



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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May 5, 2021

Mr. Dan Stahl ([DStahl@PortofLongview.com](mailto:DStahl@PortofLongview.com))  
Chief Executive Officer  
Port of Longview  
10 International Way  
Longview, WA 98632

**Subject: The Port of Longview's comments on the draft Cleanup Action Plan (dCAP) for the Maintenance Facility Area (MFA), Former International Paper Facility, Port of Longview, Longview, Washington, Cleanup Site ID# 3685**

Dear Dan Stahl:

Thank you for your comment letter of March 8, 2021 on the draft CAP for the MFA. The Department of Ecology's (Ecology) responses to your comments are given below.

Comment: *"The Port generally concurs with the dCAP, but again comments that the remediation utilize in-situ soil stabilization (ISS) methods only for the nonaqueous phase liquid (NAPL) impacted by soils. The Port asserts that ISS is inappropriate for soils that exceed cleanup levels that are not impacted by NAPL."*

Ecology response: Comment noted.

Comment: *"If the dCAP retains the unnecessary use of ISS for soils not impacted by NAPL, the Port will require an agreement to recover costs when development occurs outside of Zones 1 and 2 within the MFA to reimburse the Port, and Cowlitz County citizens, for the future costs of managing extra ISS materials."*

Ecology response: Comment noted. Ecology recognizes that potentially liable parties (PLPs) under the Model Toxics Control Act have the right to seek to recover remedial action costs from each other. However, Ecology does not address such PLP cost recovery agreements in Ecology CAPs.

Comment: *"The dCAP outlines generally the schedule of implementation for both soil and groundwater cleanup."*

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Ecology response: As a next step, Ecology would like to work with Port staff and International Paper to develop a detailed schedule for the scope of work for implementation of the remedy for the MFA. Ecology anticipates that the schedule will be incorporated into the administrative mechanism that will require the implementation of the CAP.

Comment: *“IP will need an access agreement with the Port and Ecology to implement the cleanup on Port property.”*

Ecology response: The Port and International Paper will need to negotiate an access agreement for implementation of the remedy in the MFA. Ecology’s access to the MFA will be addressed in the legal mechanism (agreed order, consent decree, or other mechanism) that implements the remedy for the MFA.

Comment: *“Furthermore, any pilot test and soil and groundwater cleanup implementation will have significant impacts on Port operations. These impacts include, but are not limited to the following: ...”*

Ecology response: Ecology will work with the Port staff and International Paper so that the impacts found in the bullets to your March 8 letter are addressed in the schedule for implementation of the remedy for the MFA, as well as in the engineering design report for the cleanup action plan.

Comment: *“Such costs incurred by the Port, as outlined above, should be IP project costs and not borne by the Port. Ecology and IP will have to work closely with the Port on implementation logistics to ensure all impacts are mitigated and that any costs are either paid by IP or reimbursed to the Port.”*

Ecology response: Comment noted. Ecology recognizes that PLPs have the right to recover costs from each other, but that will not be addressed in the CAP for the MFA. Also, as noted in the previous comment, Ecology will work with the Port staff and International Paper so that these impacts are addressed in the schedule for implementation of the remedy for the MFA.

Comment: *“The Port understands that IP’s implementation of the cleanup action will require a legal mechanism such as an Agreed Order or Consent Decree, and that the Port may be required to be a party to that agreement. The Port will need to evaluate what type of agreement will be most protective of the Port. The Port encourages Ecology and IP to allow enough time in their process for all parties to come to mutual agreement on the form of the implementation instrument. Further, this instrument will need full support and approval of the Port Commission.”*

Ecology response: Comment noted.

Thank you again for your comment letter. We will be contacting you soon to begin discussions on the schedule for implementation of the scope of work in the dCAP. Please contact me if you have any questions about Ecology’s responses.

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Sincerely,

A handwritten signature in black ink that reads "Kaia Petersen". The signature is written in a cursive, flowing style.

Kaia Petersen

Department of Ecology

Hazardous Waste and Toxics Reduction

Southwest Regional Office

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