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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 2, 2018

Ms. Tasya Gray, LG
DOF Dalton, Olmsted & Fuglevand
10827 NE 68th St., Suite B
Kirkland, WA 98033

Re: Ecology Response to DOF Proposed Schedule for Response to Ecology Comments

- **Site Name:** Taylor Way and Alexander Avenue Fill Area (TWAAFA)
- **Site Address:** 1500 Block Taylor Way E, Tacoma, Washington,
- **Draft Agreed Order:** DE14260
- **Facility/Site No.:** 1403183
- **Cleanup Site ID No.:** 4692

Dear Ms. Gray:

Thank you for your letter dated March 5, 2018, with your proposed schedule for responding to The Department of Ecology's (Ecology) comment letter on the draft Data Gaps Work Plan for the Site. We have reviewed your proposed schedule and agree with it, with the following conditions:

- Ecology does not accept the footnote stating that the schedule is "contingent on authorization of the work by the Port of Tacoma." Liability under the Model Toxics Control Act (MTCA) is not only strict but also joint and several. Ecology expects the Data Gaps Work Plan to be revised and finalized as set forth in the proposed schedule regardless, and will not approve any additional extension requests absent a showing of good cause within the meaning of Section VIII.I.2 of draft Agreed Order No. DE 14260.
- By email dated December 27, 2017, the PLP Group committed to responding "to both Ecology's [Agreed Order] text and draft work plan comments within 45 days of receipt of Ecology's draft work plan comments." To date, Ecology has not received the PLP Group's response to Ecology's most recent draft of the Agreed Order, transmitted by email on July 27, 2017. As previously explained by Assistant Attorney General Caroline Cress in emails dated November 27, 2017, and January 2, 2018, it is Ecology's understanding and expectation that Agreed Order negotiations proceed in parallel with preparation of the Data Gaps Work Plan. Accordingly, given the extended schedule for finalization of the Work Plan, Ecology expects to receive the PLP Group's response to

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the draft Agreed Order no later than April 25, 2018. Pursuant to Washington Administrative Code (WAC)173-340-530(5), Ecology expects to conclude Agreed Order negotiations within sixty (60) days of receiving that response.

Please let us know as soon as possible your available dates for the technical meeting (bullet #2 of your letter).

If you have any questions, please contact me at (360) 407-6247 or via e-mail at steve.teel@ecy.wa.gov.

Sincerely,

SS Teel

Steve Teel, LHG
Cleanup Project Manager/Hydrogeologist
Toxics Cleanup Program
Southwest Regional Office

By Certified Mail: 91 7199 9991 7037 7521 2806

cc: (via electronic mail)
Robert Healy, Senior Manager, Environmental Programs, Port of Tacoma
Scott Hooton, Project Manager, Port of Tacoma
William Beck, Senior Project Manager, Stericycle Environmental Solutions
Brenda Anderson, Senior Environmental Manager, Schnitzer Steel Industries, Inc.
Clint Babcock, Director Operations, Glenn Springs Holdings, Inc.
Kim Seely, Coastline Law Group, PLLC
Andy Maloy, Stericycle Environmental Solutions
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Mark M. Myers, Williams Kastner
Robert F. Bakemeier, Bakemeier Law Firm (Bakemeier, P.C.)
Caroline Cress, Office of the Attorney General
Rebecca Lawson, Ecology
Nick Acklam, Ecology
Sheila Coughlan, Ecology

Date: May 2, 2018

T M:

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