



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

February 9, 2026

Terry Nishimoto, Environmental Manager  
McKinley Paper and Packaging Company  
1815 Marine Drive  
Port Angeles, WA 98363

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

- **Site Name:** Nippon Paper Industries USA Co.
- **Site Address:** 1902 Marine Drive Port Angeles, WA 98363
- **Cleanup Site ID:** 2496
- **Facility/Site ID:** 18

Dear Terry Nishimoto:

On September 24, 2025, the Department of Ecology (Ecology) sent McKinley Paper and Packaging Company (McKinley) written notice of our preliminary determination that McKinley is a potentially liable person (PLP) for the release of hazardous substances at the Nippon Paper Industries USA Co. facility (Site). Ecology provided 30 days for McKinley to comment on the notice. Ecology extended the comment deadline per McKinley's request. Ecology received McKinley's written comments on November 21, 2025. Ecology, McKinley, and Nippon Paper Industries USA Co. (Nippon) met to discuss Site cleanup on December 4, 2025.

McKinley's November 21, 2025 letter disagrees with Ecology's preliminary determination that McKinley is a PLP under MTCA for the Site. The letter states that when McKinley acquired the facility from Nippon the two companies entered into an Asset Purchase Agreement under which Nippon expressly assumed responsibility for all pre-existing environmental conditions and liabilities. The letter states that McKinley did not assume any responsibility for any type of contamination that predated its ownership under the Asset Purchase Agreement.

McKinley is the current owner or operator of the Site. An "[o]wner or operator" under MTCA is, in relevant part, [a]ny person with ownership interest in the facility or who exercises any control over the facility (RCW 70A.305.020(22)(a)). The current owner or operator of a site is liable for releases of hazardous substances, whether or not they occurred while the current owner or operator was in possession of the site (see RCW 70A.305.040(1)(a), which is independent from RCW 70A.305.040(1)(b) through (e)). Any agreement that McKinley and

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Nippon have in place has no effect on the applicability of this statute (See RCW 70A.305.040(2)).

Based on available information, Ecology finds that credible evidence exists that McKinley is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that McKinley is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70A.305.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations.

Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for McKinley to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70A.305.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Emily Toffol, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Emily Toffol at 360-790-8363 or [emily.toffol@ecy.wa.gov](mailto:emily.toffol@ecy.wa.gov).

Sincerely,



James DeMay  
Industrial Section Manager  
Solid Waste Management Program

By certified mail: 9489 0090 0027 6383 2380 67

cc: LeeAnne Kane, Office of the Attorney General  
Juan Manuel Alarcón, McKinley Paper and Packaging Company  
Pedro Julio Moreno, McKinley Paper and Packaging Company  
Ecology Site File