



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 19, 2007

Mr. Mark Stiffler  
Alcoa  
Business Group Manager  
201 Isabella St. 7<sup>th</sup> Ave Bridge  
Pittsburgh, PA 15212-5858

Facility:	
Year:	Left Right
Air	Corr
Water	Reports
NPDES	Permit
WLETOX	Enf
DWICRA	Eng
CleanUp	Sub
SW	
HWP2	
Evergreen	

2 copies

Re: A Reported Release of Hazardous Substances and Potential Liability for the Release at the following site.

- Name: Evergreen Aluminum LLC Vancouver Aluminum Plant
- Address: 5701 Lower River Road, Vancouver, WA
- Facility/Site No: 21

Dear Mr. Stiffler:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

As a result of information supplied to Ecology by Evergreen Aluminum and Alcoa regarding the prior ownership of the Vancouver Evergreen LLC Aluminum Facility and releases at the smelter property, Ecology believes that a release of a hazardous substance has occurred and that further action will be required at this site.

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find Alcoa liable under RCW 70.105D.040 for the release of hazardous substances at the Evergreen Aluminum LLC Vancouver Aluminum Plant facility (Site). This proposed finding is based on the following evidence:

E-mail March 13, 2007 to Paul Skyllingstad Ecology from Larry McLellan - Draft Cleanup Approach and Strategy Evergreen Aluminum, LLC February 2007

Technical Memorandum: PAD transformer and former rectifier areas ground sampling, Evergreen Aluminum Facility, 5701 Lower River Road, Vancouver, WA, April 16, 2007, Hahn and Associates April 2007.



## **Opportunity to Respond to Proposed Finding of Liability**

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Mr. Paul Skyllingstad  
Washington Department of Ecology  
Industrial Section  
P.O. Box 47706  
Olympia, WA 98504-7706

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

## **Identification of Other Potentially Liable Persons**

Ecology has notified Evergreen Aluminum LLC that they are potentially liable for the release of hazardous substances at the Site:

Mr. Chuck Reali  
Evergreen Aluminum LLC.  
P.O. Box 9805  
5701 Lower River Road  
Vancouver, WA 98666

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

## **Responsibility and Scope of Potential Liability**

Please note that Ecology may either conduct, or require PLPs to conduct, remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted. Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of

hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

### Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

Initiate discussions regarding the issuance of an Enforcement Order to:

- Develop a sampling plan for the site.
- Collect further data to determine contaminants of concern.
- Determine the cleanup standards and for the site.
- Develop a conformational sampling and analysis plan for the site.
- Develop an RI/FS for the site.
- Initiate interim remedial action for the cleanup of the site.

For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

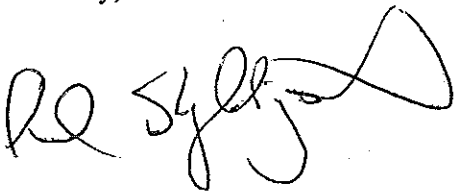
Ecology will up date the hazardous sites database to reflect the current Site status as a suspected hazardous waste site.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

### Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call or e-mail me at (360) 407-6949 or psky461@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Paul Skyllingstad  
Industrial Section

Enclosures: 1

Cc: Chuck Reali – Evergreen Aluminum LLC.

# PLP Waiver

Alcoa  
201 Isabella St. 7<sup>th</sup> Ave. Bridge  
Pittsburgh, PA 15212-5858

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I \_\_\_\_\_, a duly authorized representative of Alcoa, do hereby waive the right to the thirty- (30) day notice and comment period described in WAC 173-340-500(3) and accept status of Alcoa as a Potentially Liable Person at the following site:

- Name: Evergreen Aluminum LLC, Vancouver Aluminum Plant
- Address: 5701 Lower River Road, Vancouver, WA
- Facility/Site No.: 21.

This waiver is solely for purposes of entering into Agreed Order and Consent Decree. By waiving this right, Alcoa makes no admission of liability.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Relation To The Site -- Past Owner.  
Business Group Manager  
Remediation Operations