



MEMORANDUM

SUBJECT: Action Memorandum Amendment - Request for change in scope, ceiling increase, exemption to the \$2 million statutory limit and continued exemption to 12-month statutory limit for continued Time-Critical Removal Actions at the Cosmo Specialty Fibers Site

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I. PURPOSE

The purpose of this Action Memorandum Amendment is to request and document approval of continued CERCLA response actions under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at the Cosmo Specialty Fibers site (Site), an abandoned former pulp processing facility located in Cosmopolis, Grays Harbor County, Washington. The continued response action, a time-critical removal action (TCRA), involves conducting treatment, transport, and disposal of hazardous substances in bulk storage containers at the Site that pose an actual and/or the threat of release into the environment. To accomplish the continued action, an emergency exemption that includes the increased cost ceiling and continued exemption from the 12-month statutory limit is requested to complete a TCRA at the Site. The total project ceiling, if approved, will be \$7,905,545.59.

The selected response action meets the criteria for conducting a removal action under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR § 300.415(b)(2).

II. SITE CONDITIONS AND BACKGROUND

The SEMS ID Number is: WAN001020901.

A. Site Description

See the previously approved Action Memorandum dated October 10, 2024, and amendments dated June 18, 2025, and September 12, 2025 (attached).

1. Physical Location & Characteristics

See the previously approved Action Memorandum dated October 10, 2024, and amendments dated June 18, 2025, and September 12, 2025 (attached).

2. Previous Actions and Removal Site Evaluation

Previous Actions

EPA Region 10 has conducted Spill Prevention, Control, and Countermeasure (SPCC), Clean Air Act (CAA), and Emergency Planning and Community Right-to-Know Act (EPCRA) inspections at the Site in recent years. The CAA and EPCRA inspections in June 2022 and February 2023 resulted in a Notice of Violation being issued in January 2024 under Section 113 of the CAA and Section 313 of EPCRA.

Since February 2024, EPA Region 10 Superfund and Emergency Management Division has been monitoring the status of the Site following reports of a potential utility shutdown and threatened release of hazardous substances and/or oils. In April 2024, EPA issued a CERCLA Unilateral Administrative Order that required Cosmo Specialty Fibers, Inc. (CSF) to maintain power and water services, operable fire suppression systems, 24-hour security, and provide adequate staff to manage stormwater and prevent, detect, and respond to spills or releases of contaminants at or from the Site.

In September 2024, Grays Harbor County Public Utilities District (PUD) suspended power to the Site due to nonpayment. This action disrupted power to three of the four PUD connections supplying power and left only two small buildings with power near the front gate. The power suspension disabled security cameras, fire suppression systems, chemical monitoring systems, waste treatment systems, and stormwater management systems. In response, CSF requested the City of Aberdeen cease their industrial water supply because they would no longer have the power needed to pump excess water to prevent on-site flooding, and the city agreed. The City of Cosmopolis also discontinued sanitary water service due to non-payment.

In September 2024, following several Site inspections, EPA concluded that actual and/or threatened releases of hazardous substances pollutants and/or contaminants from this Site presented an

imminent and substantial endangerment to public health, or welfare, or the environment due to the loss of utilities, inoperable safety systems, inadequate security, and insufficient staffing. Based on these findings, EPA initiated an emergency response to prevent and mitigate potential and ongoing environmental releases. The response action resulted in the removal of hazardous substances from the Site and on-site relocation of precariously stored chemicals. The emergency response action focused on chemicals in small containers, generally 250 gallons and below. Large chemical storage systems (above ground storage tanks, piping, etc.) were inspected but not subject to chemical removal.

Following the emergency response, multiple Site inspections by EPA and local/state authorities documented deteriorating conditions at the Site including:

- Increasing numbers and volumes of chemical leaks from tanks and piping.
- Dozens of reported incidents of trespassing, vandalism, theft, and/or burglary with at least one instance resulting in an intentional release of a strong corrosive liquid to the environment that reportedly chemically burned the skin of the trespasser. Estimates of this release range from hundreds to thousands of gallons but have not been confirmed. Facility staff have reported over \$2 million in damage to Site infrastructure that has rendered the treatment and water management systems useless. On three occasions during field work for this RSE, EPA staff were present at the Site when trespassing and thefts were underway. On one occasion, Washington Department of Ecology (Ecology) staff witnessed a theft in progress during an inspection. In total, police and other first responders have been called via 911 to the main facility 28 times in the last three years for various reasons including trespassing, vandalism, burglary, and theft.
- Regular flooding on the Site impacts areas where chemicals are stored and creates additional pathways for chemicals and oils to migrate to the Chehalis River or other areas off-site. Since 2025, a critical drainage culvert has been blocked that has increased the magnitude and extent of flooding. Facility staff must manually pump accumulated water off the Site but only have one operable generator and limited access to generator fuel. They do not have the resources to clear the culvert.
- The facility is inadequately staffed and lacks resources to appropriately secure the Site, prevent and respond to the active leaks, and address the deteriorating facilities. Staff have reportedly gone unpaid for weeks or months at a time. The facility is not operating and CSF reportedly has no other sources of income. CSF has previously communicated to EPA staff it was considering bankruptcy. In February 2026, CSF reported to EPA that “CSF will no longer be able to provide site security” due to non-payment of staff. On February 24, 2026, CSF staff abandoned the facility after locking the main gate. CSF subsequently asked EPA to assume responsibilities for securing the Site.

