



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 10, 2023

Kathryn Navarro, Registered Agent
Simpson Investment Company
1301 5th Ave, Suite 2700
Seattle, WA 98101

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

- **Site Name:** WestRock Tacoma
- **Site Address:** 801 E Portland Ave Tacoma, WA 98421
- **Cleanup Site ID:** 16842
- **Facility/Site ID:** 39

Dear Kathryn Navarro:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find the Simpson Investment Company liable under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, for the release of hazardous substances at the WestRock Tacoma 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 the Simpson Investment Company liable under RCW 70A.305.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. A division of the Simpson Investment Company, the Simpson Tacoma Kraft Company purchased the Site from Champion International in 1985. The Simpson Tacoma Kraft Company owned and operated the site until 2014 when they sold the property to RockTenn CP, LLC (RockTenn).

2. A letter from Ecology to Simpson Tacoma Kraft Company dated June 16, 1988 stated that Ecology observed that lime had spilled over an asphalt berm on to the bank of the Puyallup River.
3. An internal Ecology memorandum dated October 28, 1990 stated that on August 27, 1990, Simpson Tacoma Kraft Company discharged 20-30 gallons of Bunker C oil to the Puyallup River.
4. On August 1, 1996 Simpson Tacoma Kraft Company reported that approximately 500 gallons of 93% sulfuric acid escaped containment and onto soil (Environmental Report Tracking Incident 103738).
5. On November 1, 1996 Simpson Tacoma Kraft Company reported that the north strong black liquor tank suffered a complete failure and over 100,000 gallons of black liquor spilled from the tank instantaneously. Black liquor spilled over a retaining wall and approximately 100 feet of the Puyallup River shoreline was sprayed (Environmental Report Tracking Incident 104207).
6. In 2014, WestRock CP, LLC (WestRock) performed sediment sampling near their wastewater outfall required by WestRock's National Pollutant Discharge Elimination System Permit. A Department of Ecology Memorandum dated October 21, 2016, titled "RockTenn Tacoma Mill (NPDES Permit WA 000085-0; FSID: 39) Sediment Data Report, November 20, 2014 Draft" states that, based on the increase in dioxin/furan toxic equivalency value (TEQ) measured in sediments between a 2004 sampling event and the 2014 sampling event, an exceedance of the recommended cleanup criterion for total dioxin/furan TEQ is likely in the next 1-2 permit cycles (5-10 years). As of the issuance of this letter, WestRock has not performed any subsequent sampling.
7. The pulp and paper mill on the Site was constructed in 1928. The pulp and paper mill was operated prior to the existence of environmental regulations, including the 1976 Resource Conservation and Recovery Act (RCRA), the 1986 Emergency Planning and Community Right-to-Know Act (EPCRA), and the 1988 MTCA initiative. Prior to these regulations, it is unclear if historical releases were reported or documented.

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:

Emily Toffol
Department of Ecology
Solid Waste Management, Industrial Section
PO Box 47600
Olympia, Washington 98504

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 will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. WestRock, the current owner and operate of the Site. WestRock's predecessor, RockTenn became owner and operator of the Site when they purchased the property on which the Site is located from the Simpson Tacoma Kraft Company in 2014. RockTenn merged with MeadWestvaco in 2015 to become WestRock.

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.

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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 70A.305.060 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 initiate a discussion to investigate the Site for potential releases that may impact soil and groundwater.

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 360-790-8363 or emily.toffol@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Emily Toffol
Cleanup Project Manager
Solid Waste Management Program, Industrial Section

Enclosures (2)

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: 9489-0090-0027-6383-8992-75

cc: Derek Threet, Office of the Attorney General
Ecology Site File