

COPY



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office

PO Box 47775 • Olympia, WA 98504-7775 • 360-407-6300

October 14, 2024

Matthew Cohn  
USG Corporation

Rodney Brown  
Cascadia Law Group

Re: September 10, 2024 letter to Victoria Banks (AAG) et al. Subject: Thermafiber / NBA AO  
- Tacoma, WA

**Site name:** USG Taylor Way Plant Site  
**Site address:** 2301 Taylor Way Tacoma, 98421  
**Facility/Site ID:** 1260  
**Cleanup Site ID:** 5003

Dear Matthew Cohn and Rodney Brown:

On September 10, 2024, the legal team for USG sent a notice that USG requests a pause in negotiations on the Agreed Order (AO) for the USG Taylor Way Plant Site (Site) in light of the ongoing settlement agreement negotiations between USG and the Port of Tacoma, the potentially liable persons (PLPs). While we encourage the settlement negotiations between the PLPs, the Department of Ecology (Ecology) is not involved with these negotiations and considers any attempt for a settlement to be separate from the work being conducted on the Site and the negotiations between Ecology and the PLPs regarding the Agreed Order. Furthermore, a settlement between the PLPs is not a prescribed outcome with a clear end date.

A first draft of the AO was sent to the PLPs on June 5, 2024. Ecology expects participation in the negotiations for the AO from both PLPs. If a PLP chooses not to participate in the AO negotiations, Ecology will consider additional options for implementing cleanup. For example, Ecology may consider a combination of enforcement order and agreed order as appropriate.

Ecology received comments from The Port on June 11, 2024. On July 10, 2024, Ecology sent a revised draft of the AO incorporating The Port's comments as appropriate. Ecology is willing to allow an extension for comments on the draft agreed order, scope of work, and schedule to October 31, 2024.

Sincerely,



Marian Abbett, PE  
Acting Section Manager  
Toxics Cleanup Program  
Southwestern Regional Office

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