Removal Site Evaluation

A removal site evaluation (RSE) was conducted at the Site in the fall of 2025. The focus of the RSE was to determine the volume of remaining CERCLA hazardous substances on Site in chemical storage and

processing tanks, piping, totes, and drums, evaluate the risk of release of those substances, and identify means for removal and disposal of those substances.

During the RSE, EPA observed:

- Over 727,000 gallons of confirmed CERCLA hazardous substances are present on Site with the potential for an additional 1.7 million gallons.
- Active chemical leaks and evidence of past leaks.
- Insufficient or non-existent secondary containment.
- Extensive rust and corrosion on storage tanks, piping and valves.
- Corrosive materials being stored in improper tanks (e.g. process tanks rather than storage tanks).
- Progressive deterioration of the integrity of the tanks and associated piping
- Extensive on-site flooding impacting chemical storage areas that created additional pathways for offsite chemical migration.
- Multiple trespassing and theft events, with one incident leading to a trespasser reportedly receiving chemical burns after releasing a strong caustic chemical.

3. Current Actions

In addition to the previous removal action and RSE, since September 2024 EPA has provided site security, continued to conduct site inspections, and continued to coordinate with state and local stakeholders.

4. Release or Threat of Release of a Hazardous Substance, Pollutant or Contaminant

Contaminants found on this Site are hazardous substances, as defined by Section 101(14) and (33) of CERCLA, 42 U.S.C. §§ 9601(14) and (33), and there is a threat of release of these substances from tanks, piping, totes, and drums into the surrounding soil and waterways. CERCLA hazardous substances identified include strong corrosive sulfite-based liquids, flammable & combustible liquids, sodium hydroxide, sodium hypochlorite, hydrochloric acid, phosphoric acid, hydrogen peroxide, methanol, bromomethane, pentachlorophenol, chloromethane, dibenzofuran, fluoranthene, isophorone, naphthalene, phenol, pyrene, antimony, arsenic, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cesium-137, and asbestos. There are also significant volumes of unknown, uncharacterized waste that may meet the definition of CERCLA hazardous substances.

Given the volume of CERCLA hazardous substances on Site, the proximity to the Chehalis River, the lack of adequate staffing, deficient security, electricity, and the deteriorating infrastructure, this Site poses a substantial and increasing risk of continued and expanding releases of hazardous substances to the environment with the potential for impacts to public health.

5. National Priority List Status

This Site is not listed on the National Priority List (NPL), nor has the Site been proposed for listing. Ecology is actively pursuing a state-led remedial process under State authorities for the legacy

contamination at the Site. As such, the Site is not under consideration for listing on the NPL.

6. Maps, pictures, and other graphic representations

See attachments for figures and photos.

B. State, Tribal, and Local Authorities' Role

1. State and Local Actions to Date

The Site has been the focus of numerous local, State, and Federal environmental inspections and compliance concerns since the late 1980s.

Ecology's Industrial Section is the lead regulator in oversight and regulation for air, water, waste, and cleanup activities at the Site. In May 2022, Ecology issued an Administrative Order requiring CSF to comply with State and Federal requirements under their National Pollutant Discharge Elimination System permit after documenting multiple violations. In May 2023, Ecology (under its Resource Conservation and Recovery Act authorized program) conducted a Dangerous Waste Compliance Evaluation Inspection at the Site which documented multiple violations involving the handling of State-designated dangerous wastes.

In 2024, Ecology issued letters of potential liability to current and prior facility owner/operators to initiate state-led Model Toxics Control Act (MTCA) assessment and cleanup. Both CSF and Weyerhaeuser (a former owner of the Site) signed an agreed order with Ecology in 2025. Weyerhaeuser is actively engaging with Ecology in the MTCA process. Ecology also issued an Interim Action Order that requires the CSF to take a series of actions to secure the Site and reduce the threat of offsite chemical releases and future contamination. These actions include providing 24-hour per day security at the Site, maintaining sufficient power and water to the site, and drafting and submitting a Site Stabilization Interim Action Work Plan to verify that hazardous materials are not released into the environment. Despite signing the Order, CSF has taken no action to comply with the Interim Action Order to date. As a result, Ecology filed a temporary restraining order in March 2026 to compel the Site owner to take actions described in the Interim Action Order.

