



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 30, 2017

Ms. Polly L. McNeill
Summit Law Group
315 Fifth Ave. S., Suite 1000
Seattle, WA 98104

Re: Final Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** Central Waterfront
- **Site Address:** Located between I&J Waterway and Whatcom Waterway, off Roeder Avenue, in Bellingham, Washington
- **Cleanup Site ID:** 3418
- **Facility/Site ID:** 2864
- **Whatcom County Assessor's Parcel Numbers:** 3802254893420000 & 3802254613250000

Dear Ms. McNeill:

On August 15, 2017, the Department of Ecology (Ecology) sent Mr. Paul Razore written notice of our preliminary determination that Sanitary Service Company is a potentially liable person (PLP) for a release of hazardous substances at the Central Waterfront facility (Site). On September 14, 2017, the 30-day comment period on our preliminary determination expired. On September 13, 2017, Ecology received your written notice accepting Sanitary Service Company's status as a PLP for the Site and waiving its opportunity to comment.

Based on available information, Ecology finds that credible evidence exists that Sanitary Service Company is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Sanitary Service Company is a PLP with regard to the Site.

Please note that Ecology's Preliminary Determination of Liability letter dated August 15, 2017 inadvertently omitted G-P West and the Olivine Corporation from the list of previously identified PLPs.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures



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that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for the Sanitary Service Company to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Sanitary Service Company's rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Brian Sato, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Brian Sato at (425) 649-7265 or brian.sato@ecy.wa.gov.

Sincerely,



Robert W. Warren, P.Hg., MBA
Section Manager
Toxics Cleanup Program, NWRO

By certified mail: [9171 9690 0935 0163 8405 33]

cc: John Level, Office of the Attorney General
Paul Razore, Sanitary Service Company
Amy Kraham, City of Bellingham
Ben Howard, Port of Bellingham
Mark Schneider, Perkins Coie LLP
Corky Smith, Olivine Corporation
Allan Bakalian, Zeno Bakalian P.S.
G-P West
Chevron
Ecology Site File