

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

William Bloor, City Attorney
City of Port Angeles
P.O. Box 150
Port Angeles, WA 98362

Rodney L. Brown, Jr.
Cascadia Law Group
1201 Third Avenue, Suite 320
Seattle, WA 98101

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – City of Port Angeles

Dear Mr. Bloor and Mr. Brown:

We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent City of Port Angeles in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to assess and collect damages for injuries to publicly-owned or managed natural

¹ The Trustees are the National Oceanic and Atmospheric Administration (“NOAA”) of the U.S. Dept. of Commerce, the United States Fish and Wildlife Service of the U.S. Department of the Interior (“USFWS”), the Washington Department of Ecology (“Ecology”), the Lower Elwha Klallam Tribe, the Port Gamble S’Klallam Tribe, and the Jamestown S’Klallam Tribe. The Trustees have formed a Trustee Council for the purpose of carrying out their NRDA responsibilities and communicating with PRPs. Ecology currently serves as Lead Administrative Trustee for the Trustee Council, and is responsible for coordinating communication among the Trustees and with PRPs; please be advised that PRP communications with Ecology regarding the NRDA process are shared with all Trustees.

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Port Angeles Harbor Natural Resource Trustee Council Lead Administrative Trustee
Washington State Department of Ecology

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resources that result from releases of hazardous substances. The Trustees are also authorized to collect from potentially responsible parties (“PRPs”) the costs incurred by the Trustees in assessing the damages. From information available to the Trustees, it appears that you or a party you represent may bear responsibility for hazardous substance releases at the above-named facility or facilities on or near Port Angeles Harbor. The applicable limitations period has not expired for bringing these claims. The purpose of this letter is both to inform you of the Trustees’ claim and to invite you, or your client, to discuss potential settlement opportunities with the Trustees, including how a proposal could be developed for resolving natural resource damage liability.

Natural resource damage assessment (“NRDA”) is the process of assessing the nature and extent of natural resource injuries and determining what is necessary to restore, replace, or acquire the equivalent of those injured resources. In the case of Port Angeles Harbor, there have been numerous hazardous substances released that have resulted in natural resource injuries. The Trustees have finalized the *Pre-Assessment Screen for the Port Angeles Harbor* (“Pre-Assessment Screen”), which concluded that the five regulatory criteria have been met for proceeding past the pre-assessment phase to a natural resource damage injury assessment.³ The Pre-Assessment Screen found that: (1) a discharge of oil or a release of a hazardous substance has occurred; (2) natural resources for which the Federal, State, or Tribal agency may assert trusteeship under CERCLA/MTCA have been or are likely to have been adversely affected by the discharge or release; (3) the quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury to those natural resources; (4) data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost; and (5) response actions carried out or planned do not or will not sufficiently remedy the injury to natural resources without further action. A copy of the Pre-Assessment Screen will be mailed to you prior to September 24, 2013.

This notice to PRPs is provided for the purpose of inviting such parties to participate in early, cooperative settlement discussions with the Trustees. These discussions could potentially include consideration of integrating natural resource restoration with remediation and use of a streamlined process in order to cost-effectively address any natural resource damage liability. In accordance with CERCLA, the Trustees would use natural resource damages that they recover to restore, replace, or acquire the equivalent of the injured natural resources. Often this is done by constructing habitat restoration projects. To encourage voluntary settlement of potential natural resource damage claims, the Trustees can offer PRPs the opportunity to develop habitat restoration projects (independently of or in conjunction with other parties), to be implemented under Trustee oversight, in lieu of paying the assessed damages. In this way, responsible parties may take advantage of cost savings and efficiencies that may not be available to the Trustees. Nevertheless, some parties may not wish to develop habitat restoration projects to resolve their liability but would prefer to address natural resource damage claims through a monetary settlement.

The Trustees will hold a question-and-answer session on September 24, 2013, for interested PRPs to discuss the NRDA process generally. The question-and-answer session will be held at

³ 43 CFR §11.23.

the National Oceanic and Atmospheric Administration's Seattle campus, located at 7600 Sand Point Way NE, Seattle, WA, 98115, in Building 1. The meeting will begin at 10:00 AM PDT. The purpose of the meeting is to give interested PRPs general information to assist in cooperatively resolving potential claims.

The Trustees encourage PRPs to recognize that an early cooperative settlement presents a real opportunity for parties to voluntarily resolve any natural resource damage liabilities in the most flexible and cost-effective manner possible while still ensuring that the public is adequately compensated. Should you have any preliminary questions regarding the settlement negotiation process or the question-and-answer session, you may contact Rebecca Lawson in her capacity as representative of the Lead Administrative Trustee at (360) 407-6241 or r1aw461@ecy.wa.gov. If you are an attorney representing any of the entities addressed in this letter, please contact Jonathan Thompson at (360) 586-6740 or jonat@atg.wa.gov.

