

¹¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

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The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this determination. See RCW [70A.305.170](#)(6).¹²

If you have any questions about this determination, please contact the regional Initial Investigation Coordinator, Donna Kirkman, at (425) 301-6080 or donna.kirkman@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Treat', is positioned above the printed name.

Nick Treat
Voluntary Cleanup Program Unit Supervisor
Toxics Cleanup Program, NWRO

¹² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>