In 2024 and 2025 Ecology issued multiple penalties to the Site's current owner/operator totaling more than \$2.3 million for violations of State dangerous waste, air/water quality, and climate regulations. The Site's Ecology-issued Air Operating Permit lapsed in early 2026 and is no longer in effect. In October 2025 Ecology conducted a follow-up to the 2023 waste inspection that resulted in a March 31, 2026, Dangerous Waste Inspection report submitted to CSF. In this report Ecology described continued waste management non-compliance. As a result, Ecology determined that CSF "is no longer managing the chemicals on the Site as a valuable product nor in a manner that prevents threats to human health and the environment. Therefore, the chemicals are considered to be abandoned and must be managed in accordance with the Dangerous Waste Regulations" and required CSF to act within 30 days to address the violations described in the report. As of May 14, 2026, CSF has not taken any action to address the abandoned waste.

On April 20, 2026, Ecology requested EPA assistance removing CERCLA regulated substances, citing the lack of security and personnel at the Site, the imminent threats to human health and the environment.

2. Potential for Continued State/Local Response

EPA, Ecology, Grays Harbor County, and the City of Cosmopolis have coordinated closely on risks at the Site and regulatory tools available, however, none of these entities except EPA have the combination of resources and authority to address the releases and threats of release of CERCLA hazardous substances from the abandoned chemicals at the Site.

In the event of an emergency release at the Site, none of Grays Harbor County, the cities of Cosmopolis, Aberdeen, or Hoquiam have hazardous materials response capabilities. The closest government hazardous materials response resources are in Lacey, Washington and would be provided by the Department of Ecology.

Ecology has served as the regulatory lead for this Site for decades and will continue to serve in that capacity but has communicated that it does not have the resources to address the volume of abandoned chemicals at the Site. Ecology has provided support through continued oversight and enforcement of applicable permits and regulations. A major focus of the State's current role is evaluating potential future multi-media cleanup actions under the Model Toxics Control Act and other Ecology regulations. These efforts will prevent additional EPA actions at the Site beyond the proposed TCRA. Additionally, Ecology has offered, in their April 20, 2026 letter to EPA, to lead efforts to remove abandoned oil, coordinate with the Washington Department of Health to remove a radiation source, and support EPA efforts to remove CERCLA regulated chemicals.

3. Coordination with Tribes

Releases from the Site have the potential to impact treaty-protected natural resources. EPA has notified representatives from the Confederated Tribes of the Chehalis Reservation, Quinault Indian Nation, and Skokomish Indian Tribe of the emergency response action and will continue communicating and coordinating with each. No excavation is anticipated for this emergency response action that could impact any buried cultural resources.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

Conditions at the Site continue to meet the NCP Section 300.415(b)(2) criteria initially outlined in the October 10, 2024, Action Memorandum and amendments. Furthermore, the 2025 RSE documented additional conditions that expand upon the initial NCP Section 300.415(b)(2) criteria and are described below.

1. Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants (300.415(b)(2)(i)).

The 2025 RSE documented that individuals who enter the Site may be exposed to hazardous substances. The chemicals in tanks, piping, totes, and drums are not being used in active facility operations, are not actively managed, and are not adequately secured. Some substances are actively leaking from compromised tanks and piping onto the ground surface presenting an immediate threat of exposure to human populations through dermal contact or inhalation. Facility staff were not aware of some of these leaks and spills until EPA personnel pointed them out. Hazardous substances at the Site are also not secure from access by visitors to the property or trespassers as doors either have no locks or were found unlocked or open. EPA documented concerns voiced by facility employees that keeping trespassers off the Site was a “daily struggle” before the loss of the facility’s power, which supported its lighting and security camera network. Staff also reported that that copper wire theft recently occurred on multiple occasions. An EPA contractor observed trespassers on the property near the Chehalis River on the morning of September 24, 2024. In November 2025, EPA discovered an uncontrolled release of a strong corrosive liquid (sodium hydroxide) related to theft or vandalism and later learned that an individual had their hands and arms chemically burned because of chemical exposure. Local law enforcement and fire department personnel also expressed concerns that trespassers attempting to steal materials may get injured or exposed to chemicals on the property. First responders responding to trespass or injury at the Site may be exposed to unmanaged hazards. Due to a blocked drainage culvert, when flooding events occur an offsite chemical migration pathway can form that impacts local roadways and could subject off-site populations to chemical exposure.

The observed releases and potential future releases of hazardous substances also pose exposure risk to animals or the food chain through direct contact or off-site migration through stormwater runoff which passes through on-site sloughs connected to the Chehalis River. The list of confirmed species inhabiting parts of the Site include but are not limited to black bear, black-tailed deer, beaver, elk, coyote, amphibians, reptiles, and numerous species of waterfowl. Finally, the portion of the Chehalis River that borders the Site is part of the Grays Harbor Estuary, a prominent recreational shellfish harvesting area. Uncontained chemicals on the Site could migrate through the facility’s storm sewer system and into the Chehalis River and could impact bull trout, sturgeon, salmon, migratory groundfish, shorebirds and shellfish that support recreational, commercial (tribal and non-tribal), and tribal ceremonial and subsistence fisheries.

