



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 19, 2018

Sandra L. Forman
M.A.P. #2 LLC
UBI 602494880
805 80th Street SW
Everett, WA 98203-6216

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

- **Site Name:** Weyerhaeuser Everett Mill E
- **Site Address:** 515 E. Marine View Dr., Everett, Washington
- **Cleanup Site ID:** 2903
- **Facility/Site ID:** 12
- **Snohomish County Parcel #'s:** 29051600200500

Dear Sandra L. Forman:

On January 27, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that M.A.P. #2 LLC (MAP #2) is a potentially liable person (PLP) for a release of hazardous substances at the Weyerhaeuser Everett Mill E facility (Site). On March 28, 2017, Ecology received your written notice refuting your status as a PLP for the Site.

Based on the information outlined in Ecology's January 27, 2017 letter, Ecology finds that credible evidence exists that MAP #2 is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that MAP #2 is a PLP with regard to the Site.

Your March 28 letter outlines certain reasons on your refuting of PLP status. You contend that your ownership, and cooperation with Weyerhaeuser Company (Weyerhaeuser) to comply with the existing Consent Decree for interim actions on the Site, does not mean that you have participated in any active or inactive releases at the Site. However, as explained in Ecology's January 27, 2017 letter, the existing Consent Decree did not resolve cleanup liability for all areas, environmental media, and hazardous substances associated with releases at the Site. Thus, compliance with that Consent Decree does not imply the Site fully meets the requirements of the Model Toxics Control Act (MTCA). Ecology is aware that there is contamination on the Site



Sandra L. Forman
November 19, 2018
Page 2

that has not been fully investigated or cleaned up. Therefore, MAP #2, as owner, is fully responsible under MTCA for conducting any remaining necessary remediation work on 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 MAP #2 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 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, Ronald W. Timm, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Ronald Timm at (425) 649-7185 or ronald.timm@ecy.wa.gov.

Sincerely,



Robert W. Warren
Section Manager
Toxics Cleanup Program, NWRO

By certified mail: 9171 9690 0935 0204 6835 49

cc: Michael Dunning, Perkins Coie
Andy Fitz, Office of the Attorney General
Ecology Site File