



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 18, 2019

Janet Frentzel
Vice President, Global Environmental and Engineering
Prologis, Inc.
Pier 1, Bay 1
San Francisco, California 94111

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

- **Site Name: Emerald Gateway**
- **Site Address: 3301 South Norfolk Street, Seattle, WA**
- **Cleanup Site ID: 6584**
- **Facility/Site ID: 73338176**

Dear Janet Frentzel:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Prologis-Exchange 3301 South Norfolk LLC liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Emerald Gateway Property facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a “potentially liable person” or “PLP.”

This letter identifies the basis for Ecology’s proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Prologis-Exchange 3301 South Norfolk LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Prologis-Exchange 3301 South Norfolk LLC is the property owner as indicated by the Special Warranty Deed recorded in King County, Washington, November 2016.
2. The presence of hazardous substances in soil and groundwater at the subject property is documented in the following reports:



- Dalton, Olmsted, and Fuglevand, Inc, Status Report - Unified Grocers UST Cleanup, 3301 South Norfolk Street, Seattle, WA. VCP Project No. NW1807. August 14, 2014.
 - Dalton, Olmsted, and Fuglevand, Inc, Status Report – NW Auto Wrecking Cleanup, 10230 East Marginal Way South, Tukwila, WA. VCP Project No. NW1812. August 14, 2014.
 - Farallon Consulting, L.L.C., Remedial Investigation, Focused Feasibility Study, and Cleanup Action Plan, 3301 South Norfolk Street and 10100, 10200, and 10230 East Marginal Way South, Seattle/Tukwila, Washington. January 29, 2019.
 - Terra Associates, Inc. Site Remediation, Old “Humble Oil” Service Station, 10056 E. Marginal Way South, Tukwila, Washington. April 22, 1991.
3. The above reports documented releases of petroleum hydrocarbons and associated compounds of benzene, toluene, ethylbenzene, and xylene (BTEX), polycyclic aromatic hydrocarbons (PAHs) and metals have occurred on the Site. Some of these releases exceed MTCA soil and groundwater cleanup levels and pose a threat to human health and the environment.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology’s proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Jing Liu
NWRO Toxics Cleanup Program
3190 160th Avenue Southeast
Bellevue, Washington 98008-5452

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Ecology requires that Prologis-Exchange 3301 South Norfolk LLC conduct a remedial investigation and feasibility study as described in WAC 173-340-350 in a manner that complies with all requirements of MTCA chapter 1730-340 WAC. This remedial investigation and feasibility study must be completed prior to conducting cleanup action at the site.
2. Ecology invites Prologis-Exchange 3301 South Norfolk LLC to enter into negotiations for an Agreed Order that will govern the completion of the aforementioned remedial investigation and feasibility study.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Janet Frentzel
April 18, 2019
Page 4

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 425-649-4310 or jliu461@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Jing Liu
Site Manager
Toxics Cleanup Program, NWRO

Enclosures (2)

1. Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites (#94-129)
2. PLP Waiver Form

By certified mail: 9171 9690 0935 0214 2159 52

ecc: Robert Warren, Ecology NWRO
Tamara Cardona-Marek, Ecology NWRO
Andy Fitz, Office of the Attorney General
William F. Joyce, Joyce Ziker Parkinson, PLLC
Pete Kingston, Farallon Consulting, L.L.C.
Scott Allin, Farallon Consulting, L.L.C.
Ecology Site File