2. Actual or potential contamination of drinking water supplies or sensitive ecosystems (300.415(b)(2)(ii)).

The 2025 RSE documented staining and chemicals leaking around multiple tanks and piping. There is potential for these or other chemicals to be transported by stormwater runoff from this Site to sensitive ecosystems through the facility stormwater system. While the Site falls within the range of several bird species protected either under the Endangered Species Act (ESA) or the Migratory Bird Treaty Act (MBTA), the most notable ecological resource vulnerability from the Site is that of the Chehalis River, which is within the larger Grays Harbor Estuary system. ESA species include federally listed threatened marbled murrelet, yellow-billed cuckoo, bull trout, and green sturgeon and MTBA species include bald eagle, black swift, evening grosbeak, chestnut-backed chickadee, olive-sided flycatcher, western gull, and rufous hummingbird. The Chehalis River borders the property and receives untreated stormwater from the facility. The Chehalis River is also designated critical habitat

under the ESA for the bull trout and green sturgeon, both being federally listed “threatened” species^{1,2}. This section of river is also designated under the Magnuson-Stevens Act (MSA) as Essential Fish Habitat (EFH) for chinook and coho salmon as well as several types of migratory groundfish. The Chehalis River has strong populations of chinook, coho and chum salmon, winter steelhead, cutthroat trout, and rainbow trout. Chehalis River chinook salmon are considered critical to the survival of struggling orca whale populations in the Pacific³. Finally, the Grays Harbor Estuary is home to the Grays Harbor National Wildlife Refuge where one of the largest concentrations of shorebirds on the west coast, south of Alaska, is found⁴.

3. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release (300.415(b)(2)(iii)).

CERCLA hazardous substances identified at the Site include strong corrosive sulfite-based liquids, flammable & combustible liquids, sodium hydroxide, sodium hypochlorite, hydrochloric acid, phosphoric acid, hydrogen peroxide, methanol, bromomethane, pentachlorophenol, chloromethane, dibenzofuran, fluoranthene, isophorone, naphthalene, phenol, pyrene, antimony, arsenic, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cesium-137, and asbestos. There are also significant volumes of unknown, uncharacterized waste that are suspected of meeting the definition of CERCLA hazardous substances.

The Site consists of up to 88 above ground tanks containing hazardous substances or pollutants or contaminants and hundreds of totes, drums, barrels, and other containers with known and/or suspected hazardous substances, or pollutants or contaminants. The volume of hazardous substances, pollutants or contaminants is unknown but suspected to be in the range of 727,000 to ~2.5 million gallons according to EPA’s RSE⁵, with chemicals dispersed in hundreds of containers throughout the Site but the bulk of which being stored in tanks. Some of these tanks are actively releasing and many more of these tanks pose a threat of release.

EPA’s RSE also documented the following conditions:

- Over 727,000 gallons of confirmed CERCLA hazardous substances are present on Site with the potential for an additional 1.7 million gallons which includes:
 - 30 tanks containing over 433,000 gallons of corrosive acidic material (pH<2).
 - 11 tanks containing over 150,000 gallons of corrosive caustic material (pH>12).
 - 29 tanks containing over 366,000 gallons of sulfite liquor.
- Eight actively leaking tanks, pipes or valves and evidence that corrosive liquids are contributing to continued degradation.
- 38 tanks containing over 392,000 gallons of CERCLA hazardous substances stored in improper

¹ NOAA Protected Resources App (<https://www.fisheries.noaa.gov/resource/map/species-and-habitat-app>)

² US Fish & Wildlife Service Information for Planning and Consultation site (<https://ipac.ecosphere.fws.gov/>)

³ Western Rivers Conservancy (<https://www.westernrivers.org/discover/river-of-the-month/chehalis-river#:~:text=Fish,steelhead%20streams%20in%20the%20state.>)

⁴ <https://www.fws.gov/refuge/grays-harbor>

⁵ The nearly one-million-gallon range of uncertainty is attributable to digital tank volume gauges are rendered nonfunctional due to the loss of power at the Site. Additionally, some tanks were inaccessible in the 2025 RSE due to safety reasons.

tanks (non-storage tanks).

- 53 tanks without secondary containment.
- 10 tanks with insufficient secondary containment.
- 28 tanks suspected of containing chemicals (but unable to be verified during field work) with a potential volume of 1.7 million gallons.

Chemicals, including CERCLA hazardous substances, pollutants or contaminants, that leak or spill to the ground in dispersed locations throughout the facility may migrate with stormwater through the facilities “sweet sewer” system which discharges, untreated, into the Chehalis River. The risk of migration into the sweet sewer system is increased during periods of heavy rain, creating standing water onsite up to 3 feet in depth. This water eventually either drains into the Chehalis River or drains into the ground.

When the facility has power, leaks and spills that occur inside or around buildings may find their way into the industrial “sour sewer,” where they are routed via pumps to wastewater treatment ponds before being discharged to Grays Harbor. However, without power the facility cannot pump liquid into the treatment ponds, nor can the facility operate treatment systems. This will result in the sour sewer sumps becoming overtopped with accumulating stormwater, chemical, and oils. Once overtopped, the contaminants in the sump will flow towards nearby stormwater drains that discharge, untreated to the Chehalis River.

