



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

April 28, 2017

Steve Wright
Chelan County Public Utility District
P.O. Box 1231
Wenatchee, WA 98807-1231

RE: Determination of Potentially Liable Person Status

Site Name:	Wenatchee City Worthen Street Landfill
Site Address:	Worthen Street, Wenatchee
Facility/Site ID No.:	343
Cleanup Site ID No.:	4085

Dear Mr. Wright:

On April 28, 2016, the Department of Ecology (Ecology) sent you written notice regarding your proposed status as a potentially liable person (PLP) for a release of hazardous substances at the following site:

The 30-day comment period on this preliminary notice expired on May 28, 2016. We received comments from you on July 29, 2016 (via letter dated July 27, 2016). In your comment letter, you asserted that certain case law should be applied to construe that the Chelan County Public Utility District (PUD) is not an "owner or operator" under MTCA, and thus not a PLP.

The case law on which your response letter relies was recently distinguished and rejected as not persuasive by the Washington Court of Appeals, Division II, in *Pope Resources, LP v. Department of Natural Resources*, 197 Wash. App. 409, 389 P.3d 699 (2016). Given this, Ecology is still of the opinion that credible evidence exists supporting your status as a PLP for the release at the above-referenced Site. On the basis of this finding, Ecology has determined that the PUD is a PLP with regard to the Wenatchee City Worthen Street Landfill Site.

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and WAC 173-340. Ecology's site manager for the facility, Jeff Newschwander, will contact you with information about how Ecology intends to proceed with the cleanup at this site.

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If you have any questions regarding this notice, please contact either myself at (509) 454-7886, or Andy Fitz, Senior Counsel with the Washington Attorney General's Office, at (360) 586-6752.

Sincerely,

A handwritten signature in cursive script that reads "Valerie Bound".

Valerie Bound
Section Manager
Toxics Cleanup Program, CRO

By Certified Mail [91 7199 9991 7037 1762 1055]

ecc: Jeff Newschwander, Ecology
 Andy Fitz, AAG