



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 7, 2018

Electronic Copy

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

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

- **Site Name:** Port of Longview
- **Site Address:** 10 Port Way, Longview, WA 98632
- **Cleanup Site ID:** 9152
- **Facility/Site ID:** 42978181

Dear Mr. Massengill:

On January 9, 2017, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Georgia-Pacific LLC (Georgia-Pacific) is a potentially liable person (PLP) for a release of hazardous substances at the Port of Longview facility (Site). On January 31, 2017, Georgia-Pacific requested an extension of the 30-day comment period on our preliminary determination. The request was approved, and the response period was extended to April 17, 2017. Ecology further extended the response period to April 25, 2017 on April 14, 2017. Georgia-Pacific responded by letter dated April 25, 2017 disputing Ecology's preliminary determination. By letter dated June 26, 2017, Ecology deferred its PLP status determination for Georgia-Pacific at that time. By letters to Ecology dated December 6 and 7, 2017, named PLPs for the Site Chevron U.S.A.; Inc., Longview Fibre Paper and Packing, Inc. dba KapStone Kraft Paper Corporation; Wilson Oil, Inc. dba Wilcox & Flegel Oil Company; and Port of Longview provided information related to Ecology's June 26, 2017 deferral of PLP status determination for Georgia-Pacific. By letter to Ecology dated December 19, 2017, Georgia-Pacific provided Ecology a response to the information from the named PLPs in the December 6 and 7, 2017 letters.

Ecology has reevaluated the available information regarding Crown Zellerbach Corporation's (Georgia-Pacific's predecessor) operations at the Site. Based on available information, Ecology finds that credible evidence exists that Georgia-Pacific is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Georgia-Pacific is a PLP with regard to the Site.

Georgia-Pacific does not dispute that from 1973 to 1983 its predecessor owned the 80,000 barrel above-ground storage tank (AST) formerly located at the Site, and that it operated the 80,000 barrel AST and associated pipelines to transport Bunker C fuel oil and ballast seawater within that period. Georgia-Pacific does not dispute that contamination associated with Bunker C fuel oil and other petroleum products have come to be located in the location of the former 80,000 barrel AST and associated pipelines.

In its April 25, 2017 letter, Georgia-Pacific provided documentation of a release (Memorandum of interview with Bill Wilson, April 26 and 30, 1993, page 2). In its December 19, 2017 letter, Georgia-Pacific stated it takes “issue with the position that a one time, limited extremely minor release of oil constitutes a basis for PLP status.” For the purposes of naming a PLP, MTCA requires credible evidence of a release. RCW 70.105D.040(1)(b). As the courts have noted, “no minimum level of hazardous substance is required to trigger MTCA liability.” *PacifiCorp Env'tl. Remediation Co. v. WSDOT*, 162 Wn. App. 627, 658 (2011) (quoting *Seattle City Light v. WSDOT*, 98 Wn. App. 165, 172 (1999)).

Therefore, based on credible evidence, Ecology finds that Georgia-Pacific is liable for a release of hazardous substances at the Site and has determined that Georgia-Pacific 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 the Georgia-Pacific 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, Matthew Morris, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Matthew Morris at (360) 407-7529 or matthew.morris@ecy.wa.gov.

Georgia-Pacific, LLC
February 7, 2018
Page 3

Sincerely,

A handwritten signature in black ink that reads "Rebecca S. Lawson". The signature is written in a cursive style with a large initial 'R'.

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

Enclosure (2): Expectation Letter with General Standards of Work

By Certified Mail: [91 7199 9991 7037 7520 0766]

cc: J. Michael Davis, Georgia-Pacific, LLC
Lisa Hendriksen, Port of Longview
Eric Roehl, Chevron Environmental Management Company
Roberto Artiga, Kapstone Paper and Packaging, Corp.
Aaron Wilcox, Wilson Oil, Inc.
Koalani Kaulukukui-Barbee, Office of the Attorney General
Matthew Morris, P.E., Ecology
Ecology Site File

Date: May 23, 2018

Dept of Ecology:

The following is in response to your May 23, 2018 request for delivery information on your Certified Mail™ item number 9171999991703775200766. The delivery record shows that this item was delivered on February 12, 2018 at 2:23 pm in ATLANTA, GA 30303. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service