There are numerous chemical storage areas within buildings and on the exterior of buildings that show signs of heavy corrosion, suggesting a history of chemical spills that have entered the sour sewer.

4. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released (300.415(b)(2)(v))

Weather conditions at the Site are known to be extremely wet with an average annual rainfall of 85 inches⁶ and the Site is subject to frequent winter storms that include gale force winds (39-55 mph) and above. The wettest period of the year spans over six to seven months running from early October to late April with peak months averaging over 12 inches of precipitation per month during that period. The area also experiences atmospheric rivers that cause extreme rainfall and subsequent flooding. FEMA flood zone mapping indicates much of the Site is in a Special Flood Hazard Area⁷ Due to the high amount of rainfall, high-water table, and large expanse of impermeable surfaces, rainwater accumulates on the facility ground surface during heavy rains backing up into buildings and areas where containers and ASTs are located. This condition is exacerbated because the “sour sewer” system requires power to pump water out of the facility to the wastewater treatment ponds. Additionally, the stormwater drainage waterways (sweet sewer) are subject to tidal influences, which under extreme high tide and rain conditions cause flooding on the property.

Wet weather, expected seasonally in the fall through spring, increases the risk for the migration of hazardous substances pollutants or contaminants and oil into surrounding waterways. The degradation

⁶ <https://www.weather.gov/wrh/Climate?wfo=sew>

⁷ <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

of exposed chemical containers and the potential overflow conditions in secondary containment areas pose additional threats for contaminant migration into the environment. The wastewater ponds also require power to discharge and if left unattended, have the potential to overtop with stormwater and release uncharacterized sludges to Grays Harbor. These conditions are exacerbated by the minimal staffing to manage water and the lack of electricity to power water management systems and wastewater treatment systems. The facility currently has a critical drainage culvert that is blocked by woody debris and is preventing water from draining from the site. Backed-up water is leaving the site and has caused flooding on nearby properties and roadways creating another chemical and oil pathway.

5. Threat of fire or explosion (300.415(b)(2)(vi)).

Several flammable and/or combustible chemicals have been documented at the Site including methanol and red liquor cooking acids (stored in large volumes in multiple ASTs). Other flammable and/or combustible materials include small chemical containers in facility buildings and fuel oils (e.g. residual fuel oil, used oils, gasoline, and diesel fuel). During the 2025 RSE, EPA learned that there is the potential for flammable vapor build-up in the digester tanks at the facility. EPA could not assess these tanks due to inaccessible hatches and safety concerns. Until this source of flammable vapors is ruled out or adequately addressed, the digester tanks remain a threat of fire or explosion. Other combustible materials (wood chips, hog fuel) are present at the Site and could create fire situations that could impact the powerhouse tank farm which includes flammable/combustible liquids. Labeled friable asbestos is prevalent throughout the facility on ASTs and piping and may become mobile if disturbed or subjected to fire. The degraded condition of many of the facility's buildings may increase the potential fire hazards.

The facility does not have an active fire suppression system, nor a sufficient supply of water for firefighting activities. All the fire extinguishers inspected were expired. Local fire departments would have to bring water via tanker trucks to the Site for fire suppression. The large volumes of chemicals at the Site also present a substantial risk to firefighters and area residents if a fire occurs.

6. The availability of other appropriate federal or state response mechanisms to respond to the release (300.415(b)(2)(vii)).

State and local authorities do not have the available resources or appropriate authorities to remove the urgent and large chemical hazards at the Site. State and local authorities have requested EPA assistance because there are no known other entities capable of providing the appropriate resources in the prompt manner needed to address the potential human health and environmental threats described herein.

7. Other situations or factors that may pose threats to public health or welfare of the United States or the environment (300.415(b)(2)(viii)).

In February 2026, CSF informed EPA that staff had abandoned the Site and that security would no longer be provided. Without security, the hazardous substances at the Site have an increased risk

of release and human exposure, as there is no longer a deterrent for trespassing, vandalism, or other risky activities. There have been approximately 28 police reports filed related to onsite trespassing, vandalism, and other suspected activities in the prior three years. CSF staff and Ecology have reported several instances of vandalism and theft. In November 2025, EPA observed an uncontrolled release of hazardous material related to theft or vandalism. These incidents are likely to increase over time as the Site remains unstaffed and unsecured.

IV. ENDANGERMENT DETERMINATION

The endangerment determination remains unchanged since the previously approved Action Memorandum dated October 10, 2024 (attached). Actual or threatened releases of hazardous substances pollutants and/or contaminants from this Site may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Subject to exceptions, 42 U.S.C. § 9604(c)(1) states that removal actions should not continue after \$2 million has been obligated for response actions or 12 months have elapsed from the date of initial on-site response. One such exception, commonly called the emergency exemption, allows EPA to exceed those thresholds where continued response actions are immediately required to prevent, limit or mitigate an immediate risk to public health, welfare or the environment where other assistance will not otherwise be provided on a timely basis. An emergency exemption was previously approved for the 12-month statutory limit in September 2025. EPA Region 10 believes that consistent with the criteria stated in 42 U.S.C. § 9604(c)(1)(A) and 40 C.F.R. § 300.415(b)(5), an emergency exemption to the cost and time limits for removal actions continues to be warranted for the following reasons.

