



Toxics Cleanup Program

Procedure 500A: Identification of Potentially Liable Persons

Established: July 1, 1991

Revised: May 1, 2016

Contact: Policy & Technical Support Unit, Headquarters

Purpose: This Procedure provides Ecology staff step-by-step instructions on how to identify potentially liable persons under the Model Toxics Control Act. Policy 500A provides staff general guidance on identifying potentially liable persons.

References: [RCW 70.105D.020](#) (22) and (26)
[RCW 70.105D.040](#)
[WAC 173-340-500](#)
[TCP Policy 500A: Identification of Potentially Liable Persons](#)
[U.S. EPA Superfund PRP Search Manual](#)

Attachments: A – Checklist of Potential Information Sources for PLP Search
B – Elements of Preliminary PLP Status Letter
C – Preliminary PLP Status Letter Template
D – Combined Early Notice and Preliminary PLP Status Letter Template
E – PLP Waiver Form Template
F – Final PLP Status Letter Template: Determine PLP
G – Final PLP Status Letter Template: No PLP Determination
H – Final PLP Status Letter Template: Defer PLP Determination
I – Notice of Additional PLPs Letter Template

Disclaimer: This Procedure is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this Procedure depending on site-specific circumstances, or modify or withdraw this Procedure at any time.

Approved by: _____
James J. Pendowski, Program Manager
Toxics Cleanup Program

Accommodation Requests: To request ADA accommodation, including materials in a format for the visually impaired, call Ecology's Toxics Cleanup Program at 360-407-7170. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Cleanup Project Manager	<ol style="list-style-type: none"> 1. Conducts search for potentially liable persons (PLPs) in consultation with their Section Manager and, as appropriate, with Assistant Attorney General (AAG) assigned to the site. See Attachment A for a checklist of potential information sources. 2. Identifies PLPs to be notified. 3. Prepares and issues Preliminary PLP Status letter to PLPs. For a checklist, see Attachment B. For templates, see Attachments C and D.
PLP	<ol style="list-style-type: none"> 4. Within thirty (30) days of receipt of Preliminary PLP Status letter, either: <ol style="list-style-type: none"> a. Accepts status as a PLP and waives right to notice and opportunity to comment by submitting written notice to Ecology (see Attachment E for a form); b. Challenges status as a PLP by submitting written comments to Ecology; or c. Chooses not to comment on status as a PLP.
Cleanup Project Manager	<ol style="list-style-type: none"> 5. Reviews PLP comments and discusses with Section Manager and, as appropriate, with assigned AAG. 6. Prepares Final PLP Status letter for Section Manager. For templates, see Attachments F through H. 7. If applicable, also prepares Notice of Additional PLPs letter for Section Manager. For template, see Attachment I.
Section Manager	<ol style="list-style-type: none"> 8. Signs the Final PLP Status letter and, if applicable, the Notice of Additional PLPs letter.
Cleanup Project Manager	<ol style="list-style-type: none"> 9. Issues the signed Final PLP Status letter to PLP. 10. If applicable, issues the signed Notice of Additional PLPs letter to previously identified PLPs.
Cleanup Project Manager or Assigned Staff	<ol style="list-style-type: none"> 11. Retains record of PLP search and correspondence with the PLP in the site file. 12. Arranges for relevant information to be entered into the Integrated Site Information System (ISIS) and Document Storage and Retrieval System (DSARS), and updates site web page, if applicable.

References

- Environmental Protection Agency. (2009 edition with 2011 addendum). *Superfund PRP search manual*. (EPA Publication No. 330-K-09-001A). Washington, D.C.: EPA, Office of Enforcement and Compliance Assurance and Office of Site Remediation Enforcement. Retrieved from <https://www.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>
- Hazardous Waste Cleanup—Model Toxics Control Act. WASH. REV. CODE § Chapter 70.105D RCW. (2013). Retrieved from: <http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105D>
- Model Toxics Control Act—Cleanup Regulation. WASH. ADMIN CODE § Chapter 173-340 WAC. (2013). Retrieved from: <http://apps.leg.wa.gov/wac/default.aspx?cite=173-340>
- Washington State Department of Ecology. (2016). *Toxics Cleanup Program Policy 500A: Identification of potentially liable persons*. (Ecology Publication No. 16-09-051). Lacey, WA: Ecology, Toxics Cleanup Program. Retrieved from: <https://fortress.wa.gov/ecy/publications/summarypages/1609051.html>

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Attachment A

Checklist of Potential Information Sources for PLP Search

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Checklist of Potential Information Sources for PLP Search

Listed below are potential sources of information to identify persons who may be potentially liable for a release of hazardous substances. A description of all reviewed records should be identified and placed in the site file.