Sincerely,



Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/ksc: v2 Wester Harbor invitation letter city bloor brown

By certified mail: Brown (7012 1010 0003 0195 4826)

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

Edward D. Callow, Assistant Attorney General
Natural Resources Division
Attorney General of Washington
PO Box 40100
Olympia, WA 98504-0100

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – Department of Natural Resources

Dear Mr. Callow:

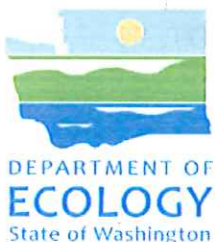
We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent Department of Natural Resources in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to assess and collect damages for injuries to publicly-owned or managed natural resources that result from releases of hazardous substances. The Trustees are also authorized to collect from potentially responsible parties (“PRPs”) the costs incurred by the Trustees in assessing the damages. From information available to the Trustees, it appears that you or a party you represent may bear responsibility for hazardous substance releases at the above-named

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facility or facilities on or near Port Angeles Harbor. The applicable limitations period has not expired for bringing these claims. The purpose of this letter is both to inform you of the Trustees' claim and to invite you, or your client, to discuss potential settlement opportunities with the Trustees, including how a proposal could be developed for resolving natural resource damage liability.

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Sincerely,

Rebecca S. Lawson

Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/ksc: v2 Western Harbor invitation letter DNR callow

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

Paul S. Lewandowski
Director, Regulatory Law
Owens Corning World Headquarters
One Owens Corning Parkway
Toledo, Ohio 43659

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – Fibreboard Corporation/Owens Corning

Dear Mr. Lewandowski:

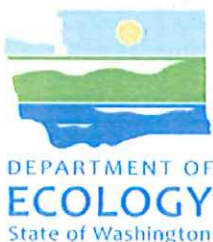
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Sincerely,

Rebecca S. Lawson for

Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/ksc:Western Harbor invitation letter Owens Corning Lewandowski

By certified mail: (7012 1010 0003 0195 4833)

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

Steven J. Thiele
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101

Michael Davis
Assistant General Counsel
Georgia-Pacific
133 Peachtree St. NE
Atlanta, GA 30303

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – Georgia-Pacific

Dear Mr. Thiele and Mr. Davis:

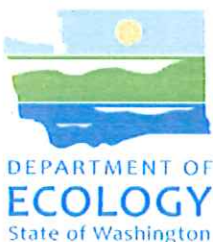
We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent Georgia-Pacific in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to

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Washington State Department of Ecology

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Sincerely,

Marian L. Alshett for

Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/ksc: v2 Western harbor invitation letter GP Davis Thiele

By certified mail: Thiele (7012 1010 0003 0195 4741)
Davis (7012 1010 0003 0195 4758)

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

Harry E. Grant
Riddell Williams
1001 Fourth Avenue, Suite 4500
Seattle, WA 98154-1192

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals –Merrill & Ring

Dear Mr. Grant:

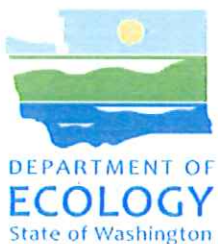
We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent Merrill & Ring in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to assess and collect damages for injuries to publicly-owned or managed natural resources that result from releases of hazardous substances. The Trustees are also authorized to collect from potentially responsible parties (“PRPs”) the costs incurred by the Trustees in assessing the damages. From information available to the Trustees, it appears that you or a party you represent may bear responsibility for hazardous substance releases at the above-named facility or facilities on or near Port Angeles Harbor. The applicable limitations period has not expired for

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Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/ksc:v2 Western Harbor invitation letter MR Grant

By certified mail: (7012 1010 0003 0195 4796)

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

Harry E. Grant
Riddell Williams
1001 Fourth Avenue, Suite 4500
Seattle, WA 98154-1192

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – Nippon Paper Industries USA Co., Ltd.

Dear Mr. Grant:

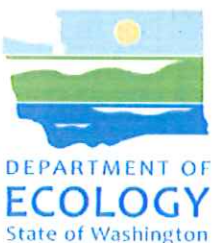
We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent Nippon Paper Industries USA Co., Ltd. in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to assess and collect damages for injuries to publicly-owned or managed natural resources that result from releases of hazardous substances. The Trustees are also authorized to collect from potentially responsible parties (“PRPs”) the costs incurred by the Trustees in assessing the damages. From information available to the Trustees, it appears that you or a party you represent may bear responsibility for hazardous substance releases at the above-named facility or facilities on or near Port Angeles Harbor. The applicable limitations

¹ The Trustees are the National Oceanic and Atmospheric Administration (“NOAA”) of the U.S. Dept. of Commerce, the United States Fish and Wildlife Service of the U.S. Department of the Interior (“USFWS”), the Washington Department of Ecology (“Ecology”), the Lower Elwha Klallam Tribe, the Port Gamble S’Klallam Tribe, and the Jamestown S’Klallam Tribe. The Trustees have formed a Trustee Council for the purpose of carrying out their NRDA responsibilities and communicating with PRPs. Ecology currently serves as Lead Administrative Trustee for the Trustee Council, and is responsible for coordinating communication among the Trustees and with PRPs; please be advised that PRP communications with Ecology regarding the NRDA process are shared with all Trustees.

² Ecology is also authorized under Washington’s Model Toxics Control Act (“MTCA”) to recover all costs and damages, by filing an action if necessary, from persons liable for natural resource damages from releases of hazardous substances. RCW 70.105D.040(2).

