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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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February 13, 2020

Jackie Flowers
Tacoma Public Utilities
PO Box 11007
Tacoma, WA 98411

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

- **Site Name:** Riffe Lake (a.k.a. Kosmos Town Site)
- **Site Address:** Lat: 46.493972, Long: -122.189072
- **Facility/Site ID:** 61559576
- **Cleanup Site ID:** 9890
- **County Assessor's Parcel Number(s):** 030775001000

Dear Jackie Flowers:

On January 7, 2020, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that the City of Tacoma, Tacoma Public Utilities (TPU) is a potentially liable person (PLP) for a release of hazardous substances at the Kosmos Town Site Lumber Mill at the Riffe Lake facility (Site). On February 10, 2020, the 30-day comment period on our preliminary determination expired. As of February 10, 2020, Ecology had not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that City of Tacoma, Tacoma Public Utilities is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that TPU is a PLP with regard to 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 (Revised Code of Washington [RCW] chapter 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 TPU 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 Washington Administrative Code (WAC).

On February 5, 2020, Ecology's Toxics Cleanup Program submitted a draft Agreed Order to TPU's legal counsel, Tom Morrill, which requires reporting of independent remedial actions results, conducting and submitting reports, and completing a Remedial Investigation and Feasibility Study for the Site. On February 7, 2020, Ecology's Southwest Regional Office Director, staff from the Toxics Cleanup, Spill Prevention, Preparedness, and Response, and Water Quality programs met with TPU representatives and their consultant to discuss project coordination, Ecology oversight and project review status, and next steps. We look forward to working with TPU through the Agreed Order negotiations and a successful and complete cleanup progress.

If you have any questions regarding this notice, please contact the cleanup project manager, Craig Rankine, at 360-690-4795 or craig.rankine@ecy.wa.gov.

Sincerely,



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

CR/tm

By certified mail: 9489 0090 0027 6092 9868 60

cc: John Level, Office of the Attorney General (by email)
Craig Rankine, Ecology, Vancouver (by email)
Andy Smith, Ecology, Lacey (by email)
Ecology Site File