1. Business license search.
2. Vehicle/heavy equipment license search.
3. Factory-built housing registration search.
4. Court records search.
5. Regulatory records/Permits search.
6. Business records search, including:
 - a. Invoices.
 - b. Hazardous waste manifests.
 - c. RCRA manifests.
 - d. SARA Title III records.
 - e. County solid waste plans.
 - f. Contracts with lessors, lenders, suppliers, generators, or transporters.
 - g. Employee records.
 - h. Accident reports.
 - i. Insurance documents.
 - j. Tax records.
 - k. Technical data or reports.
 - l. Materials handling or maintenance reports.
 - m. Photographs.
 - n. Notes, memos, letters, or other written correspondence.
 - o. Utility billings.
 - p. Secretary of State and Department of Revenue records.
7. Interviews with government officials.
8. Interviews with employees, PLPs, and neighbors.
9. Post signs on property to request information.
10. Place advertisements in the newspaper requesting information.
11. Search newspaper archives for articles relating to the facility or owner/operator.
12. Issue information request letters.
13. Review of county assessor records for current owners. County auditor property records should also be reviewed for mortgage holders, right of way & easement holders, and lien holders.
14. Review of non-governmental records of previous property uses and ownership.
Examples of such records are POLK business directories, Sanborn maps, publications in a local library, historical museum records, and old phone books.

Note: The U.S. Environmental Protection Agency (U.S. EPA) *Superfund PRP Search Manual* (U.S. EPA Publication No. 330-K-09-001A) provides additional information on how to conduct a PLP search. The manual is available at: <http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>.

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Attachment B

Elements of Preliminary PLP Status Letter

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Elements of Preliminary PLP Status Letter

The preliminary potentially liable person (PLP) status letter must include the following:

1. The identity of the PLP;
2. A general description of the facility's location;
3. The basis for the Department of Ecology's (Ecology) belief that the person has a relationship to the facility and is a PLP under [RCW 70.105D.040](#) and [RCW 70.105D.020](#)(22) and (26).
4. A description of the credible evidence that supports Ecology's belief that a release or threatened release of a hazardous substance has occurred at the facility and that the release or threatened release poses a threat to human health or the environment.
5. An indication of Ecology's immediate intentions regarding enforcement or other actions at the facility;
6. The names and addresses of other persons to whom Ecology has sent a status letter;
7. The name and telephone number of the Ecology contact;
8. A brief explanation of the process; and
9. A statement of the statutory authority ([WAC 173-340-500](#)(2)).

The preliminary PLP status letter must be sent by certified mail, return receipt requested, or by personal delivery ([WAC 173-340-500](#)(1)).

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Attachment C

Preliminary PLP Status Letter Template

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]
[PLP COMPANY]
[STREET ADDRESS]
[CITY, STATE] [POSTAL CODE]

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

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find [COMPANY NAME] liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the [CLEANUP SITE NAME] facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find [COMPANY NAME] liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

[ADDRESSEE]

[DATE]

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1. [DEFINE RELATIONSHIP OF PLP TO THE SITE (e.g., owner or operator) AND PROVIDE EVIDENCE THAT DOCUMENTS THAT RELATIONSHIP].
2. [PROVIDE EVIDENCE THAT RELEASE OR THREATENED RELEASE OF HAZARDOUS SUBSTANCES HAS OCCURRED AT THE SITE].
3. [PROVIDE EVIDENCE THAT THE RELEASE OR THREATENED RELEASE POSES A THREAT TO HUMAN HEALTH OR THE ENVIRONMENT].

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

[CLEANUP PROJECT MANAGER NAME]
[REGION ABBREVIATION] Toxics Cleanup Program
[ADDRESS OF REGIONAL OFFICE]

After reviewing any comments submitted, or after 30 days (if no response has been received), Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

Ecology [HAS NOTIFIED / WILL BE NOTIFYING] the following additional persons that they [MAY BE / ARE] potentially liable for the release of hazardous substances at the Site:

1. [COMPANY NAME].
2. [CONTINUE LIST].

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe

[ADDRESSEE]

[DATE]

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they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. [LIST ACTIONS THAT ECOLOGY INTENDS TO CONDUCT OR REQUIRE AT THE SITE (e.g., site hazard assessment) AND WHETHER ECOLOGY INTENDS TO INITIATE DISCUSSIONS FOR AN ORDER OR DECREE].
2. [CONTINUE LIST].

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at [PHONE NUMBER] or [EMAIL ADDRESS]. Thank you for your cooperation.

Sincerely,

[INSERT ELECTRONIC SIGNATURE. USE TIFF IMAGE.]

