



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

CERTIFIED MAIL

February 2, 2004

Occidental Chemical Co.
c/o Robert F. Bakemeier
Bakemeier, P.C.
7525 S.E. 24th Street, Suite 610
Mercer Island, Washington 98040

Dear Mr. Bakemeier,

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 Glenn Springs Holdings, Inc. (Glenn Springs) as a potentially liable person (PLP) for a release of hazardous substances at the Occidental Chemical Marine View Drive site (Site).

The 30 day comment period on this preliminary notice expired on October 28, 2003. In your October 30, 2003 comment letter you waived the right to thirty (30) days notice and comment and accepted the status of Occidental Chemical Corporation (Occidental) as a PLP for this Site, clarifying that Occidental and not Glenn Springs should be named a PLP.

At this point in time and based upon your comments, Ecology does not believe credible evidence exists to make a determination that Glenn Springs is a PLP. Based on the information available to date, Ecology does find that credible evidence exists to support Occidental's status as a PLP for the release at the Site. On the basis of this finding, Ecology has determined that Occidental is a PLP with regard to the Site, and any future correspondence or actions pertinent to this Site will therefore address Occidental.

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.

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

General Metals, Inc.
c/o Mark Myers
Williams, Kastner and Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6611

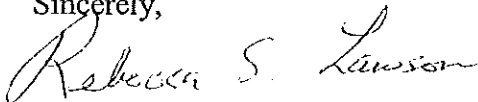
Ecology suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up this Site.

As a final note, Ecology has considered your request to change the name of the Site. Under the circumstances, Ecology does not feel that a change to the name of the Site as listed is warranted, and feels such a change would spend administrative resources that would be better utilized to further the cleanup of the Site. Ecology maintains records of sites in several files and a variety of data bases. Additionally, other regulatory agencies use the same name. Unless there is a compelling reason (e.g. discovering that a site is misnamed for a person totally unconnected to the site) Ecology does not generally change site names once it has been in the records.

Ecology has also considered your suggestion that Asarco be named a PLP, and Ecology will be happy to review any evidence indicating that Asarco may be a PLP. If you have any information to indicate that Asarco is responsible for the slag and arsenic found on this Site in particular, please feel free to provide Ecology with this information. I would encourage you to give us notice of any facts you have at your earliest convenience.

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

Sincerely,



Rebecca S. Lawson, P.E.
Regional Section Manager
Southwest Regional Office
Toxics Cleanup Program

MLC/RSL-ksc:020204 OXYMVDplp Bakemeier

cc: Guy Sternal for SRS Properties
Mark Meyer for General Metals, Inc.
Don Oline
Kristie Carevich, AAG
Lisa Pearson, Ecology
Robert Warren, Ecology
Marv Coleman, Ecology