



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 13, 2023

Peter and Irene Sing
P.O. Box 1691
McCleary, WA 98557

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

- **Site Name:** Former Grays Harbor Pulp and Paper Mill
- **Site Address:** 801 23rd Street, Hoquiam, WA
- **Cleanup Site ID:** 2498, 577, 2676, 2614, 1172, 2262, 10440, 1255, 2282
- **Facility/Site ID:** 36, 86233618, 34, 34737386, 68393196, 44124741, 76276679
37438132, 33
- **County Assessor's Parcel Number(s):** 056400200300, 056400200100,
051202800000, 056400100400, 055206200000, 055206100002, 055205600400,
055206000002, 055206400002, 056400200202, 056400200201, 056411300000,
056409000000, 517101311000

Dear Peter and Irene Sing:

On March 24, 2023, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that you are a potentially liable person (PLP) for a release of hazardous substances at the Former Grays Harbor Pulp and Paper Mill (Site). Ecology met with you in person on April 11, 2023 to discuss the preliminary determination. On April 28, 2023, the 30-day comment period on our preliminary determination expired. Ecology did not receive any written comments from you during the comment period.

On June 5, 2023, Ecology sent you a final determination that you are a PLP for the release of hazardous substances at the Site. Ecology received your written comments which you emailed and postmarked on June 6, 2023. Your written comments asked Ecology to reconsider the final determination issued on June 5, 2023.

Under Revised Code of Washington, RCW 70A.305.040(1)(a) the current owner of a site where hazardous substances have come to be located is liable with respect to the site, unless that person can demonstrate that a defense applies.

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The fact that a prior owner released hazardous substances is not a defense, by itself. Lack of knowledge or reason to know of the presence of the hazardous substances at the time the facility was acquired can be a defense to liability, but the burden is on the purchaser to show by a preponderance of the evidence that the person undertook, at the time of acquisition, all appropriate inquiry into previous ownership and uses of the property consistent with good commercial and customary practice in an effort to minimize liability (RCW 70A.305.040(3)(b)).

Your comments do not provide sufficient evidence to reach this conclusion. Therefore, Ecology's June 5, 2023 determination remains unchanged.

Based on available information, including your ownership of a portion of the Site, Ecology finds that credible evidence exists you are liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that you are 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 actions to take place at this Site. At this time, Ecology intends to negotiate the terms of the Agreed Order only with Rayonier Advanced Materials, Inc. and Rayonier A.M. Properties, LLC (collectively, "RYAM"). Ecology anticipates that RYAM will contact you in order to request access rights for your property that is part of the Site. Access to the property will allow RYAM to investigate contamination on the property.

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, Emily Toffol, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Emily Toffol at 360-790-8363 or emily.toffol@ecy.wa.gov.

Sincerely,



James DeMay, P.E.

Industrial Section Manager

Solid Waste Management Program

By certified mail: 9489-0090-0027-6383-8991-07

cc: Jonathan Thompson, Office of the Attorney General