[NAME]

[ADDRESSEE]

[DATE]

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Cleanup Project Manager
Toxics Cleanup Program, [REGION]

Enclosures (2)

[ENCLOSE THE FOLLOWING DOCUMENTS:

1. FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION:
PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (#94-129)
2. PLP WAIVER FORM TEMPLATE]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]

Attachment D

Combined Early Notice and Preliminary PLP Status Letter Template

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]

[PLP COMPANY]

[STREET ADDRESS]

[CITY, STATE] [POSTAL CODE]

Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the [CLEANUP SITE NAME] facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This determination is based on an Initial Investigation conducted on [DATE]. Ecology has added the Site to its list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find [COMPANY NAME] liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP." This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

[ADDRESSEE]

[DATE]

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Ecology is proposing to find [COMPANY NAME] liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. [DEFINE RELATIONSHIP OF PLP TO THE SITE (e.g., owner or operator) AND PROVIDE EVIDENCE THAT DOCUMENTS THAT RELATIONSHIP].
2. [PROVIDE EVIDENCE THAT RELEASE OR THREATENED RELEASE OF HAZARDOUS SUBSTANCES HAS OCCURRED AT THE SITE].
3. [PROVIDE EVIDENCE THAT THE RELEASE OR THREATENED RELEASE POSES A THREAT TO HUMAN HEALTH OR THE ENVIRONMENT].

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

[CLEANUP PROJECT MANAGER NAME]

Toxics Cleanup Program, [REGION]

[ADDRESS OF REGIONAL OFFICE]

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

Ecology [HAS NOTIFIED / WILL BE NOTIFYING] the following additional persons that they [MAY BE / ARE] potentially liable for the release of hazardous substances at the Site:

1. [COMPANY NAME].
2. [CONTINUE LIST].

[ADDRESSEE]

[DATE]

Page 3

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Ecology may either conduct, or require PLPs to conduct, remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. [LIST ACTIONS THAT ECOLOGY INTENDS TO CONDUCT OR REQUIRE AT THE SITE (e.g., site hazard assessment) AND WHETHER ECOLOGY INTENDS TO INITIATE DISCUSSIONS FOR AN ORDER OR DECREE].
2. [CONTINUE LIST].

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Site Listing

Ecology has added the Site to its list of confirmed and suspected contaminated sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

[ADDRESSEE]

[DATE]

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If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at [PHONE NUMBER] or [EMAIL ADDRESS]. Thank you for your cooperation.

Sincerely,

[INSERT ELECTRONIC SIGNATURE. USE TIFF IMAGE.]

[NAME]

Cleanup Project Manager
Toxics Cleanup Program, [REGION]

Enclosures (3)

[ENCLOSE THE FOLLOWING DOCUMENTS:

1. FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION: PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (#94-129)
2. PLP WAIVER FORM TEMPLATE
3. SITE LISTING INFORMATION]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]

Attachment E
PLP Waiver Form Template

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PLP Waiver Form Template

[PLP SIGNATORY]
[PLP COMPANY]
[STREET ADDRESS]
[CITY, STATE] [POSTAL CODE]

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I [NAME], a duly authorized representative of [COMPANY NAME], do hereby waive the right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept status of [COMPANY NAME] as a Potentially Liable Person at the following contaminated site:

- Site Name: [CLEANUP SITE NAME]
- Site Address: [CLEANUP SITE ADDRESS]
- Cleanup Site ID: [CLEANUP SITE NUMBER]
- Facility/Site ID: [FACILITY/SITE NUMBER]
- [OPTIONAL: County Assessor's Parcel Number(s): [NUMBERS]]

By waiving this right, [COMPANY NAME] makes no admission of liability.

Signature

Date

Relation to the Site: [for example, owner or operator]

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Attachment F

Final PLP Status Letter Template: Determine PLP

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]

[PLP COMPANY]

[STREET ADDRESS]

[CITY, STATE] [POSTAL CODE]

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

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

On [DATE], the Department of Ecology (Ecology) sent you written notice of our preliminary determination that [COMPANY NAME] is a potentially liable person (PLP) for a release of hazardous substances at the [CLEANUP SITE NAME] facility (Site). On [DATE], the 30-day comment period on our preliminary determination expired. [On [DATE], Ecology received your written comments.] OR [As of [DATE], Ecology had not received any written comments from you.] OR [On [DATE], Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment.]

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

[ADDRESSEE]

[DATE]

Page 2

actions to take place at this Site. Ecology will contact you regarding the actions necessary for the [COMPANY NAME] 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, [NAME], will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact [CLEANUP PROJECT MANAGER NAME] at [PHONE NUMBER] or [EMAIL ADDRESS].

Sincerely,

[INSERT ELECTRONIC SIGNATURE AFTER ROUTING TO SECTION MANAGER FOR APPROVAL. USE TIFF IMAGE.]

