Olympic Environmental Council and Protect the Peninsula's Future (Darlene Schanfald)

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August 5, 2025

Marian Abbett, Section Manager
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Re: Interim Cleanup Action Program for the Rayonier Mill's Hazardous Waste Cleanup

The Olympic Environmental Council and Protect the Peninsula's Future concur with the 22 July 2025: Port Angeles City Council: Direct staff to submit comments to department of Ecology requesting a complete, timely and high quality cleanup of the Rayonier site including a request that Ecology select disproportionate cost analysis alternative 5. (Motion carried 5-0) An Option 5 cleanup is the morally right thing to do.

Our two organizations have a thirty-year association with this contaminated site beginning with its Mt Pleasant Landfill. We will comment on the ICAP, the AO and the SEPA.
https://www.google.com/search?client=firefox-b-1-e&q=go.ecology.wa.gove%2F2270

First, it is important to include some historical background.
• 1980s Clean Air formed. Its mission was to work with Port Angels Harbor Mill owners to clean up their air emissions. Results failed.
• Around 1990, Clean Air Hotline (CAH) formed. Citizens called the Hotline and described their toxic assault and the geographical area of the occurrence. The calls were mapped with photographs taken of mill emissions from the three operating mills: Rayonier, KPly/PenPly and Daishowa. Over a 5-yr period, 3000 incidents were mapped. Most clustered in the Rayonier area, next in the Daishowa area and last in the KPly area.
• 1990 was the first USEPA Toxics Release Inventory of water, air and soil emissions. It totaled the required toxins emission logs released by industries to the USEPA. Three years in a row, Rayonier ranked the highest polluter in WA State for air, water and soil and the 17^{tth} worst in the nation.
• 1995 Rayonier announced it would create another 5-acre hole at its Mt Pleasant Landfill to dump mill waste. The current 5-acres of mill waste was dumped on clay. The landfill was surrounded by four residential communities. Some dump leachate was directed westward along curbs to the East Fork of Lees Creek eventually emptying into the Strait of Juan de Fuca. Other leachate seeped eastward, downhill into the Four Seasons Park wetland and beyond into Morse Creek through the Four Seasons Ranch. The communities opposed the second landfill hole.
• 1997: Rayonier, unable to renew its air permit from Ecology unless it brought its mill up to code, announced it would close the mill on May 1, 1997. The Olympic Environmental Council (OEC), joined by multiple environmental non profits from western WA and community members, with the help of the National USEPA Ombudsman, petitioned USEPA Region 10 – Seattle office to evaluate the contaminants in the Port Angeles Harbor, on the Rayonier Mill site, soils around town and properties of

the Olympic National Park, and Rayonier's two landfills it owned and Daishowa's that held Rayonier mill waste 25 ft below ground level. EPA complied except for the Daishowa dump. The other sites ranked for the Superfund Priority List. But the cleanup focus remained on the Harbor and upland.
• 2000. Politics forced this site to remain with Ecology's Solid Waste Department, claiming that staff would have the site cleaned up two years earlier than EPA; i.e., in 7 years. Decision makers were Rayonier, Ecology and the Lower Elwha Klallam Tribe (LEKT). In 7 years, little was accomplished besides removing oil soils/groundwater from Ennis Creek. Too, federal resources were contaminated. NOAA, Ecology, the LEKT and the USFWS under Natural Resource Damages Assessment (NRDA) were to determine Rayonier's responsibility.
* 2006-7 The pending Puget Sound Partnership cleanup moved cleanup oversight to Ecology Toxics Cleanup Program under the Model Toxics Control Act. In 2008 three engineers from that department were assigned oversight. They had another sampling of the Harbor waste but only for dioxin. The overlapping OEC data, PPF-Department of Health sub-census-tract-death rates and CAH mapped density of calls helped determine the area of Rayonier's pollution.

From then until now, Ecology found Rayonier did not come willingly but this year, 2025, was able to get Rayonier to sign an Agreed Order.

COMMENTS ON ICAP (Cited page numbers are from the online-electronic copy.)

Overall it is clear that Ecology will insist on cleanup Option 3, some removal of toxic sediments and wharf pilings, instead of a permanent solution to the maximum extent and respect for human health, fish and wildlife. Option 3, a very complex remediation choice, underestimates the costs of having to permit, design, model, maintain, repair, mother nature, fencing, inflation costs, restrictive covenant and, over time, lost economic benefits for the community and the Lower Elwha Tribe. Perhaps this is the best agreement Ecology staff could get from Rayonier, but the community should be Ecology's client, not Rayonier. Hence, Option 5, a full cleanup is needed.

