



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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October 30, 2017

Mr. Mark Schneider  
Perkins Coie LLP  
1201 Third Avenue Suite 4900  
Seattle, WA 98101-3099

C/O Puget Sound Energy

**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 Number:** 3802255093260000

Dear Mr. Schneider:

On August 15, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Puget Sound Energy (PSE) 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 comments, including a request for information regarding "credible evidence" on which Ecology is basing its determination. As previously explained in Ecology's August 15, 2017 Preliminary Determination letter, PSE is a current owner or operator of part of a facility, the Central Waterfront Site. Releases of hazardous substances have taken place at the Site, as detailed in the draft Remedial Investigation/Feasibility Study (RI/FS), dated August 2017, prepared by Anchor QEA, LLC on behalf of the Port of Bellingham is available on Ecology's FTP webpage at <ftp://www.ecy.wa.gov/> in the "Central Waterfront" folder. Please note again that this ftp site automatically removes folders about every two weeks. Please contact Brian Sato if you would like the document reloaded on the ftp site. Alternatively, the RI/FS is now also available on Ecology's Central Waterfront webpage at [bit.ly/CentralWaterfront](http://bit.ly/CentralWaterfront).

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



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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 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 PSE 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)).

Your 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](mailto: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 40]

cc: John Level, Office of the Attorney General  
Amy Kraham, City of Bellingham  
Ben Howard, Port of Bellingham  
Paul Razore, Sanitary Service Company  
Polly McNeill, Summit Law Group  
Corky Smith, Olivine Corporation  
Allan Bakalian, Zeno Bakalian P.S.  
G-P West  
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Ecology Site File