A. Emergency Exemption Conditions

1. There is an immediate risk to public health or welfare or the environment.

In December 2022, CSF discontinued all pulp making operations. The corporation was acquired by new ownership that month, and the facility was placed into curtailment status as financial resources were pursued to re-open the mill. In preparation for curtailment, some of the chemicals used in facility operation were consumed or disposed of, however, a large volume of chemicals were left in place for a timely resumption of operations. These chemicals were not removed from processing tanks/piping nor were they placed in proper long-term storage. This resulted in a large volume of corrosive chemicals quickly deteriorating the tank and piping infrastructure leading to chemical releases into the environment with the potential for more releases. There are ongoing, uncontrolled releases. The presence of over 727,000 gallons of chemicals at the Site poses an immediate risk to public health, welfare, or the environment. If these materials are not immediately secured and removed from Site, the possibility of fire, explosion, containment breach or further infrastructure deterioration may directly affect the densely populated residential, commercial, industrial districts and surrounding

environment through catastrophic releases from the facility.

2. Continued response actions are immediately required to prevent, limit, or mitigate an emergency.

Continued response actions are immediately required to prevent, limit, or mitigate an emergency. Current conditions at the Site have resulted in the release of hazardous substances and could result in further releases to the environment. If immediate actions are not taken to secure, consolidate, and dispose of the hazardous substances in the drums, totes, tanks, and piping, further risk to human health and the environment will continue unabated from potential and ongoing releases, such as high levels of strong corrosive liquids. Due to an aging and abandoned infrastructure, inadequate secondary containment areas and blocked drainage, environmental factors such as rains and winds can create migratory pathways into the adjacent communities and waterways. These factors are exacerbated by the lack of CSF staff and security at the Site. Dozens of instances of trespassing, vandalism, and theft have been documented, with at least one instance causing a chemical release and injury to an individual. Delays in undertaking this removal action may result in structural failure of one or more tanks, creating an emergency where human health and the environment will be directly impacted, resulting in additional costs as contamination is likely to migrate past the current areas, increasing the total impacted area.

3. Assistance will not otherwise be provided on a timely basis.

Assistance will not otherwise be provided on a timely basis. No other government, third party entity, or potentially responsible party, as described in the confidential enforcement memorandum, is willing and able to provide assistance to mitigate the public health threats posed by the Site on a timely basis. In a February 2026 communication, CSF requested that EPA take on all security responsibilities at the Site because staff had abandoned it due to nonpayment. In April 2026, Ecology requested EPA support to conduct a removal action. Failure to complete this removal action as soon as possible would result in a continuation of the deteriorating infrastructure which threatens to expose hazardous substances to the ground, into the water, and into the atmosphere, increasing the threat of exposure to area residents, workers, trespassers and the environment. As such, there is an immediate risk posed by the conditions at the Site and an emergency exemption to the \$2 million and 12-month statutory limit is necessary to abate these threats.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Description

EPA's proposed actions are as follows:

- a. Establish a command post, Site security, and implement best management practices.
- b. Establish a community and work zone air monitoring and sampling program.

- c. Develop and implement waste chemical collection/consolidation, treatment, and discharge systems as appropriate.
 - i) Options for treatment include, but are not limited to pH neutralization, precipitate management, vapor management, liquid and solid segregation, solidification
 - ii) Options for discharge include, but are not limited to discharge via POTW, discharge to Chehalis River.
- d. Hazardous substances that are not candidates for treatment/discharge will likely undergo off-site transportation and disposal, complying with the offsite rule 40 C.F.R. § 300.440.
- e. Demolition and disposal of tank farm, piping, and secondary containment (when necessary).
- f. ACM abatement (when necessary)

Actions taken in this TCRA will be limited to CERCLA regulated substances found within tanks & associated piping, totes, drums, and other containers. Other environmental media (soils, sediments, groundwater, and surface waters) will not be addressed by this TCRA. Investigation and potential cleanup activities related to these media are being addressed through a state-led Model Toxics Control Act (MTCA) process.

2. Post Removal Site Controls

Due to the scope of the planned removal activities, post-removal site controls are not anticipated. Potential contamination in soils, sediments, groundwater, and surface waters at the Site will be addressed through a state-led MTCA investigation and cleanup activities. This process has already been initiated with current and former Site owner/operators.

3. Performance

The Site is not currently listed nor proposed for listing on the National Priorities List. This removal action should not impede future remedial actions should they be needed.

4. Engineering Evaluation/Cost Analysis

The proposed action is a Time Critical Removal Action and therefore, an Engineering Evaluation/Cost Analysis is not required.

