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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 9, 2020

Jim Broadlick
Bellevue Investors I LLC
505 5th Ave S #900
Seattle, WA 98104
JimBr@vulcan.com

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

- **Site Name:** Bellevue Plaza Solvent Plume
- **Site Address:** 117 106th Avenue NE, Bellevue WA 98004
- **Cleanup Site ID:** 15145
- **Facility/Site ID:** 60393
- **County Assessor's Parcel Number(s):** 154410-0352, 154410-0353

Dear Jim Broadlick:

On June 15, 2020, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Bellevue Investors I LLC (Bellevue Investors) is a potentially liable person (PLP) for a release of hazardous substances at the Bellevue Plaza Solvent Plume facility (Site). On August 15, 2020, the extended comment period on our preliminary determination expired. On August 14, 2020, Ecology received your written comments.

Ecology appreciates the information contained in your response letter, but does not accept all of the assertions of Bellevue Investors included in that letter. Ecology does not agree with the characterization of the Site as consisting solely of Bellevue Investors property and areas where contamination from Bellevue Investors property has migrated, and that Bellevue Investors is not liable for any contamination that has moved onto their property from other properties. In accordance with the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, all PLPs who have contributed to the Site are jointly and severally liable, and while there may be evidence to support a plume clause defense, or other basis for allocation of liability among the PLPs, the site is not yet adequately characterized and it is too early to assess such evidence.

Based on available information, Ecology finds that credible evidence exists that Bellevue Investors is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Bellevue Investors is a PLP with regard to the Site.

The purpose of MTCA is to identify, investigate, and clean up 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 Bellevue Investors 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, Michael Warfel, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Michael Warfel by phone at (425) 324-1892 or by email at michael.warfel@ecy.wa.gov.

Sincerely,



Robert W. Warren
Section Manager
Toxics Cleanup Program, NWRO

cc: Nels Johnson, Office of the Attorney General, (nels.johnson@atg.wa.gov)
Michael Dunning, Perkins Coie, (MDunning@perkinscoie.com)
Michael Warfel, Ecology, (michael.warfel@ecy.wa.gov)
Ecology Site File