



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 9, 2017

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

Re: Preliminary 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:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Georgia-Pacific LLC (Georgia-Pacific) liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Port of Longview facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Georgia-Pacific liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Crown Zellerbach Corporation (Crown Zellerbach) is a former owner or operator of a facility (as defined in RCW 70.105D.030) at the time of a release of hazardous substances. Crown Zellerbach was acquired by James River Corporation who merged with Ford Howard Corporation in 1997 to become the Fort James Corporation. The Fort James Corporation was then acquired by Georgia-Pacific in 2000. Georgia-Pacific is therefore a successor to Crown Zellerbach and succeeds Crown Zellerbach's potential liability. The release occurred on the western portion of the Port of Longview (Port) property located at 10 Port Way, Longview WA (Parcel: 10171). In 1973, Crown Zellerbach purchased an 80,000 barrel above-ground storage tank (AST), located on the Port of Longview property (10 Port Way, Longview, WA) from Longview Fibre Company. Soon after, Crown Zellerbach entered into an agreement with the Port of Longview to lease the Port of Longview property occupied by the AST. From 1973

to 1974, Crown Zellerbach used the AST and associated pipelines for the purpose of storing and transporting fuel oil (Bunker C). In 1977 and 1978, Crown Zellerbach used the AST and associated pipelines to transfer petroleum-contaminated ballast seawater from tanker ships. Crown Zellerbach sold the AST to the Port of Longview and terminated its lease agreement in 1983.

2. The AST and associated pipelines transferred and stored Bunker C and petroleum contaminated ballast water during Crown Zellerbach's ownership. A remedial investigation report (Golder Associates, December 7, 1994), indicates petroleum-related constituents have been released to soil and groundwater on the Port of Longview property. An expert report (Landau Associates, June, 2012), notes that on one occasion during Crown Zellerbach ownership of the AST, a documented release occurred from the pipeline associated with the AST. The release was described as a "fine spray of Bunker C oil coming out of the ground near the point where the cargo line was exposed". Soil and groundwater sampling results indicate that total petroleum hydrocarbons (TPH) in the gasoline, diesel, and oil range, which includes the range of carbon in the products Crown Zellerbach were transporting and storing, are present in the subsurface. The presence of subsurface TPH is most heavily concentrated along the pipeline corridor adjacent to the former AST and a former fuel loading rack. In addition, a 1996 interim action excavated approximately 5,000 cubic yards of petroleum contaminated soil from beneath the footprint of the AST. This evidence suggests the AST and associated pipelines were a source of the release at the Site.
3. The investigation report also indicates the petroleum-related constituents in soil and groundwater are present at concentrations which exceed applicable state criteria for protection of human health and the environment. The constituents identified include: TPH-gasoline, TPH-diesel, and "TPH-other" (oil-range) and other petroleum-related compounds. Based on investigations performed at the Site to date, this Site poses a threat to human health and/or the environment.

The proposed findings described above are based on the information contained in the following documents:

- Port of Longview, *Historical Use of TPH Site – Port of Longview, Washington*, dated August 3, 2016.
- Floyd Snider, *Draft Port of Longview TPH Site – Data Gaps Report*, dated December 2015.
- Landau Associates, *Export Report – The Timing of Releases at the TPH Site – Port of Longview, Washington*, dated June 22, 2012.
- Golder Associates, *Phase IV Characterization Report – Bunker C and Diesel Fuel Investigation*, dated December 7, 1994.

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; or

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:

Matthew Morris
SWRO Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

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 the Port of Longview that they are potentially liable for the release of hazardous substances at the Site. In addition, Ecology will be notifying the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. Chevron U.S.A. Inc. (successor to Standard Oil Company)
2. Kapstone Paper and Packaging, Corp. (successor to Longview Fibre Company)
3. Wilson Oil, Inc. (d.b.a. Wilcox & Flegel Oil Company)

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

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.

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:

1. Pursue an agreed order to develop a work plan for interim action, conduct additional site characterization activities, prepare a remedial investigation and feasibility study (RI/FS), and prepare a draft cleanup action plan (DCAP) for the Site.
2. Oversee the completion of the remediation of the Site.

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

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated 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 contaminated sites, please contact me at (360) 407-7529 or matthew.morris@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Matthew Morris, P.E.
Cleanup Project Manager
Toxics Cleanup Program, Southwest Region

Enclosures: 2

- (1) Focus: Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites (Pub. No. #94-129)
- (2) Voluntary Waiver of Right to Comment Form

By certified mail: (91 7199 9991 7037 0280 3206

cc: Lisa Hendriksen, Port of Longview
Norm Krehbiel, Port of Longview
Mike Hassett, Georgia-Pacific LLC
Robin McPherson, Office of the Attorney General
Marian Abbett, P.E., Ecology
Rebecca S. Lawson, P.E., LHG, Ecology
Ecology Site File

PLP Waiver Form

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

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I _____, a duly authorized representative of _____, 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 _____ as a Potentially Liable Person 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

By waiving this right, _____ makes no admission of liability.

Signature

Date

Relation to the Site: _____
(i.e., owner or operator)