5. Applicable or Relevant and Appropriate Requirements

Removal actions conducted under CERCLA are required to attain applicable or relevant and appropriate requirements (ARARs) to the extent practicable considering the exigencies of the situation. In determining whether compliance with ARARs is practicable, the On-Scene Coordinator may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. EPA has developed the following list of ARARs. The removal action will comply with these ARARs to the extent practicable considering the exigencies of the situation.

Federal ARARs:

Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901), Subtitle C - Hazardous Waste Management Regulations (40 C.F.R. Parts 260 to 279). Hazardous waste regulations in Subtitle C of RCRA specify hazardous waste identification, management, treatment, and disposal requirements. However, the State of Washington is authorized to operate its state hazardous waste program, pursuant to the Hazardous Waste Management Act (RCW 70.105) and its Dangerous Waste Regulations codified in the Washington Administrative Code (WAC), Chapter 173-303, in lieu of the Federal RCRA program. Given the status of the State authorization in Washington, it is unlikely that Federal RCRA regulations will be ARARs, though some portions of the Federal RCRA regulations have not been adopted by the State so those Federal regulations are ARARs. Should new information be made available regarding the waste at the Site and/or status of state program authorization, EPA will reassess whether additional federal RCRA regulations should be designated as ARARs.

Under RCRA, treatment of hazardous waste in elementary neutralization units (see definition in 40 CFR 260.10) is excluded from permitting and technical standards. However, the design and operation requirements for containers, tanks, and temporary units may be considered relevant and appropriate for units used to conduct the neutralization process. Wastes to be neutralized may be hazardous under RCRA, and therefore subject to applicable LDRs.

Clean Water Act (CWA), 33 U.S.C. § 1342. The discharge of neutralized waste to water bodies or sewage systems (POTW) is considered an off-site action and subject to applicable requirements of the CWA. The National Pollution Discharge Elimination System (NPDES) requires permits for discharge of stormwater. In Washington State, Ecology has been delegated the authority under the CWA to carry out the NPDES program. As such, this Federal ARAR will be achieved through implementing the applicable state ARARs.

Endangered Species Act (ESA), (16 U.S.C. § 1531 – 1544; 50 CFR Parts 17, 402). The ESA protects species of fish, wildlife, and plants that are listed as threatened or endangered with extinction. It also protects designated critical habitat for listed species. The Act outlines procedures for federal agencies to follow when taking actions that may jeopardize listed species, including consultation with resource agencies. In this geographic area, ESA species include federally listed threatened marbled murrelet, yellow-billed cuckoo, bull trout, and green sturgeon and MTBA species include bald eagle, black swift, evening grosbeak, chestnut-backed chickadee, olive-sided flycatcher, western gull, and rufous hummingbird. Given the industrial nature of the Site area, it is doubtful the removal action would impact these species or their habitats; however, the substantive requirements of the ESA are potentially applicable. The OSC will coordinate with the U.S. Department of Interior to determine if there may be potential impacts to threatened or endangered species and mitigate any disturbances.

Migratory Bird Treaty Act (MBTA), (16 U.S.C. §§ 703 *et seq.*). The MBTA makes it unlawful to “hunt, take, capture, kill” or undertake various other actions adversely affecting a broad range of

migratory birds without prior approval by the U.S. Fish and Wildlife Service. EPA determined that birds protected under the Migratory Bird Treaty Act are likely to be present in the vicinity of the Site. When migratory birds are observed during the cleanup, EPA will comply with the substantive provisions of the MBTA to the extent practicable.

National Emissions Standard for Hazardous Air Pollutants (NESHAP) (Clean Air Act, 42 U.S.C. § 7412, 40 CFR Part 61, Subpart M). Subpart M addresses asbestos milling, manufacturing, and fabricating operations, demolition and renovation activities, waste disposal issues, active and inactive waste disposal sites, and asbestos conversion processes. Subpart M is potentially applicable to the handling, packaging, labeling, transportation, and disposal of asbestos-containing material (ACM). Below is a list of specific sections that have been identified in advance as applicable, though this list could change if Site conditions or available information changes.

- a. Section 61.145 “Standard for demolition and renovation” is likely applicable because some of the work EPA will do will require demolition. EPA may need to abate the asbestos wrap found on tanks, piping, and retorts to access contents and dispose of contaminated materials.
- b. Section 61.150 “Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations” is potentially applicable because EPA may be collecting and disposing of asbestos waste from the site.

State of Washington ARARs:

EPA requested the State of Washington identify ARARs on April 14, 2026. That same day the State responded with the following as potentially applicable ARARs:

WAC 173-220 National Pollutant Discharge Elimination System Permit Program. Ecology identified as most relevant: WAC 173-220-120 (Prohibited Discharges) and WAC 173-220-130 (Effluent limitations, water quality standards and other requirements for permits). WAC 173-220-120 prohibits discharges of any pollutant subject to a toxic pollutant discharge prohibition under section 307 of the Federal Water Pollution Control Act (FWPCA). WAC 173-220-130 requires that discharges meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA.

