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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 10, 2020

Eric Johnson
Executive Director
Port of Tacoma
One Sitcum Plaza
Tacoma, WA 98421

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

- **Site Name:** Sound Mattress & Felt Co
- **Site Address:** 1940 E 11th St, Tacoma, Pierce County, WA 98421
- **Cleanup Site ID:** 1615
- **Facility/Site ID:** 1232087
- **County Assessor's Parcel Number(s):** 2275200661, 2275200633, & 6965000502

Dear Eric Johnson:

On September 15, 2020, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Port of Tacoma is a potentially liable person (PLP) for a release of hazardous substances at the Sound Mattress & Felt Co facility (Site). On October 16, 2020, the 30-day comment period on our preliminary determination expired. As of October 20, 2020, Ecology had not received any written comments from you.

Based on available information, Ecology finds that credible evidence exists that Port of Tacoma is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Port of Tacoma 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) 70A.305.040 (2)).¹ 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 Port of Tacoma to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with

¹<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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 70A.305.050 (1)).²

Your rights and responsibilities as a PLP are outlined in chapter 70A.305 RCW,³ and chapters 173-340⁴ and 173-204⁵ Washington Administrative Code (WAC).⁶ Ecology's cleanup project manager for the Site, Sandy Smith, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Sandy Smith, Cleanup Project Manager at (360) 999-9588 or sandy.smith@ecy.wa.gov.

Sincerely,



Marian L. Abbett, P.E.
Acting Section Manager
Toxics Cleanup Program, Southwest Region

By certified mail: 9489 0090 0027 6086 8814 78

cc: Robert Healy, Port of Tacoma
Andy Smith, Ecology
Sandy Smith, Ecology
Ecology Site File

²<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.050>

³<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁵ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340>

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=173-204>