



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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

January 17, 2024

International Paper Company
c/o CT Corporation System
711 Capital Way S STE 204
Olympia, WA 98501-1267

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 International Paper Company:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find the International Paper Company (International Paper) 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 International Paper 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. St. Regis Corporation (St. Regis) owned and operated the Site from sometime in the 1930s up until Champion International Corporation (Champion) merged with St. Regis in 1984. Champion owned and operated the site until 1985, when Champion sold the assets of the Site to the Simpson Kraft Company in 1985. International Paper purchased Champion in 2000. International Paper is the successor to

environmental liabilities incurred by St. Regis and Champion during the time St. Regis and Champion were owners and operators of the Site (1930s – 1985).

2. A July 13, 1973 “Plan to Conduct Sludge Bed Survey Adjacent to St. Regis Paper Company’s Kraft Division Mill, Tacoma, Washington” describes a plan to conduct a survey of sludge (cellulose fiber) deposits adjacent to the Site. A February 26, 1974 letter from St. Regis to the Department of Ecology estimates the total volume of the sludge at 3,943.63 cubic yards. Wood waste can create decomposition by-products such as sulfides, ammonia, and phenols which can cause or contribute to toxicity.
3. A letter dated September 29, 1979 from St. Regis to the Department of the Army states that St. Regis had historically used the proposed site for the Secondary Treatment Facility to store wood debris and trash before St. Regis excavated said trash and wood debris. The letter also identifies an area between a pier and a breakwater that had “been used by the mill labor force for the deposit of solid mill waste for many years”. The letter goes on to state that St. Regis discontinued this practice in 1976. These solid waste disposal practices appear to have occurred prior to the regulation of dangerous waste or hazardous waste.
4. An internal Ecology memorandum dated September 30, 1983 shows a large amount of sawdust along the shoreline of the facility. The memorandum notes that Ecology has identified the problem several times over many years. Wood waste can create decomposition by-products such as sulfides, ammonia, and phenols which can cause or contribute to toxicity.
5. St. Regis owned and operated the site beginning in the 1930s, 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. There was little to no regulation of the facility’s wastewater discharges until the 1968 issuance of a permit by the State of Washington Pollution Control Commission. Prior to these regulations, it is unclear if Site owners or operator reported or documented historical releases.

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

1. The Simpson Investment Company. 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. WestRock CP, LCC (WestRock), the current owner and operator 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 8994 97]

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