The past health, environment and financial costs the community suffered while the mill operated. High rates of childhood asthma should not be forgotten. General respiratory issues of community members. Devalued private property from Rayonier pollutants. Olympic National Park air quality and tree impacts. Loss of Ennis Creek habitat and salmon. Etc.

6.2.1 P. 38, Last para: *Fencing and signs **may** be installed.* No "may." During the cleanup Rayonier *must* install a tall fence with signs that are large, colorful and include clear language about the purpose of the cleanup and the dangers of accessing the area during cleanup. A good example can be had from the Port of Port Angeles KPly/PenPly cleanup.

6.1: Is the "trustee council" the same as NRDA?
Rayonier and RAMP engaged in multi-year substantive discussions with the Trustee Council to develop a project to restore Ennis Creek as a way to resolve potential natural resource damage (NRD) claims. A settlement has thus far not been reached. What is the issue(s)?

6.1.2 Potential Restoration of Ennis Creek. We concur that it would be beneficial "to conducting restoration and remediation activities simultaneously." (P. 41)

P. 42: 6.2.1 Solid Selected CA Para.1: *Much of the contaminated soil will be consolidated and capped in the west mill area.* This introduces more plastic into the environment. "woven geotextile" breaks down allowing water seepage into the toxic soil releasing the toxins to run off.

Option 5 is the only choice for restoring the area once and for all; no half measures. Option 5 respects the health of the community, public safety and the environment. It accounts for future climatic happenings – sea level rise, storm surges, earthquakes, tsunamis, other. Take note of the July 29, 2025

8.8 Russian earthquake and tsunami that sent warnings across the Pacific including to WA State and the Strait of Juan de Fuca

The additional cleanup cost for the polluter will, in the long rung, be less expensive. There would be no need to monitor the contaminants for decades - whether covered sediments hold or wash away, or whether the toxic soils leach or run off site and re-contaminate the sediments.

Even now there is upland soil leaching. 3.3 Nature and Extent of Contamination 3.3.1, P. 29 Rayonier Mill Interim Action Plan

The soil and groundwater analytical data suggest that PCBs and select metals may have leached from soil to groundwater in some localized areas at concentrations that could present a risk via the groundwater-to-surface water pathway. However, in general, the concentrations of PCBs and metals detected in soil beneath the mill property are relatively low (e.g., most detections are below unrestricted land use soil CULs, a few are two-three times CULs, a very few are at ten times CULs) and the areas where PCBs and metals may have leached to groundwater appear to be limited in spatial extent.

QUESTION: *An environmental covenant will include documentation of the contamination remaining under the cap.* How will the cap be monitored and maintained and how will burrowing animals be removed? (Pp 43 & 72)

Costs will rise over the years. Clean it up and be done with it. This Ecology staff and others invested in seeing the area cleaned up will not be around in 10-30 plus years. Maybe, too, Rayonier entities.

6**.2.3 Sediment Selected Cleanup Action**

Enhanced monitored natural recovery (EMNR), or covering up of the contaminated sediments will not be effective. Ecology states that even if the covering doesn't hold, it will mix with the toxic sediments and decrease the contamination level. (P. 38) That is conceptually irresponsible.

Upon completing the construction, the remediation goals for sediment will be achieved and long-term monitoring will be implemented. (P. 45)

This, too, is irresponsible. Why continue to monitor? Who will be watching in 10 years? In the long run, it will be cost effective and timelier to remove the contamination rather than monitor it.

Wharf infrastructure (decking and maybe pilings) is considered to be left on the upland pad of the mill along with the soils. This is much covering up and insufficient cleanup and removal of dangerous wastes from the community.

The contingent remedies do not restore the original shoreline. The considered shoreline restoration around the upland pad is not the real shoreline. (P. 44) The real shoreline is where the Olympic Discovery Trail (ODT) is sited. We feel the cement pad/concrete foundation should be removed. The area faces considerable weather impacts that supports this. As mentioned above, sea level rise, storm surges, and earthquake faults. Too, the mouth of Ennis Creek is not at the end of the concrete foundation. It is hundreds of feet south at the original shoreline. Restoration to the original shoreline can restore the beach, the salmon habitat, a healthier tribal fishing area, a recreational area, and the nature area it once was.

Consideration of leaving the upland concrete foundation in order for redevelopment is not a realistic idea. Any building of homes, businesses, etc. would face the same climate conditions and would re-contaminate the water, sediments and wildlife.