Port Angeles Harbor Natural Resource Trustee Council Lead Administrative Trustee
Washington State Department of Ecology

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period has not expired for bringing these claims. The purpose of this letter is both to inform you of the Trustees' claim and to invite you, or your client, to discuss potential settlement opportunities with the Trustees, including how a proposal could be developed for resolving natural resource damage liability.

Natural resource damage assessment ("NRDA") is the process of assessing the nature and extent of natural resource injuries and determining what is necessary to restore, replace, or acquire the equivalent of those injured resources. In the case of Port Angeles Harbor, there have been numerous hazardous substances released that have resulted in natural resource injuries. The Trustees have finalized the *Pre-Assessment Screen for the Port Angeles Harbor* ("Pre-Assessment Screen"), which concluded that the five regulatory criteria have been met for proceeding past the pre-assessment phase to a natural resource damage injury assessment.³ The Pre-Assessment Screen found that: (1) a discharge of oil or a release of a hazardous substance has occurred; (2) natural resources for which the Federal, State, or Tribal agency may assert trusteeship under CERCLA/MTCA have been or are likely to have been adversely affected by the discharge or release; (3) the quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury to those natural resources; (4) data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost; and (5) response actions carried out or planned do not or will not sufficiently remedy the injury to natural resources without further action. A copy of the Pre-Assessment Screen will be mailed to you prior to September 24, 2013.

This notice to PRPs is provided for the purpose of inviting such parties to participate in early, cooperative settlement discussions with the Trustees. These discussions could potentially include consideration of integrating natural resource restoration with remediation and use of a streamlined process in order to cost-effectively address any natural resource damage liability. In accordance with CERCLA, the Trustees would use natural resource damages that they recover to restore, replace, or acquire the equivalent of the injured natural resources. Often this is done by constructing habitat restoration projects. To encourage voluntary settlement of potential natural resource damage claims, the Trustees can offer PRPs the opportunity to develop habitat restoration projects (independently of or in conjunction with other parties), to be implemented under Trustee oversight, in lieu of paying the assessed damages. In this way, responsible parties may take advantage of cost savings and efficiencies that may not be available to the Trustees. Nevertheless, some parties may not wish to develop habitat restoration projects to resolve their liability but would prefer to address natural resource damage claims through a monetary settlement.

The Trustees will hold a question-and-answer session on September 24, 2013, for interested PRPs to discuss the NRDA process generally. The question-and-answer session will be held at the National Oceanic and Atmospheric Administration's Seattle campus, located at 7600 Sand Point Way NE, Seattle, WA, 98115, in Building 1. The meeting will begin at 10:00 AM PDT. The purpose of the meeting is to give interested PRPs general information to assist in cooperatively resolving potential claims.

³ 43 CFR §11.23.

The Trustees encourage PRPs to recognize that an early cooperative settlement presents a real opportunity for parties to voluntarily resolve any natural resource damage liabilities in the most flexible and cost-effective manner possible while still ensuring that the public is adequately compensated. Should you have any preliminary questions regarding the settlement negotiation process or the question-and-answer session, you may contact Rebecca Lawson in her capacity as representative of the Lead Administrative Trustee at (360) 407-6241 or rlaw461@ecy.wa.gov. If you are an attorney representing any of the entities addressed in this letter, please contact Jonathan Thompson at (360) 586-6740 or jonat@atg.wa.gov.

Sincerely,

Rebecca S. Lawson

Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
Department of Ecology

RSL/MA/cg/v2 Western Harbor invitation letter NPIUSA grant

By certified mail: (7012 1010 0003 0195 4765)

Port Angeles Harbor Natural Resource Trustee Council

August 16, 2013

David H. Neupert
Platt-Irwin Law Firm
403 South Peabody St.
Port Angeles, WA 98362

William F. Joyce
Joyce Ziker Parkinson PLLC
1601 Fifth Avenue, Suite 2040
Seattle, WA 98101

Re: Port Angeles Harbor
Notification of Natural Resource Damages Claim and Opportunity to
Submit Settlement Proposals – Port of Port Angeles

Dear Mr. Neupert and Mr. Joyce:

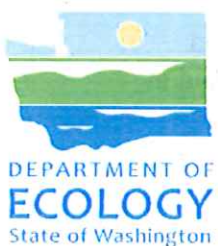
We are writing on behalf of the Port Angeles Harbor Natural Resource Trustees (“Trustees”)¹ to advise you of a natural resource damage claim the Trustees are seeking to resolve with the parties responsible for the above-named facility or facilities. We understand that you represent Port of Port Angeles in regard to its potential liability for releases of hazardous substances to Port Angeles Harbor. The Trustees are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.* (“CERCLA”),² to

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Sincerely,

Rebecca S. Lawson for

Rebecca S. Lawson, P.E., LHG
Regional Section Manager
Toxics Cleanup Program
Southwest Regional Office
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RSL/MA/sg/v2 Western Harbor invitation letter NPIUSA grant

By certified mail: Neupert (7012 1010 0003 0195 4772)
Joyce (7012 1010 0003 0195 4789)