[NAME]

Section Manager

Toxics Cleanup Program, [REGION]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]

Attachment G

Final PLP Status Letter Template: No PLP Determination

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]

[PLP COMPANY]

[STREET ADDRESS]

[CITY, STATE] [POSTAL CODE]

Re: No Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

On [DATE], the Department of Ecology (Ecology) sent you written notice of our preliminary determination that [COMPANY NAME] is a potentially liable person (PLP) for a release of hazardous substances at the [CLEANUP SITE NAME] facility (Site). On [DATE], the 30-day comment period on our preliminary determination expired. [On [DATE], Ecology received your written comments.] OR [As of [DATE], Ecology had not received any written comments from you.]

Based on available information, Ecology does not find that credible evidence exists that [COMPANY NAME] is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that [COMPANY NAME] will not be considered a PLP with regard to the Site. This determination does not preclude Ecology from later establishing that [COMPANY NAME] is a PLP. This determination is subject to change should additional information be received.

We thank you for your cooperation in this matter. If you have any further information about the release or questions about this notice, please contact the cleanup project manager for this Site, [NAME], at [PHONE NUMBER] or [EMAIL ADDRESS].

[ADDRESSEE]

[DATE]

Page 2

Sincerely,

[INSERT ELECTRONIC SIGNATURE AFTER ROUTING TO SECTION MANAGER FOR APPROVAL. USE TIFF IMAGE.]

[NAME]

Section Manager

Toxics Cleanup Program, [REGION]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]

Attachment H

Final PLP Status Letter Template: Defer PLP Determination

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]

[PLP COMPANY]

[STREET ADDRESS]

[CITY, STATE] [POSTAL CODE]

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

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

On [DATE], the Department of Ecology (Ecology) sent you written notice of our preliminary determination that [COMPANY NAME] is a potentially liable person (PLP) for a release of hazardous substances at the [CLEANUP SITE NAME] facility (Site). On [DATE], the 30-day comment period on our preliminary determination expired. [On [DATE], Ecology received your written comments.] OR [As of [DATE], Ecology had not received any written comments from you.]

Based on the information available at this time, Ecology has determined that it will not make a final determination that [COMPANY NAME] is a PLP for a release of hazardous substances at the Site. This determination does not preclude Ecology from later establishing that [COMPANY NAME] is a PLP. This determination is subject to change should additional information be received.

We thank you for your cooperation in this matter. If you have any further information about the release or questions about this notice, please contact the cleanup project manager for this Site, [NAME], at [PHONE NUMBER] or [EMAIL ADDRESS].

[ADDRESSEE]

[DATE]

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Sincerely,

[INSERT ELECTRONIC SIGNATURE AFTER ROUTING TO SECTION MANAGER FOR APPROVAL. USE TIFF IMAGE.]

[NAME]

Section Manager

Toxics Cleanup Program, [REGION]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]

Attachment I

Additional PLPs Notice Letter Template

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

[DATE]

[PLP SIGNATORY]
[PLP COMPANY]
[STREET ADDRESS]
[CITY, STATE] [POSTAL CODE]

Re: Notice of Additional Potentially Liable Persons at the following Contaminated Site:

- **Site Name:** [CLEANUP SITE NAME]
- **Site Address:** [CLEANUP SITE ADDRESS]
- **Cleanup Site ID:** [CLEANUP SITE NUMBER]
- **Facility/Site ID:** [FACILITY/SITE NUMBER]
- **[OPTIONAL: County Assessor's Parcel Number(s):** [NUMBERS]]

Dear [PLP SIGNATORY]:

On [DATE] the Department of Ecology (Ecology) notified you that we had determined [COMPANY NAME] is a potentially liable person (PLP) at the [CLEANUP SITE NAME] facility (Site).

Since that notice we have determined the following additional persons are PLPs at the Site:

1. [COMPANY NAME].
2. [CONTINUE LIST].

Ecology suggests you contact these other PLPs to discuss how you can jointly work together to most efficiently clean up the Site.

If you have any questions regarding this letter, please contact the cleanup project manager for the Site, [NAME], at [PHONE NUMBER] or [EMAIL ADDRESS].

Sincerely,

[ADDRESSEE]

[DATE]

Page 2

[INSERT ELECTRONIC SIGNATURE AFTER ROUTING TO SECTION MANAGER FOR APPROVAL. USE TIFF IMAGE.]

[NAME]

Section Manager

Toxics Cleanup Program, [REGION]

By certified mail: [##### ##### ##### #####] [SEND LETTER BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, OR BY PERSONAL DELIVERY]

cc: [OTHER EXTERNAL PERSONS, IF ANY]
[ASSIGNED AAG], Office of the Attorney General
Ecology Site File

[UPON MAILING LETTER, SECTION ADMINISTRATIVE ASSISTANT:

1. CONVERTS TO PDF AND UPLOADS INTO DSARS.
2. EMAILS DSARS LINK TO SECTION MANAGER AND CPM.
3. SENDS COPY TO SECTION RECORDS MANAGER FOR FILING.]