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STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office  
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May 13, 2025

Rand Bellar  
c/o HDG, LP  
801 Second Avenue, Suite 614  
Seattle, WA 98104  
[rhb513@gmail.com](mailto:rhb513@gmail.com)

**Re: Technical Assistance on the Cleanup at the Site**

- **Site Name:** Abitibi Consolidated Sales Corp
- **Site Address:** 4302 Chambers Creek Rd., Steilacoom, WA
- **Facility/Site ID:** 57759125
- **Cleanup Site ID:** 2884
- **VCP Project ID:** SW1848

Dear Rand Bellar:

The Washington State Department of Ecology (Ecology) received your consultant's April 16, 2025 Response to Ecology Opinion (RTEO) on the May 23, 2024 MFA Soil Management Plan – Abitibi Consolidated Sales Corp. (Plan). As such, this letter provides our technical assistance response (TAR) to the April 16, 2025 RTEO under the authority of the [Model Toxics Control Act \(MTCA\)](#),<sup>1</sup> [chapter 70A.305 Revised Code of Washington \(RCW\)](#).<sup>2</sup>

### **Issue Presented and Opinion**

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This TAR is based on an analysis of whether the past and proposed remedial actions meet the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code (WAC) Chapter 173-340 (collectively “substantive requirements of MTCA”).

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<sup>1</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Please also note that additional recommendations regarding existing data sufficiency with respect to the potential Tacoma Smelter Plume (TSP) impacts are being addressed and managed under separate cover from Ecology's TSP Program.

## **Basis for the Opinion**

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This opinion is based on the information contained in the following documents:

1. Maul Foster & Alongi (MFA), Response to Ecology Opinion (RTEO) on MFA 5/23/24 Soil Management Plan, April 16, 2025.
2. MFA, Soil Management Plan – Abitibi Consolidated Sales Corp, 4302 Chambers Creek Road, Steilacoom, WA, May 23, 2024.
3. MFA, Supplemental Metals and Dioxins Characterization Report – Abitibi Consolidated Sales Corp, 4302 Chambers Creek Road, Steilacoom, WA, January 26, 2023.
4. Ecology, Abitibi Consolidated Sales Corp - Letter to Attorney John Cooke, August 25, 2021.
5. Ecology, Letter to Attorney John Cooke/Houlihan Law Re: Abitibi Mill /Houlihan Law, Master Planned Development Comprehensive Plan and Zoning Code Change, April 21, 2021.
6. Landau Associates, Inc., Letter to Ecology Re: Steilacoom School District Maintenance Facility construction on Parcel 7615000022, June 11, 2021.
7. Ecology, Notice of Periodic (5-year) Review Conducted at Abitibi Consolidated Sales Corporation, March 28, 2017.
8. Ecology, First Periodic Review Report Final – Abitibi Consolidated Sales Corp, March 2017.
9. CH2M Hill, Final Remedial Investigation/Feasibility Study Report – Abitibi Consolidated Sales Corporation, April 2007.

You can request these documents by filing a [records request](#).<sup>3</sup> For help making a request, contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or call 360-407-6040. Before making a request, check whether the documents are available on [Ecology's Cleanup Site Search web page](#).<sup>4</sup>

This opinion is void if any of the information contained in those documents is materially false or misleading.

The parcel(s) of real property associated with this Site are also located within the projected boundaries of the Tacoma Smelter Plume facility (FSID #89267963). This opinion does not apply to any contamination associated with the Tacoma Smelter Plume facility although such is being currently evaluated under Ecology's TSP program.

### **Ecology Comments on the MFA RTEO:**

Note: Numbers below correlate with MFA RTEO comments.

#### **A. Phase II ESA (2005) and RI (2007).**

**1. Area A.** Given the presence of the prior operational foundations, basements, construction debris, rubble, geotechnical drilling refusal, and other surfaces being underwater, Ecology concurs with collection of groundwater samples versus soil within Area A and the E&I/Paint/Truck Shop.