WAC 173-201A Water Quality Standards for Surface Waters of the State of Washington. Ecology also identified WAC 173-201A-200 (Fresh water designated uses and criteria) and WAC 173-201A-260 (Natural conditions and other water quality criteria and applications). WAC 173-201A-200 notes the general water quality criteria that apply to all aquatic life freshwater uses are described in WAC 173-201A-260 (2)(a) for toxic, radioactive, and deleterious materials as well as aesthetic criteria. WAC 173-201A-260 provides narrative criteria apply to all existing and designated uses for fresh water for toxic and aesthetics criteria. In the WAC toxic, radioactive, or deleterious material concentrations must be below those which have the potential, either singularly or cumulatively, to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health (see WAC 173-201A-240, toxic substances). Aesthetic values must not be impaired by the presence of materials or their effects, excluding those of

natural origin, which offend the senses of sight, smell, touch, or taste.

Additionally, EPA identifies the following as a State ARAR:

Hazardous Waste Management Act and Dangerous Waste Regulations, (RCW 70A.300, WAC Chapter 173-303). This act and associated regulations address the handling and disposition of dangerous waste, including identification, accumulation, storage, transport, treatment, and disposal. Specifically, WAC 173-303-070 addresses the process for determining whether a waste is dangerous or extremely hazardous; WAC 173-303-141 addresses treatment, storage, and disposal of dangerous waste; WAC 173-303-170 addresses notification and manifesting of waste; and WAC 173-303-190 addresses preparing dangerous waste for transport.

6. Project Schedule

Response actions at the Site have been ongoing since September 2024. See the previously approved Action Memorandum dated October 10, 2024, and amendments dated June 18, 2025, and September 12, 2025 (attached) for information on prior response action schedules. The response action described in this action memorandum amendment will be implemented beginning in the summer of 2026 and will be completed within 12 months.

B. Estimated Costs

The EPA estimated extramural costs are shown below.

Regional Allowance Cost			
	June 18, 2025 Ceiling	Proposed Increase	Amended Action Memo Ceiling
Emergency and Rapid Response Services (ERRS)	\$817,248.83	\$4,972,383.46	\$5,789,632.29
Superfund Technical Assessment and Response Team (START)	\$279,461.54	\$518,860.83	\$798,322.37
Subtotal Extramural Costs	\$1,096,710.37	\$5,491,244.29	\$6,587,954.66
Extramural Costs Contingency (20% of subtotal)	\$219,342.07	\$1,098,248.86	\$1,317,590.93
Total Removal Project Ceiling	\$1,316,052.44	\$6,589,493.15	\$7,905,545.59

*EPA direct and indirect costs are cost recoverable but do not count toward the Removal Ceiling for this action. Liable parties may be held responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

The prior total project ceiling approved in the June 18, 2025 Action Memorandum was \$1,316,052.44. The estimated increase to implement the response actions described in Section VI.A.1 is \$6,589,493.15. This increased funding is necessary due to the substantial and increasing risk of continued and expanding releases of hazardous substances to the environment and the potential for impacts to public health. If this request is approved, the total direct project cost will be \$7,905,545.59 as demonstrated

above.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the continuation of the response actions is delayed or not taken, there would be an increased risk of release of CERCLA hazardous substances posing an actual or potential threat to human health and/or the environment, including sensitive ecosystems. Given recent thefts and vandalism at the Site, a delay or lack of action would increase the likelihood of continued trespassing, vandalism, and theft in areas where chemicals are stored in large volumes. Additionally, EPA anticipates the continued degradation of chemical storage infrastructure and an increasing risk of releases and/or exposures if the chemical storage systems are not maintained and monitored. No other party has been identified that has the ability to contain, consolidate, and dispose of the identified hazardous wastes so the risk of catastrophic failure will continue over time, increasing the risk of exposure to the surrounding communities and the environment.

VIII. OUTSTANDING POLICY ISSUES

This removal action will not address all the contamination concerns at this Site. However, contamination remaining at this Site will be addressed through a State-led investigation and cleanup process.

IX. ENFORCEMENT

See Updated April 2026 Confidential Enforcement Memorandum.

X. RECOMMENDATION

This amended decision document represents the selected response action for the Cosmo Specialty Fibers Site in Cosmopolis, Washington, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on observations made and information gathered by EPA personnel at the Site and documents contained in the Administrative Record(s) for the Site.

Conditions at this Site continue to meet the removal action criteria set forth in Section 300.415(b) of the NCP. Through this document and consistent with the redelegation of authority in Region 10 (14-2), I recommend approval of the increased project ceiling and project schedule described herein. The total CERCLA project ceiling, if approved, will be \$7,905,545.59 and will be funded from the regional removal allowance.

XI. APPROVAL/DISAPPROVAL

APPROVAL:

Daniel D. Opalski, Director
Superfund and Emergency Management Division

DISAPPROVAL:

Daniel D. Opalski, Director
Superfund and Emergency Management Division

XII. ATTACHMENTS

1. Site Figures
2. Site Photos
3. Cosmo Specialty Fibers Emergency Response Action Memo and Amendments dated October 10, 2024, June 18, 2025, and September 12, 2025.