It is imperative that the soils and sediments be analyzed for PFAS. When early studies were conducted, PFAS was not on anyone's radar. Now it is on everyone's radar and it cannot and should not be dismissed.

6.2.3 Sediment Selected Cleanup Action *Excavated and dredged materials will be sent off-site for disposal or placed in the Upland Study Area soil consolidation area to be determined in the remedial design.* P. 44. Sending these off-site is the correct choice.

6.3.1 ***Only one of the evaluated alternatives can satisfy the requirement to use permanent solutions to the maximum extent practicable. MTCA requires using a disproportionate cost analysis (DCA) to determine which alternative uses permanent solutions to the maximum extent practicable when determining which cleanup action alternative.*** **(P. 46) We place emphasis on "permanent solutions," hence Option 5 would accomplish this goal.**

SUPPLEMENTAL QUESTIONS/COMMENTS:

P. 9, para. 2: How much citizen input was incorporated into the earlier volumes?

P. 14, Para. 1: During its operation, the mill stacks [etc.] released hazardous substances.

Bullet 1, line 7 omission: proposal to use the (insert) "area" in a manner….

P. 15, bullet 4:… sediments…disposal or placed in the Upland Study Area soil consolidation area… Disposal Yes. Placed upland NO!

Bullet 5: Fig. 6-5: SMA-3 and 4 in the figure isn't distinguishable.

The contingent remedies do not restore the original shoreline.

1.3 Regulatory Framework. P. 19: In 2004…Rayonier removed over 30k tons of contaminated soil. Where were they sent to?

P. 25: 3.1 Site Geology and Hydrogeology. Fill material beneath the mill property: Will this be removed and to where?

P. 31 (and elsewhere). "may" is used. Example: Rayonier Mill Interim Action Plan February 2025 Page 27 3.2.2 *Release Mechanisms During pulp mill operations, the following mechanisms may have released COCs from the sources identified in Section 3.2.1:*

"May" is an nappropriate term when addressing that the area was contaminated. If it was "may," we wouldn't be starting a cleanup process.

P. 33 Fig 4-1 When was the last test of the CULs?

P. 40: 6.1.1 Removal of In-Water Structures. Removal of these structures **and re-contouring the shoreline are expected to be a part of the DNR lease closeout. We are pleased to learn that Ecology will ensure the removal should DNR falter. But the shoreline re-contouring must be taken southward to its original site.**

P. 41. Para 3: …"benefits to conducting restoration and remediation activities simultaneously." Explain the difference between the two?

6.2, line 3: Remove the comma after "the" (…is necessary due to the size of the , complexity…)

P. 42: 6.2.1 Solid Selected CA Para. 1: *Much of the contaminated soil will be consolidated and capped in the west mill area.* These should be removed. There should be no capping. Our reasons are stated above.

Last Para: *Fencing and signs **may** be installed!* Fencing and signs will be needed during cleanup operations. These will not be necessary once ALL mill contaminants are removed from the City.

P. 46 **when determining which cleanup action alternative "uses permanent solutions to the maximum extent practicable…"** Option 3 does not account for fish, wildlife or human health. (See P. 43) Comment: #5 is permanent and practicable.

P. 48 Para. 1 Consider inflation in the costs;

Para. 2 "institutional controls " include physical measures like fences, use restrictions and educational programs like signs and postings. Install during cleanup. Remove after all contaminants are removed from the site.

P. 51 6.5 Environmental Justice. Para. 2: Environmental Justice is needed for the fish, as well.
P. 56, bullet 2: Financial assurances. *The implementing agreement to which this draft IAP is an exhibit, requires the PLP to maintain sufficient and adequate financial assurance mechanisms to fund all costs associated with the operation and maintenance of the cleanup action for the Study Area.*

6.10 Periodic Review

Ecology will publish a notice of all periodic reviews in the site register and provide an opportunity for public review and comment by the potentially liable person and the public. If Ecology determines that substantial changes in the cleanup action are necessary to protect human health and the environment at the Site, a revised IAP will be prepared and provided for public review and comment in accordance with WAC 173-340-380 and 173-340-600.

This will take another 25 years! More reviews are unnecessary if Option 5 is chosen.

