



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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February 8, 2018

Ms. Jennifer Phillips
City Manager
City of Bothell
18415 - 101st Avenue NE
Bothell, WA 98011

Re: Ultra Custom Care Cleaners Site, Agree Order No. DE 9704

Dear Ms. Phillips:

Thank you for your January 31, 2018 letter notifying the Department of Ecology that on March 16, 2017, the City of Bothell sold property within the currently identified boundary of the Ultra Custom Care Cleaners MTCA site to Bothell Hotel, LLC. We received your letter on February 1, 2018.

As you acknowledge, the City's conveyance of property within the site boundaries violated Section VIII.O of Agreed Order No. DE 9704, which the City signed in 2013. Section VIII.O addresses transfers of interests in property and requires the City to notify Ecology at least 30 days before the City's transfer of an interest in any portion of the site. You indicate that the City's sale to Bothell Hotel, LLC closed on March 16, 2017. This means that the City had to provide notice to Ecology by February 14, 2017, a deadline the City missed by almost a year, thereby depriving Ecology of a timely opportunity to consider the implications of the sale and review the transactional documents prior to closing. This is true even if, as you suggest, the transactional documents contain terms that comply with other portions of Section VIII.O.

Your letter requests that Ecology not name the purchaser and current owner of the property, Bothell Hotel, LLC, as a PLP at the site. WAC 173-340-500(1) states that Ecology "shall" issue a PLP status letter to any person it believes to be potentially liable based on credible evidence. Ecology *Policy 500A: Identification of Potentially Liable Persons* states in Section 5 that when Ecology is supervising remedial actions by PLPs under an order, Ecology will identify additional PLPs if Ecology receives credible evidence that a person is liable. In Section 6, the policy states that when searching for PLPs under Section 5, Ecology's search "must be sufficient to identify at least the current owners and operators of the real property within the site where the release or threatened release occurred." The practical benefits of naming the current owner as a PLP



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include establishing a working relationship between Ecology and the owner and reducing the odds of future delays.

Thank you for your efforts to address the environmental issues as the City revitalizes its downtown area. If I can provide any additional information, please don't hesitate to contact me at 425-649-0754.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Warren". The signature is fluid and cursive, with a large initial "R" and "W".

Robert W. Warren
Section Manager
Northwest Regional Office, Toxics Cleanup Program

cc: Anne Essko, AGO
Sunny Becker, Ecology