



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

February 2, 2004

General Metals, Inc.
c/o Mark M. Myers
Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380

Dear Mr. Myers,

RE: Determination of Potentially Liable Person (PLP) Status

On September 29, 2003 the Department of Ecology (Ecology) sent written notice regarding the proposed status of Schnitzer Steel, Inc. as a potentially liable person (PLP) for a release of hazardous substances at the Occidental Chemical Marine View Drive site (Site). Ecology received your comment letter dated October 27, 2003, and has considered the same in making the following determinations with respect to the site.

Ecology sent a copy of the current Site files to you November 20, 2003. The evidence that Ecology has used to consider potential liability is included within those materials, plus physical evidence known to exist at the Site.

1. At this point in time and based upon your comments, Ecology does not believe credible evidence exists to make a determination that Schnitzer Steel, Inc. is a PLP. However, credible evidence does support a finding that General Metals of Tacoma, Inc. (General Metals) is a PLP for this Site, as provided below, and any future correspondence or actions pertinent to this Site will therefore address General Metals.
2. It would appear, based on information generated to date, that the most significant portion of the environmental problems on the site, both quantitatively and qualitatively, are the result of the presence of the Occidental sludge that was placed there. It has never been Ecology's position that General Metals has any relationship to those contaminants. However, there are other contaminants present (particularly metals) that are not consistent with what has traditionally been found associated with the solvent sludge. These contaminants are consistent with contaminants found in auto shredder residue (ASR) that has been remediated from other sites. Refuse visible on the Site is physically consistent with ASR cleaned up elsewhere.

3. Ecology (and EPA) have been involved with several ASR cleanups in the area. We are not aware of any other operations other than General Metals that generated this type of waste material in the Tacoma area. Mr. Don Oline has provided a written statement to Ecology that the ASR on this site came from General Metals and was placed there by him, as has been the case with other ASR cleanup sites.
4. General Metals waste impact on the Site may, based on what we know at this time, be less than some of the other parties. Ecology may, at its discretion, consider expediting settlement with General Metals if General Metals' contribution to contamination is found to be insignificant in amount and toxicity per RCW 70.105.040(4)(A). At this point in time, any discussion of settlement along these lines is premature as insufficient information exists regarding the nature and extent of the ASR contamination, and of each PLP's relative contribution to contamination. Generally, Ecology encourages multiple parties to work out equitable settlements between themselves.

Based on the information available to date, Ecology finds that credible evidence exists which support General Metals status as a potentially liable person for the release at the Site. On the basis of this finding, Ecology has determined that General Metals is a Potentially Liable Person (PLP) with regard to the Site.

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology's site manager for the facility, Marv Coleman, will contact you with information about how the Department intends to proceed with the cleanup at this site.

If you have any questions regarding this notice, please contact Marv Coleman at (360) 407-6259; mcol461@ecy.wa.gov.

Since sending the preliminary PLP notices we have determined the following additional persons are PLPs for the site:

SRS Properties
c/o Guy Sternal
Eisenhower and Carlson PLLC
120 Pacific Ave., Suite 1200
Tacoma, WA 98402
(253) 572-4500

Don Oline
1940 Marine View Dr.
Tacoma, WA 98422
(253) 627-1943