

# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [dmckeen@cityofpa.us](mailto:dmckeen@cityofpa.us)

Dan McKeen, City Manager  
City of Port Angeles  
P.O. Box 1150  
Port Angeles, WA 98362

Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. McKeen:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties ("PRPs"): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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The Trustees are well aware of your position that the limitations period has run for NRD claims under CERCLA, and you know that the Trustees believe that is not the case. We continue to believe it would be more productive for all concerned to avoid the risks inherent in putting our positions to the test and instead to focus on the mutual benefits of settlement. Eventually we will



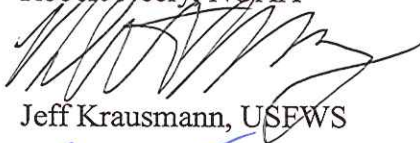
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Thank you for your consideration. We look forward to further communications in the near future.

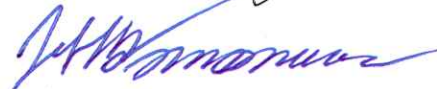
Sincerely,

PORT ANGELES HARBOR TRUSTEE COUNCIL

Robert Neely, NOAA

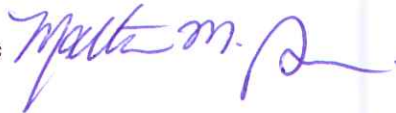


Jeff Krausmann, USEWS

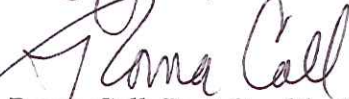


Rebecca Lawson, Ecology

Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon  
Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe

Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [Kswe490@dnr.wa.gov](mailto:Kswe490@dnr.wa.gov)

Kristin Swenddal  
Washington State Department of Natural Resources  
Division Manager, Aquatic Resources  
P.O. Box 47027  
Olympia, WA 98504-7027

Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Ms. Swenddal:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties (“PRPs”): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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The Trustees are well aware of the position that the limitations period has run for NRD claims under CERCLA, but the Trustees believe that is not the case. We continue to believe it would be more productive for all concerned to avoid the risks inherent in putting our positions to the test and instead to focus



on the mutual benefits of settlement. Eventually we will reach a point where the Trustees will have to take action to preserve their claims, but before we reach that point it would behoove all of us to have some discussion of the damage assessment that we diligently prepared to address your concerns about the ability of the Trustees to integrate NRDA with cleanup. We would very much like to arrange a meeting to discuss the damage assessment, in the hope that it could prove to be the starting point for collaborative settlement discussions that could resolve Trustee claims and provide you with certainty and finality. At this point, we believe it would be advisable to execute a Tolling Agreement relative to the statute of limitations, one that would preserve your claims that it has expired but that would also allow a window for productive discussions. A draft of a proposed Tolling Agreement is enclosed for your review and comment. We would appreciate a written response by January 11, 2016.

Thank you for your consideration. We look forward to further communications in the near future.

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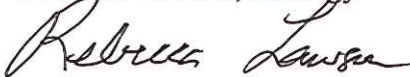
Robert Neely, NOAA



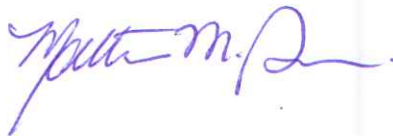
Jeff Krausmann, USFWS



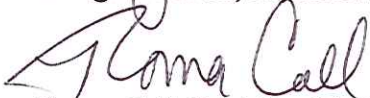
Rebecca Lawson, Ecology



Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe

Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [dmassen@gapac.com](mailto:dmassen@gapac.com)

David Massengill, Senior Director  
Georgia-Pacific LLC  
133 Peachtree Street NE  
Atlanta, GA 30303

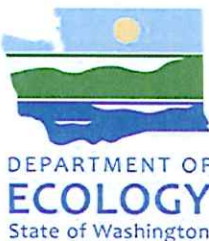
Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. Massengill:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties (“PRPs”): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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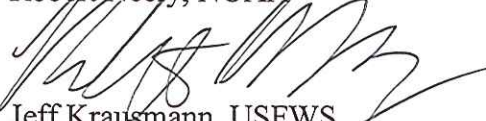
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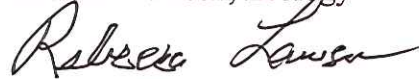
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Jeff Krausmann, USFWS



