



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 5, 2017

Holcim (US) Inc.
Legal Department
6211 N. Ann Arbor Road
Dundee, MI 48131
Attention: Jodie Earle

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

- **Site Name:** Reserve Silica Corporation
- **Site Address:** 26000 Black Diamond & Ravensdale Road, Ravensdale, WA 98051
- **Cleanup Site ID:** 4728
- **Facility/Site ID:** 2041
- **County Assessor's Parcel Number(s):** 0121069002, 3622069065, 3522069018, 3522069046

Dear Ms. Earle:

On July 14, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Holcim (US) Inc. is a potentially liable person (PLP) for a release of hazardous substances at the Reserve Silica Corporation facility (Site). On August 16, 2017, the 30-day comment period on our preliminary determination expired. On August 16, 2017, Ecology received written comments from Gregory A. Jacoby of McGavick Graves on your behalf.

Mr. Jacoby's letter of August 16, 2017 states that Holcim does not dispute its liability as the successor to the company that arranged for the disposal of cement kiln dust (CKD) at the Site, and asserts its liability should be limited to the areas of the Site affected by the CKD.

Ecology is not currently aware of any significant releases of hazardous substance at the Site other than those associated with the CKD. Because there has not yet been a delineation of CKD-affected areas under an Ecology-approved remedial investigation, the preliminary notification letter identified the Site as being generally located within four parcels potentially affected by, or know to be affected by, the CKD. At this stage, Ecology is unwilling to adopt a more detailed delineation of the area where hazardous substances associated with the CKD have come to be located, such as the easement area referred to in Holcim's response. One of the purposes of a remedial investigation is to delineate the extent of contamination (i.e., the area where hazardous substances have come to be located). We expect Ecology may be in a position to decide upon a more exact delineation of the area where



Ms. Earle
September 5, 2017
Page 2

hazardous substances associated with the CKD have come to be located, including metals mobilized by high pH CKD leachate, when approving a remedial investigation report prepared pursuant to WAC 173-340-350.

Based on available information, Ecology finds that credible evidence exists that Holcim (US) Inc. is liable for a release of hazardous substances associated with CKD disposal at the Site. On the basis of this finding, Ecology has determined that Holcim (US) Inc. 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 70.105D.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 Holcim (US) Inc. 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 70.105D.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, Madeline Wall, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Madeline Wall at 425-649-7015 or madeline.wall@ecy.wa.gov.

Sincerely,



Peter Christiansen
Section Manager
Waste 2 Resources Program, NWRO

By certified mail: [9171 9690 0935 0132 1890 52]

cc: Gregory A. Jacoby, McGavick Graves, P.S.
Marisa Floyd, Reserve Silica Corporation
Keith W. Dearborn, Schwabe Williamson & Wyatt
Jonathan Thompson, Office of the Attorney General
Ecology Site File