



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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

January 8, 2024

Eric Smith
Jakers Properties LLC
1257 Commerce Ave
Longview, WA 98632-3026

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

- **Site Name: Weyerhaeuser Columbia River Sawmill**
- **Site Address: 645-705 California Way, Longview, WA 98626**
- **Cleanup Site ID: 550**
- **Facility/Site ID: 42885651**
- **County Assessor's Parcel Number: 084620100, 084620101, 084620102, 084620103, 084620104, 084620105, 084620106, 084620107, 084620108, 084620109, 084620110, 084620111, 084620112, 084620113, 084620114, 08449, 08462**

Dear Eric Smith:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Jakers Properties LLC liable under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, as owner of the Weyerhaeuser Columbia River Sawmill facility (Site) where hazardous substances have been released. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

The 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 Jakers Properties LLC liable under RCW 70A.305.040 and RCW 70A.305.020(8) as an owner of the Site, where hazardous substances have been released. This proposed finding is based on the following evidence:

1. Cowlitz County Tax Assessor records establish that Jakers Properties LLC is the current owner of property located at 645 California Way, County assessor's parcel number 08449. According to county assessor records, Jakers Properties LLC acquired the property in 2017. In 2019, Jakers Properties LLC submitted a SEPA environmental checklist to the City of Longview for construction of a new indoor shooting range with parking lot and stormwater treatment facility. The development includes training classrooms, a retail shop, shooting gallery, and undeveloped second story of the building dedicated for future use. The City of Longview issued a determination of nonsignificance on October 10, 2019.
2. Property at the Site was developed and operated as a log storage and lumber milling facility since the 1930s. Weedman Lumber Company developed the property into a sawmill in 1947. Various owners from the 1940s through 1988 operated a sawmill at the property. Weyerhaeuser owned and operated the property from 1974-1986 when the property was sold to N.B. Gardner Jr. Forest Products Inc. In December 1988, Gardner Forest Products defaulted on a payment to Weyerhaeuser and, after several years of litigation, the property ownership reverted to Weyerhaeuser in August 1991.
3. On September 11, 1988, the Ecology and Environment Technical Assistance Team, through EPA Region 10, responded to a woodwaste fire, burning in a portion of the facility where wood treatment chemical had reportedly been dumped. During this investigation, it was discovered that previous Site operators had dumped the contents of an on-site wood treatment dip tank across the woodwaste that covered a majority of the Site. Between 1982-1987, approximately 200 cubic yards of foundry waste and potential asbestos containing material was also likely deposited at the Site, resulting in elevated metals concentrations in soil samples. This led to Ecology placing the Site on the Hazardous Sites List in 1991.
4. Demolition of the sawmill took place between 1991-1992. This included excavation and removal of four underground storage tanks (USTs) and sawmill structures and equipment. Weyerhaeuser also completed independent remedial actions during this time, including removal of foundry waste and bioremediation of petroleum impacted soil in an on-site landfarm.
5. Weyerhaeuser completed an Environmental Site Assessment in 1995 and found that additional remediation was required in two areas of the sawmill: the former lube oil UST and former oil shed. Elevated concentrations of total petroleum hydrocarbons (TPH) and carcinogenic PAHs (cPAHs) were discovered in the soil in these areas above MTCA cleanup levels.
6. Weyerhaeuser and Ecology entered into a Consent Decree, which was filed on May 4, 1998 in the Cowlitz County Superior Court (case No. 98-200612-0). This Consent Decree required Weyerhaeuser to complete remedial action for the petroleum impacted soils.

In accordance with the Consent Decree's Cleanup Action Plan, Weyerhaeuser excavated and landfilled soils with TPH and cPAH concentrations above the identified cleanup level and monitored groundwater at the Site for five years. Soil at the Site was cleaned up to industrial standards with residual contamination left in place in the soil. Weyerhaeuser was required to file an environmental covenant on the Site to restrict all ground water extraction and restrict land use to traditional industrial.

7. The cleanup conducted at the Site left residual soil contamination above MTCA cleanup levels for unrestricted use. An environmental covenant in place restricts land use to traditional industrial. Development of commercial or other MTCA defined unrestricted land uses would pose a threat to human health due to additional exposure pathways not accounted for in the previous remedial actions. Unrestricted land use requires a more rigorous evaluation of the contamination left on site and potential further remedial action.

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:

Sarah Penfield
Department of Ecology
Solid Waste Management Program, Industrial Section
PO Box 47600
Olympia WA 98504-7600

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 as owner of the Site where hazardous substances have been released:

1. KIP Properties

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. 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 residual contamination remaining at the Site, Ecology intends to conduct the following actions under MTCA:

1. Initiate negotiations for an Agreed Order to conduct a data gap assessment and remedial investigation for the Site.

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 360-280-2325 or sarah.penfield@ecy.wa.gov. Thank you for your cooperation.

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, contact Ecology at 360-280-4325 or ecyadacoordinator@ecy.wa.gov. Persons with impaired hearing may call Washington Relay Service at 711. Persons with a speech disability may call TTY at 800-833-6384.

Sincerely,



Sarah Penfield
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: [9489-0090-0027-6383-8994-73]

cc: John Level, Office of the Attorney General
Ecology Site File