**2. Railroad Corridor Sampling.** Ecology's opinion point was that areas of known versus no contamination along segments of the railroad corridor were based on the limited soil sampling conducted to date and should not have been. Ecology concurs with MFA's response that further soil confirmation sampling should be conducted during excavation activities for characterizing either reuse or disposal once the rail lines and ballast are removed.

**3. Conceptual Site Model (CSM).** Ecology concurs with MFA's response.

#### **B. Supplemental Characterization (August 2022).**

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<sup>3</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>4</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/2884>

**4. Dioxin/Furan (D/F) Soil Sampling.** Ecology appreciates that MFA's present scope of work is to perform sampling in support of the development of the former mill operational area. However, Ecology must regulate the entire Site as defined under MTCA as encompassing the nature and lateral/vertical extent of all Site contaminants of concern (COCs) regardless of property boundaries and/or exclusive or specific areas of the Site. The proximity of residential areas and the potential for exposure to that endpoint population must be evaluated regardless of the forested slope.

**5.** Ecology concurs with MFA's response regarding implementing an ISM sampling grid of 50 increments within the developable Mill area to further evaluate D/Fs. This should be performed concurrently with the current scope of work.

**6.** Ecology maintains its prior recommendations that additional soil sampling for D/Fs should occur i) east on Parcel 0220294002 and ii) within AOIs established adjacent to the residential subdivisions depicted to the northeast and southwest on Figure 2-4<sup>5</sup> to assess potential residential assessment endpoint exposure. Determining both the presence/absence of D/Fs and the concomitant level of risk to the residential assessment endpoints would be central to evaluating the necessity of either institutional and/or engineering controls or an environmental covenant under a feasibility study and disproportionate cost analysis.

### **C. Soil Management Plan.**

#### **4.1 Excavation of Contaminated Soil**

**7.** Ecology concurs with MFA's response.

**8.** Please see Ecology's response under A. 1 and 2 above.

#### **5.0 Cleanup Standards**

**9.** Ecology acknowledges MFA's comment.

#### **6.0 Compliance Sampling**

**10.** Please see Ecology's comments under Sections 2.5.2 Performance Sampling and 2.5.3 Compliance Sampling.

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<sup>5</sup> MFA, Soil Management Plan, May 23, 2024.

## **Appendix B - Contaminated Media Management Plan (CMMP)**

**11. Section 2.5.2 - Performance Sampling.** Ecology concurs with MFA's stockpiling plan and segregation.

**12. Section 2.5.3 – Confirmation Sampling.** Ecology concurs with MFA's response.

**13. Section 2.6.2 – Off-Property Disposal.** Ecology concurs with MFA's response.

**14. Section 2.7 – Decontamination.** Ecology concurs with MFA's response.

**15. Section 2.8 – Dust Control.** Ecology concurs with MFA's response.

**D/16. Terrestrial Ecological Evaluation (TEE).** The TEE should be completed based on collection of the new data to satisfy the workplan.

**E/17. EIM Data.** Ecology concurs with MFA's response. However, WAC 173-340-840(5) and Toxics Cleanup Program Policy 840 requires all Site data collected since August 1, 2005 should be uploaded to EIM.

**18. Establishment of Cleanup Standards.** Ecology concurs with MFA's response.

## **Limitations of the Opinion**

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### **1. Opinion Does Not Settle Liability with the State.**

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

## **2. Opinion Does Not Constitute a Determination of Substantial Equivalence.**

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action a party performs is substantially equivalent. Courts make that determination. *See* RCW 70A.305.080 and WAC 173-340-545.

## **3. State is Immune from Liability.**

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70A.305.170(6).

## **Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our [Voluntary Cleanup Program web site](https://www.ecy.wa.gov/vcp).<sup>6</sup> If you have any questions about this opinion, please contact me at 360-489-5347 or [joe.hunt@ecy.wa.gov](mailto:joe.hunt@ecy.wa.gov).

Sincerely,



Joseph B. Hunt, LHG  
Toxics Cleanup Program  
Southwest Region Office

JH:at

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<sup>6</sup> <https://www.ecy.wa.gov/vcp>

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