

Sent w/ model agreed order



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

~~XXXXXX~~ • PO Box 47775 • Olympia, Washington 98504-7775 • ~~(206) 753-2953~~

August 5, 1994

CERTIFIED MAIL

Donald Oline
1940 Marine View Drive
Tacoma, Washington 98422

RE: NOTICE OF POTENTIAL LIABILITY FOR THE RELEASE OF HAZARDOUS
SUBSTANCES UNDER THE MODEL TOXICS CONTROL ACT.

Dear Mr. Oline:

As we discussed over the telephone on August 2, I am providing this notice of potential liability for the automobile shredder residue at 2150 Marine View Drive.

Chapter 70.105D RCW, the Model Toxics Control Act (MTCA), requires the Department of Ecology to provide written notice to all persons it believes to be potentially liable for the release of hazardous substances.

It is Ecology's understanding that you, Donald Oline, are the owner and operator of property adjacent to the Hylebos Waterway at 2150 Marine View Drive, in Tacoma, Washington. Credible evidence exists that a release of a hazardous substance has occurred at this site. The evidence supporting these findings is as follows:

- 1) Shredder residue material within waterway bank, tide flats, and test pits was observed and photographed by Ecology inspectors on July 29, 1992, June 8, 1993, and other occasions.
- 2) Samples of the material obtained by Ecology inspectors on September 8, 1992 contained elevated levels of heavy metals, including cadmium, copper, lead, and zinc. PCBs were also present at elevated levels.

As a result of this evidence, you have been identified as a potentially liable person for the release at the site.

Under MTCA, you have thirty (30) calendar days from the receipt of this letter to submit written comments to Ecology on your proposed status as a potentially liable person (PLP). Following a review of those comments, Ecology will make a final written determination of your PLP status.



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In the interest of expediting this process without admitting liability, you may wish to accept your status as a PLP by waiving your right to the thirty day notice and comment period. This may be accomplished by signing and returning the enclosed form or sending a letter containing similar information to Ecology.

If you are aware of any other persons who may be potentially liable for the release at this site, Ecology encourages you to provide us with their identity and the reason you believe they are potentially liable. Please include copies of any supporting documentation you may have including receipts, bills of lading, contracts, etc.

As we discussed on the telephone on August 2, Ecology intends to issue an Agreed Order to govern investigation and cleanup actions at the site. This will include requirements for investigating the extent of the waste, evaluating impacts to surface and ground water, soils and sediments, providing a plan for cleaning up the site, and conducting the cleanup. I am sending you a "model" agreed order to give you an idea of the overall framework. Within the next several weeks, I will draft a specific agreed order and provide it to you for your comment. If any other liable parties are identified, they may also have the opportunity to review and comment on the order.

Enclosed, please find a copy of Chapter 70.105D RCW and Chapter 173-340 WAC for your information.

If you have any questions, please contact me at (206) 407-6260.

Sincerely,



Joyce Mercuri
Urban Bay Inspector/Site Manager
Southwest Regional Office
Toxics Cleanup Program

JM:ak
Enclosure

CC: Tom Morrill - AG