



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 14, 2010

Mr. Stephen L. Anderson
Deputy City Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011

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

- Name: Bothell Former Hertz Facility AKA AARENCO
- Address: 18030 Bothell Way NE, Bothell 98011
County Assessor's Parcel Number 9457200050
- Facility/Site No.: 11687976 (UST/LUST database)

Dear Mr. Anderson:

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

1. The City of Bothell (Bothell) owns the property at 18030 Bothell Way NE, Bothell (King County Tax Parcel No. 9457200050). In 2008 the City of Bothell purchased this property, along with several other downtown properties, for a highway realignment project (Bothell Crossroads).

King County Assessor Real Property Records
http://www5.kingcounty.gov/kcgisreports/property_report.aspx?PIN=9457200050



2. In 2008, HWA Geo Sciences conducted Phase I and Phase II environmental site assessments for Perteet Engineering and the City of Bothell for this property. Copies of these reports were submitted by the City of Bothell to Ecology in a letter dated December 30, 2009.
3. A number of reports document the release and presence of hazardous substances released into the environment at the Site. These documents are available at Ecology's Northwest Regional Central Records Office:

DLH Environmental Consulting, 1993, Underground Storage Tank Removal and Decommissioning, WDOE Report Number N12100 for AA Rentals, dated May 14, 1993.

DLH Environmental Consulting, 1993, Underground Storage Tank Removal and Decommissioning, WDOE Report Number 005294 for AA Rentals, dated September 10, 1993.

DLH Environmental Consulting, 2001, Letter to Washington Department of Ecology, RE:
AA Rental of Bothell, dated October 19, 2001.

DLH Environmental Consulting, 2002, Letter to Washington Department of Ecology, RE:
Former AA Rental of Bothell, dated October 24, 2001.

DLH Environmental Consulting, 2007, Letter to Roger Odegard, RE: 18030 Bothell Way
NE, dated September 13, 2007.

Environmental Associates, Inc., May 28, 1998, Phase I Environmental Audit, Bothell Landing Shopping Center, Bothell, Washington.

HWA Geosciences, Inc., October 8, 2008, Phase I Environmental Site Assessment,
Hertz Rentals Property, Bothell, Washington. HWA Project No. 2007-098-22,
prepared for the City of Bothell.

HWA Geosciences, Inc., October 10, 2008, Phase II Environmental Site Assessment,
Hertz Rentals Property, Bothell, Washington. HWA Project No. 2007-098-241,
prepared for the City of Bothell.

Washington Department of Ecology, 1990, Letter to AA Rentals, dated October 22, 1990.

Washington Department of Ecology, 2001, Letter to Landland Realty Services,
RE: AA
Rental of Bothell, dated October 9, 2001.

4. Several contaminants are currently known to exceed cleanup levels and pose a potential threat to human health or the environment.

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:

Jerome B. Cruz, Ph.D., L.G., L.H.G.
NWRO Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

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.

July 14, 2010

Page 4

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following action under MTCA:

1. Begin discussions with the named PLP on entering into an Agreed Order to complete an Interim Remedial Action, Remedial Investigation/Feasibility Study (RI/FS), and draft Cleanup Action Plan (dCAP) to determine the nature and extent of contamination associated with the Site, and evaluate remedial actions necessary for the Site.

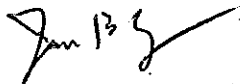
For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

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 call me at (425) 649-7094. Thank you for your cooperation.

Sincerely,



Jerome B. Cruz, Ph.D., L.G., L.H.G.
NWRO Toxics Cleanup Program

jc/kp

By certified mail 7009 2820 0001 7154 8271

Enclosures: 2

PLP WAIVER

Mr. Stephen L. Anderson
Deputy City Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I, Stephen L. Anderson, a duly authorized representative of the City of Bothell, 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 the City of Bothell as a Potentially Liable Person at the following site:

- Name: Bothell Former Hertz Facility AKA AARENCO
- Address: 18030 Bothell Way NE, Bothell 98011
County Assessor's Parcel Number 9457200050
- Facility/Site No.: 11687976 (UST/LUST database)

This waiver is solely for purposes of entering into an Agreed Order. By waiving this right, the City of Bothell makes no admission of liability.

Signature

Date

Relation to the Site (i.e., owner or operator)