SEPA

P. 2 DETERMINATION *Ecology has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW43.21C.030(2)(c).*

Include in every recommendation or report on proposals for legislation and other major actions that significantly affecting the quality of the environment, a detailed statement by the responsible official on:

i. the environmental impact of the proposed action;
ii. any adverse environmental effects which cannot be avoided should the proposal be implemented;
iii. alternatives to the proposed action;
iv. the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and
v. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

SEPA P. 3 Sediment Cleanup Action

The purpose of this project is to protect human health and the environment by addressing concentrations of metals, dioxin and furans, polychlorinated biphenyls (PCBs), and carcinogenic polycyclic aromatic hydrocarbons (cPAHs), in surface intertidal and subtidal sediments within the Rayonier Mill Study Area portion of Port Angeles Harbor. As such, it is intended to significantly improve, rather than adversely impact, environmental condition

Ecology's DNS is beyond puzzling. This area is a superfund-level site. If the purpose of this project is to protect human health and the environment, the proposed Option 3 will not achieve this. If Option 3 were kept, then an EIS is called for.

P.3 *The project will achieve sediment cleanup levels by excavating or dredging sediment, or applying enhanced monitored natural recover (EMNR) layers to reduce sediment contamination.*

EMNR will not hold. Consider the environmental factors facing this area. The toxic sediments must be removed off-site.

P. 5 *The engineering design will include evaluation of and adaptation to reduce potential impacts from climate change and sea level rise with inclusion of green remediation best management practices and institutional control language.*

This is well meaning, but not doable. EMNR and covering up will not "adapt" to the areas climate conditions. Removal of the contaminants must be the sole goal.

CHECKLIST (Page numbers refer to Checklist page numbers.)
P. 2 in-water work not permitted in the Harbor during 2/16 – 7/14, but on P. 13 *The in-water work window typically occurs between July 16 and January 14.*

P. 9 b,1. *Purge water and sampling water will be contained in drums and disposed of appropriately, such as at a municipally owned treatment facility.* If you mean at a wastewater processing plant, which do not treat much, the purged water will be released right back in to the surface water

c. *Dock materials will be lifted by barge-mounted cranes and placed into transport barges. Nearshore sections may be removed using similar land based equipment. No materials will be allowed to fall into surface water.*

2 "nearshore sections" of the dock? No removal of the cement pad/concrete foundation?

P. 11 5. Animals. According to a local Audubon bird expert:
Heerman's Gulls and Thayer's Gulls are occasional winter species, so it's probably not appropriate to call them "populations". Ducks, guillemots, eagles, owls, and pelicans are not shorebirds. Snowy Owl'sl should probably not be listed, because they have only occurred in irruption years. Their last irruption was 2013, with only a couple birds.

P. 14 7. Environmental Health a. *All contaminated excavated materials will be appropriately disposed of at a Subtitle D landfill, or, placed beneath the cap on the uplands or, subject to further remedial design characterization and as approved by Ecology, suitable excavated sediment and nearshore soils that meet upland cleanup levels may be beneficially reused locally or regionally, as appropriate.* Remove the comma after "or".

Make one plan, not more re: disposal. The "plan" should be to remove these to the Subtitle D landfill. This goes for *Proposed measures to reduce or control environmental health hazards, if any*. (P. 15. 5)

P. 16 LAND AND SHORELINE USE. P. 18 *Per Title 15 Environment, Chapter 15.20.01 Environmentally Sensitive Areas Protection of the Port Angeles Municipal Code (PAMC). The Harbor is a fish and wildlife habitat conservation area and habitat of local importance for migrating fish and wildlife. Historical use in the area has degraded the available marine habitat. Generally, cleanup actions will improve habitat functions compared to existing conditions* . We trust the full cleanup will make this difference.

16. TRANSPORTATION P. 26 g. *... signs will be posted near the Rayonier property during Project design and construction that will include website and contact information to support communication and outreach.*

In addition to "contact information," the sign language and print must clearly, boldly, colorfully and largely include reasons for staying off the cleanup site. A good example are the signs posted by the Port of Port Angeles on the fencing of the PenPly/KPly cleanup.

AGREED ORDER (Using document page numbers)

We are displeased that you would lock **in the cleanup to a coverup. Option 3 will not do.**

P. 3 *This Decree shall not be construed as proof of liability or responsibility for any releases of hazardous substances or cost for remedial action nor an admission of any facts; provided, however, that Defendants shall not challenge the authority of the Attorney General and Ecology to enforce this Decree.*

This makes no sense. Rayonier has already signed as the liable party. This cannot be retracted even by this Consent Decree. And Ecology cannot trust Rayonier will not challenge later on, especially if the cleanup moves to Option 5. This Decree undercuts the authority of Ecology, other agencies and the City of Port Angeles.