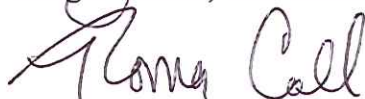
Rebecca Lawson, Ecology



Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe

Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [nschaaf@merrillring.com](mailto:nschaaf@merrillring.com)

Norm Schaaf, Vice President/Timberlands and Administration  
Merrill & Ring  
813 E. 8th Street  
Port Angeles, WA 98362

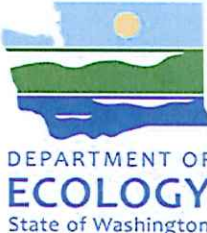
Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. Schaaf:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties ("PRPs"): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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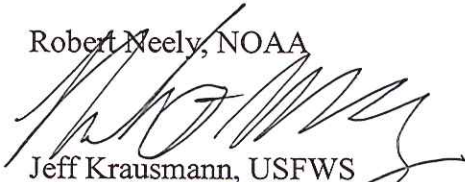
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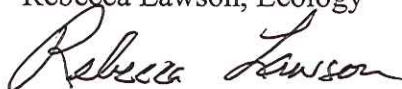
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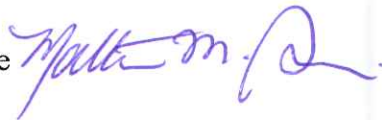
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Rebecca Lawson, Ecology



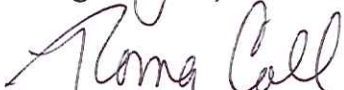
Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe



Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [Harold.norlund@npiuse.com](mailto:Harold.norlund@npiuse.com)

Harold Norlund, Resident Mill Manager  
Nippon Paper Industries USA Co., Ltd.  
P. O. Box 271  
Port Angeles, WA 98362

Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. Norlund:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties ("PRPs"): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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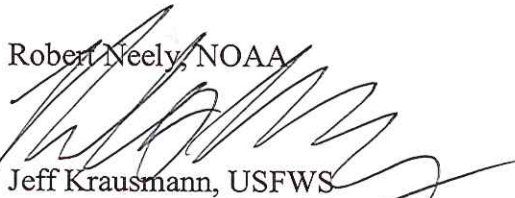
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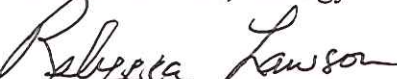
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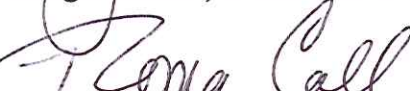
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Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe

Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [Paul.S.Lewandowski@owenscorning.com](mailto:Paul.S.Lewandowski@owenscorning.com)

Paul S. Lewandowski  
Regulatory Law Department  
Owens Corning  
One Owens Corning Parkway  
Toledo, Ohio 43657

Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. Lewandowski:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties (“PRPs”): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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Matt Beirne, Lower Elwha Klallam Tribe



Douglas Sellon, Jamestown S'Klallam Tribe



Roma Call, Port Gamble S'Klallam Tribe

Enclosure: Proposed Tolling Agreement

cc: Western Harbor PRPs



# Port Angeles Harbor Trustee Council

December 10, 2015

Via email to [keno@portofpa.com](mailto:keno@portofpa.com)

Ken O'Hollaren, Executive Director  
Port of Port Angeles  
338 W. First Street  
Port Angeles, WA 98362

Re: Request to discuss NRD claims for Port Angeles Harbor;  
Proposed Tolling Agreement

Dear Mr. O'Hollaren:

We write on behalf of the Port Angeles Harbor Natural Resource Trustee Council to propose discussion of our natural resource damage claims arising from releases of hazardous substances into Port Angeles Harbor by the following Potentially Responsible Parties ("PRPs"): Nippon Paper Industries USA Co., Ltd., Merrill & Ring, Georgia-Pacific LLC, Owens Corning, the Washington State Department of Natural Resources, the Port of Port Angeles, and the City of Port Angeles. The Trustees sincerely believe that a collaborative settlement process under CERCLA would be the most pragmatic and constructive way to proceed.

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