



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 10, 2020

Lisa Lefebber, Chief Executive Officer
Port of Everett
1205 Craftsman Way
Everett, WA 98201-1588

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

- **Site Name:** Kimberly-Clark Worldwide
- **Site Address:** 2600 Federal Avenue, Everett, WA
- **Cleanup Site ID:** 2569
- **Facility/Site ID:** 9
- **County Assessor's Parcel Number(s):** 29051900201100, 29051900201500, 29051900201000, 29051900200900, 29051900300200, 29051900300201, 29051900300100, 00597761801000, 00597761803000, 00597761800600, 00437461700200, 29051900201300, 00597761800102, and 00597761803901

Dear Lisa Lefebber:

On January 22, 2020, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that the Port of Everett is a potentially liable person (PLP) for a release of hazardous substances at the Kimberly-Clark Worldwide facility (Site). On February 22, 2020, the 30-day comment period on our preliminary determination expired. As of March 10, 2020, Ecology has not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that the Port of Everett is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that the Port of Everett 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 (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 the

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Port of Everett 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, Andrew Kallus, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Andrew Kallus at (360) 407-7324 or Andrew.Kallus@ecy.wa.gov.

Sincerely,



Barry Rogowski
Section Manager
Toxics Cleanup Program (Headquarters)

By certified mail: 9489 0090 0027 6086 6405 25

cc: John, Level, ATG
Ecology Site File