



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 11, 2016

Mr. Norman Krehbiel, PE
Interim Chief Executive Officer
Port of Longview
10 Port Way
Longview, WA 98632-1019

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

- Name: Port of Longview
- Address: 10 Port Way
- Facility/Site No.: 42978181
- Cleanup Site ID No.: 9152

Dear Mr. Krehbiel:

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 Port of Longview liable under RCW 70.105D.040 for the release of hazardous substances at the Port of Longview facility (Site). This proposed finding is based on the following evidence:

1. The Port of Longview is the current owner or operator of a facility as defined in RCW 70.105D.030. Specifically, the Cowlitz County Assessor's website lists the Port of Longview as the current owner of the property located at 10 Port Way, Longview WA (Parcel: 10171).
2. A Site Hazard Assessment (SHA) conducted by Ecology indicates a range of petroleum hydrocarbon products have been discovered in the subsurface soil

and groundwater on and under the Port of Longview's property. The petroleum hydrocarbon constituents mentioned in the SHA include: Gasoline, Diesel, Bunker C, and some volatile organic compounds (VOCs). The releases were identified during the removal/decommissioning of multiple underground storage tanks (USTs) and a large aboveground storage tank (AST) located on the Port of Longview property.

3. The most recent annual groundwater monitoring report in Ecology's records entitled *Post-Cap Annual Groundwater Monitoring Event – Year 2013* (Golder Associates, 2013) indicates total petroleum hydrocarbons in the gasoline range (TPH-G) and benzene have been measured in groundwater at concentrations exceeding MTCA Method A cleanup levels for potable groundwater. In addition, during a meeting on April 19, 2016 with Ecology, Port of Longview's environmental consultant (Floyd|Snider) provided a figure that indicates hazardous substances in soil are present in concentrations exceeding MTCA Method A soil cleanup levels for unrestricted land use.

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:

Matthew Morris
SWRO Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

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 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. Pursue an agreed order to develop a work plan for interim action, conduct additional site characterization activities, prepare a remedial investigation and feasibility study (RI/FS), and prepare a draft cleanup action plan (DCAP) for the Site.;
2. Oversee the completion of the remediation of the Site.

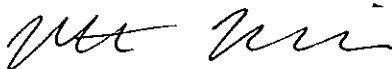
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

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 (360) 407-7529 or matthew.morris@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Matthew Morris
SWRO Toxics Cleanup Program

MM/ksc:Final PLP Status Letter 05112016

Enclosures: 2

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

By certified mail: (91 7108 2133 3939 7792 4053)

cc: Marian Abbett, P.E., Ecology
Rebecca S. Lawson, P.E., LHG, Ecology
Robin McPherson, Office of the Attorney General
Lisa Hendriksen, Port of Longview

PLP Waiver Form Template

Mr. Norman Krehbiel, PE
Interim Chief Executive Officer
Port of Longview
10 Port Way
Longview, WA 98632-1019

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I Norman Krehbiel, a duly authorized representative of Port of Longview, do hereby waive the right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept status of Port of Longview as a Potentially Liable Person at the following contaminated site:

- Site Name: Port of Longview
- Site Address: 10 Port Way Longview, WA 98632-1019
- Cleanup Site ID: 9152
- Facility/Site ID: 42978181

By waiving this right, Port of Longview makes no admission of liability.

Signature

Date

Relation to the Site: Owner

