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DEPARTMENT OF ECOLOGY
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April 21, 2021

John Cooke
Attorney, Houlihan Law
100 North 35th Street
Seattle, WA 98103
JT@houlihan-law.com

Re: Abitibi Mill Master Planned Development Comprehensive Plan and Zoning Code Change

- **Site Name:** Abitibi Consolidated Sales Corporation
- **Site Address:** 4302 Chambers Creek Road, Steilacoom, Pierce County, WA 98388
- **Facility Site ID No.:** 57759125
- **Cleanup Site ID No.:** 2884

Dear John Cooke:

On March 29, 2021, the Department of Ecology (Ecology) commented on the determination of non-significance for the Abitibi Mill Master Planned Development Comprehensive and Zoning Code Change (City of Steilacoom State Environmental Policy Act Notice # 202101242).

Ecology would like to inform you that the majority of the property proposed for comprehensive plan zoning designation changes is a toxic cleanup site as cited above, where hazardous substances have been released to the environment. The cleanup of this toxic site is regulated under the Washington Model Toxics Control Act (MTCA), chapter 70A.305¹ Revised Code of Washington (RCW), and implementing regulations contained in chapter 173-340² Washington Administrative Code (WAC). As stated above, the Abitibi Consolidated Sales Corporation (ACSC) site has been designated by Ecology as Cleanup Site ID 2884 and Facility Site ID 57759125. To search and access information concerning this site see [All Cleanup Sites in Washington State](#) and [Cleanup sites - Washington State Department of Ecology](#)

Following the Site investigations, site cleanup was conducted in 2006. However, some residual soil and groundwater contamination was left in place following remedial actions. As a result, an Environmental Covenant (EC) was recorded on the Property on March 31, 2010, in Pierce County. The EC granted by ACSC to Ecology runs with the land and conveys to Ecology full

¹ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A-305>

² <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340>

right of enforcement of the rights conveyed under the EC pursuant to MTCA, RCW 70A.305.030(1)(g)³ and the Uniform Environmental Covenants Act (UECA), RCW 64.70⁴. The EC covers Parcels 0220294007 and 0220294025 (formerly parcel 0220294002). A copy of EC 2010003310170 is included with this letter. The Covenant prohibits any activity on the property that may result in the release or exposure to the environment of a hazardous substance, or that may create a new exposure pathway, without prior written approval from Ecology. Under chapter 70A.305⁵ RCW, Ecology has the right to require additional or different remedial actions at the site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions.

Ecology recommends that you do the following actions:

- You must coordinate with and assist Ecology with evaluations of the sufficiency of previous and potential future remedial actions on the site that Ecology may deem necessary.
- You must coordinate with Ecology as appropriate during planning and development to be sure proposed plans conform to the requirements of the environmental covenant, and are protective of human health and the environment.
- You must notify Ecology in writing 30-days in advance, and coordinate with Ecology for obtaining prior written approval of any onsite activities involving environmental sampling; ground disturbing activities; or alteration, removal, or demolition of onsite structures. Typically, Ecology will require a detailed proposal or a work plan for its review and approval prior to starting of any field activity.
- If results of environmental sampling indicate contaminant concentrations above MTCA cleanup levels, cleanup will be required prior to the property development.

For assistance and information about project review and subsequent site actions, please contact me at (360) 999-9603.

Tacoma Smelter Plume

In addition to the above, the Property (Abitibi Mill) is located in an area that may have been contaminated with heavy metals due to the air emissions originating from the Old Asarco smelter in north Tacoma (visit Ecology's Tacoma Smelter Plume (TSP) map search tool: <https://apps.ecology.wa.gov/dirtalert/>).

Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Children are at especially high risk from direct contact exposure to contaminated soil. Construction workers, landscapers and others who work in the soils are also at risk. As part of the TSP, the following actions must be conducted prior to starting of any property development:

- Sample the soil as per the Tacoma Smelter Plume Guidance. Analyze all soil samples for arsenic and lead. Please contact Eva Barber with the Southwest Regional Office (SWRO), Toxics Cleanup Program at (360) 999-9593 or via email at Barber@ecy.wa.gov for guidance about soil sampling within TSP.

³ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.305.030>

⁴ <https://apps.leg.wa.gov/rcw/default.aspx?cite=64.70>

⁵ <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A-305>

- If arsenic and/or lead, found at concentrations above the MTCA cleanup levels, appropriate cleanup must be conducted and obtain a no further action (NFA) letter prior to starting of any property development. For obtaining an NFA letter, please enter into Ecology's Voluntary Cleanup Program (VCP). For more information on the VCP, visit Ecology website at

<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>.

If you have any questions regarding this letter, please call me at (360) 999-9603.

Sincerely,



Panjini Balaraju
Toxic Cleanup Program
Southwest Regional Office

cc by email: Andy Zabel, Houlihan Law, Andy@houlihan-law.com
Rand Bellar, HDG LP, rhb513@gmail.com
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Ecology Site File