



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 5, 2018

Shane C. DeGross
BNSF Railway
605 Puyallup Avenue
Tacoma, WA 98421

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

- **Site Name:** Reserve Silica Corporation
- **Site Address:** 2600 Black Diamond & Ravensdale Road, Ravensdale, WA 98051
- **Cleanup Site ID:** 4728
- **Facility/Site ID:** 2041
- **County Assessor's Parcel Number(s):** 3522069018, 3522069046, 3622069138, 3622069065, 0121069010, 0121069011, 0121069012, 0121069002

Dear Mr. DeGross:

On January 23, 2018, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that BNSF Railway is a potentially liable person (PLP) for a release of hazardous substances at the Reserve Silica Corporation facility (Site). On February 28, 2018, the 30-day comment period on our preliminary determination expired. On February 27, 2018, Ecology received your written comments.

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

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 the BNSF Railway 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




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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, Madeline Wall, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Madeline Wall at 425-649-7015 or madeline.wall@ecy.wa.gov.

Sincerely,



Peter Christensen
Section Manager
Waste 2 Resources Program, NWRO

By certified mail: [9171 9690 0935 0132 1890 69]

cc: Marisa Floyd, Reserve Silica, Inc.
Keith W. Dearborn, Schwabe Williamson & Wyatt
Ryan Godwin, Schwabe Williamson & Wyatt
Curtis Middleton, Holcim (US) Inc.
Jodie Earle, Holcim (US) Inc.
Gregory A. Jacoby, McGavick Graves, P.S.
Jonathan Thompson, Office of the Attorney General
Madeline Wall, Department of Ecology
Ecology Site File