



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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July 10, 2018

Mr. Robert Code
Fox Avenue Building, L.L.C.
6900 Fox Avenue South
Seattle, WA 98108

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

- **Site Name:** Whitehead Tye
- **Site Address:** 730 S Myrtle Street, Seattle, 98108
- **Cleanup Site ID:** 12115
- **Facility/Site ID:** 9809
- **King County Assessor's Parcel Number(s):** 2734100270

Dear Mr. Code:

On October 18, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Fox Avenue Building, L.L.C. is a potentially liable person (PLP) for a release of hazardous substances at the Whitehead Tye facility (Site). On November 18, 2017, the 30-day comment period on our preliminary determination expired. On November 13, 2017, Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment.

Based on available information, Ecology finds that credible evidence exists that Fox Avenue Building, L.L.C. is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Fox Avenue Building, L.L.C. 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 Fox Avenue Building, L.L.C. 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



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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, Maureen Sanchez, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Maureen Sanchez at 425-649-7254 or maureen.sanchez@ecy.wa.gov.

Sincerely,



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

By certified mail: [9171 9690 0935 0206 7581 46]

cc: Koalani Kaulukukui-Barbee, Office of the Attorney General
Ecology Site File