

WAC 173-340-500 Determination of status as a potentially liable

person. (1) **Status letter.** The department shall issue a potentially liable person status letter to any person it believes to be potentially liable as provided for in RCW 70A.305.020(26), unless an emergency requires otherwise. Persons will be notified when the department has credible evidence of their potential liability under RCW 70A.305.040 and when the department is ready to proceed with remedial action except for emergencies and initial investigations. The status letter shall be sent by certified mail, return receipt requested, or by personal service.

(2) **Contents of letter.** The status letter shall provide:

(a) The name of the person the department believes to be potentially liable;

(b) A general description of the location of the facility;

(c) The basis for the department's belief that the person has a relationship to the facility;

(d) The basis for the department'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;

(e) An indication of the department's intentions regarding enforcement or other actions at the facility; and

(f) The names of other persons to whom the department has sent a status letter.

(3) **Opportunity to comment.** Any comments shall be submitted in writing to the department within 30 days from the date of receipt by the potentially liable person of the status letter unless the department provides an extension.

(4) **Determination of status.** If after reviewing any comments submitted, the department concludes that credible evidence supports a finding of potential liability, then the department shall issue a determination of potentially liable person status.

(5) **Voluntary waiver.** Persons may accept status as a potentially liable person at any time through a voluntary waiver of their right to notice and comment.

(6) **Additional potentially liable persons.** The department reserves the right to notify additional potentially liable persons at any time, and as resources permit, will facilitate potentially liable persons' efforts to identify additional potentially liable persons. The department shall notify in writing, all persons who previously received a status letter for the facility whenever additional status letters have been sent.

[Statutory Authority: Chapters 70A.305 and 70A.355 RCW. WSR 23-17-159 (Order 18-09), § 173-340-500, filed 8/23/23, effective 1/1/24. Statutory Authority: Chapter 70.105D RCW. WSR 90-08-086, § 173-340-500, filed 4/3/90, effective 5/4/90.]