P. 4 II JURISDICTION *7. The Court is fully advised of the reasons for entry of this Decree, and good cause having been shown:* What court? At Ecology's July 8, 2025 presentation, we were told Clallam County Court would oversee the agreement.

Then the Decree states: *2. Authority is conferred upon the Washington State Attorney General by RCW 70A.305.040(4)(a) to agree to a settlement with any potentially liable person (PLP) if, after public notice and any required public meeting, Ecology finds the proposed settlement would lead to a more expeditious cleanup of hazardous substances. RCW 70A.305.040(4)(b) requires that such a settlement be entered as a consent decree issued by a court of competent jurisdiction* Is it correct to assume that if Option 5 were selected that authority would be under the WA State Attorney General?

P. 10 S. *The treated timbers and pilings are a possible source of contamination to the marine water and sediment with which they are in contact.* Why do you use the term "possible"? Isn't it a known fact that they are?

P. 17 XI Access To Information: Fencing and signs are omitted. These should be included.

P. 21 XV Amendment of Decree Can the public weigh in on amendments?

P. 22 XVI. EXTENSION OF SCHEDULE Remove "god"

2, C. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty…

P. 23 XVII Endangerment This section should include workers.

Rayonier has left its contamination marks throughout the City of Port Angeles and Clallam County. Leachate from the Mt Pleasant Landfill that was to be trucked to the city wastewater processing plant has, instead, allowed the truckers to lift a sewer manhole cover on Hwy 101 and pour the

leachate from there. Is the pipe whole or fractured? And at the City landfill where Rayonier dumped its mill infrastructure, is that leachate contaminating aquifers? Attention should be given to these sites.

Darlene Schanfald, Ph.D.
Commenting for the Olympic Environmental Council

Jamie Porter, President
Protect the Peninsula's Future

We will be attaching the May 7, 2015 letter from the Department of Natural Resource comments on the Vol. III Interim Action Report

May 7, 2015

Marian Abbett, Toxics Cleanup Program
Washington State Department of Ecology
P.O. Box 47775
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Subject: Rayonier Sediment

Dear Ms. Abbett:

The Washington State Department of Natural Resources (DNR) would like to thank you for the opportunity to comment on the Interim Action Report Volume III for the Rayonier, Inc. site in Port Angeles.

DNR's comments are based on principles of stewardship and proprietary management derived from our legislative defined goals to protect State-Owned Aquatic Lands (SOAL) and preserve them for the public's benefit. We appreciate Ecology's consideration of these and any future comments related to the investigation and cleanup of the site.

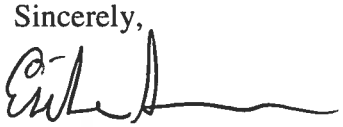
First, regarding the future use scenarios, DNR supports restoration as part of its role as a steward of State-Owned Aquatic Lands. Removal of the dock and jetty structures will help to restore this portion of the bay to a more natural state and allow a wider range of remedial alternatives for contaminated sediments near these structures. DNR supports removal of the dock and jetty as described in future use scenario 1. This removal would ideally be performed in coordination with sediment remediation activities to reduce the potential impact of any disturbed contaminated sediments. Removal of the dock and jetty will also reduce constraints on the implementation any future remediation work.

Secondly, regarding Appendix B's analysis of sediment remediation technologies, DNR is concerned that any potential design for fill/capping balance the need for an effective remediation of contamination, potential future uses that may be constrained by capping, and appropriateness of any armoring material for the potential restoration of the site to a functioning habitat for aquatic organisms.

Finally, regarding Appendix C's analysis of remedial alternatives, DNR is supportive of alternatives that incorporate permanent, effective remediation technologies. Where feasible, DNR supports removal of contaminated sediments, especially in the log pond and in the most contaminated areas of the dock footprint. DNR supports enhanced natural recovery where sediment contaminant concentrations are lower if designed appropriately for future uses and

sediment transport. In the case of both the fill/cap areas and enhanced natural recovery areas, DNR requests that the potential for sediment erosion or vessel scour be considered in the final remedial design. Because institutional controls will likely be required to ensure long term performance and efficacy of these remedial alternatives, DNR acknowledges that coordination will be required from the agency in its role as land manager. These institutional controls will likely place restrictions on the ways the resources of State-Owned Aquatic Land may be utilized by the people of Washington State, including potential limitation to shellfish harvesting, short term anchoring, restoration of habitat, and general public access. These restrictions should be weighed in the evaluation of the costs and benefits of these remediation technologies.

Sincerely,



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