



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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February 18, 2016

Mr. Alan Sidell
730 Myrtle LLC
c/o Seattle Iron & Metals
601 South Myrtle Street
Seattle, WA 98108

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Whitehead Tyee
- Address: 730 S. Myrtle Street, Seattle, 98108
- County Assessor's Parcel Number(s) 2734100270
- Facility/Site No.: 9809

Dear Mr. Sidell:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find 730 Myrtle LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Whitehead Tyee facility (Site). This proposed finding is based on the following evidence:

1. 730 Myrtle LLC is the current owner of the property.
2. Several documents were reviewed to assess credible evidence. Here are the links to the general information documents:

Phase I Environmental Site Assessment, December 12, 2013, Sound Earth Strategies
<http://ecyapps8/ISIS/Documents/DocumentViewer.aspx?csid=12115>



Whitehead Tye – Dioxin Furan data transmittal, Sound Earth Strategies,
<http://ecyapps8/ISIS/Documents/DocumentViewer.aspx?csid=12115>

Remedial Investigation/Feasibility Study Fox Avenue Site, June 10, 2011, Floyd | Snider
<http://ecyapps8/ISIS/Documents/DocumentViewer.aspx?csid=5082>

3. MTCA Method A soil cleanup level exceedances for Stoddard solvent, heavy oil range petroleum hydrocarbons, pentachlorophenol and dioxin furans were noted and MTCA Method A groundwater cleanup level exceedances for Stoddard, heavy oil range petroleum hydrocarbons, pentachlorophenol, , cis 1,2-dichloroethene,tetrachloroethene, trichloroethene, and vinyl chloride were noted;

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;
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:

Romy Freier-Coppinger
Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008

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

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

Please note that 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

Mr. Alan Sidell
February 18, 2016
Page 3

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.

Please also note that 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. Ecology intends to initiate negotiations for an Agreed Order to further evaluate specific levels and areas of contamination and;
2. To clean the Site up to Standards.

For a description of the process for cleaning up a hazardous waste 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 hazardous waste 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 hazardous waste sites, please contact me at (425) 649-7254 or by email at romy.freier-coppinger@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Romy Freier-Coppinger
Toxics Cleanup Program

Enclosures: Focus: Model Toxics Control Act Cleanup Regulation: Process for
Cleanup of Hazardous Waste Sites (Pub. No. #94-129)
Voluntary Waiver of Right to Comment Form

By Certified Mail [7012 3460 0000 2587 2685]

cc: Clark Davis, Davis Law Office, PLLC
Ivy Anderson, AAG

