



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 13, 2023

Luke Thies
Weyerhaeuser Company
105 Mills Drive
Columbia Falls, MT 59912

Re: Response to September 29, 2023, Weyerhaeuser Company (Weyerhaeuser) letter

Site Name: Weyerhaeuser Mill A Former
Facility/Site ID: 1884322
Cleanup Site ID: 2146

Dear Luke Thies:

The Washington State Department of Ecology (Ecology) has reviewed the letter and memorandum sent by Weyerhaeuser on September 29, 2023, titled "Letter and Memo--Comments on Weyer-Mill A Former Draft RIFS Report - Marine Area". Ecology appreciates the work and feedback that Weyerhaeuser has been contributing to the cleanup process at Weyerhaeuser Mill A Former Site (Mill A).

Below, Ecology has provided responses to Weyerhaeuser's concerns expressed within the September 29, 2023 letter relating to the cleanup process, but not for the Technical Memorandum. Ecology would encourage Weyerhaeuser to direct comments specific to the draft Remedial Investigation (RI)/ Feasibility Study (FS) to the Port of Everett (the Port), not Ecology. This will allow the Port to respond to Weyerhaeuser comments. As needed, Ecology can make determinations on whether the Port's responses to comments are sufficient. If Weyerhaeuser would like its Technical Memorandum "Comments on Weyerhaeuser Mill A Former Draft Remedial Investigation/Feasibility Study Report – Marine Area", to be considered and addressed, please re-issue said memorandum to the Port.

Weyerhaeuser concern 1 (business purpose). Within Weyerhaeuser's letter, concerns were expressed about perceived business needs being included within the cleanup process. Ecology does not agree with this assessment. This cleanup is being performed to remedy contamination present at the site, by addressing the reasonable maximum exposure expected to occur for humans and ecological receptors at the site under current and future site use.

To Ecology's knowledge, there is no existing covenant for this Site, therefore, it is within the Port's rights to pursue any future site use they so choose. The preferred remedy must address risks to humans and ecological receptors for both current and future site use (WAC 173-204-561(2)(b)).

Ecology would like to reassure Weyerhaeuser that, due to the grants awarded to the Port (which preclude the use of funds for business development), Ecology has a vested interest in ensuring funds are not inappropriately spent. Ecology considers this matter closed.

Weyerhaeuser concern 2 (accelerated time frame). The schedule of work, outlined within the Agreed Order (AO) DE 8979, stipulates a 30-day review period for the RI/FS. In addition, both the RI and FS have both independently undergone 30+-day review periods during which Weyerhaeuser had the opportunity to provide comments. Ecology and Weyerhaeuser had a 38-day review period (August 23 – September 29, 2023) for the draft RI/FS, this exceeds the requirements of the AO. Ecology therefore disagrees with Weyerhaeuser’s opinion, expressed in its letter, that an accelerated time frame is being required by Ecology. Instead, Ecology is enforcing a schedule which more closely adheres to the schedule outlined in the scope of work signed by Weyerhaeuser.

Weyerhaeuser concern 3 (prior comments not sufficiently addressed). Ecology does not agree with Weyerhaeuser’s statement that previous comments on the draft FS were not addressed. The Port responded to Weyerhaeuser comments on May 5, 2023, in their document titled “Response to Weyerhaeuser Comment”, on the draft FS. Ecology is satisfied with the responses provided by the Port and considers these Weyerhaeuser’s comments resolved. During the FS review in early 2023, Ecology agreed with the majority of requests by Weyerhaeuser for additional information, figures, and clarity to be added to the draft FS.

Weyerhaeuser concern 4 (equitable allocation). The “equitably allocation of remedial action costs” plays no part in the Ecology decision making process. This is a matter between The Port and Weyerhaeuser and should be treated as such.

Please feel free to follow up with me with any questions or concerns.

Sincerely,



Ryan Hardwick
Department of Ecology
Baywide Coordinator and Site Manager

cc: Michael Dunning, Perkins Coie
Erik Gerking, Port of Everett
Lynn Grochala, Floyd Snyder
John Level, Attorney General Office
Meline MacCurdy, Weyerhaeuser Legal Department
Jessi Massingale, Floyd Snyder
Amy Hargrove, Ecology
Erik Snyder, Ecology