

Environmental Violations and the Longview Disaster

PTPC Compliance Record, Health Impacts, and Wastewater Discharge

Citizens for Safe Water and Air - Port Townsend

PORT TOWNSEND, WA

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Executive Summary

On May 26, 2026, eleven workers died at the Nippon Dynawave kraft paper mill in Longview, Washington, when a 900,000-gallon white liquor tank imploded. It is the deadliest industrial accident in modern Washington State history. Port Townsend Paper Company (PTPC) operates the identical kraft pulping process using the same chemical, white liquor, a caustic solution of sodium hydroxide and sodium sulfide, on 450 acres bordering Port Townsend Bay, with 300 employees and a daily output that exceeds Nippon Dynawave's. This report documents PTPC's official compliance record, health impacts on the surrounding community, wastewater discharge practices, and critical unanswered questions about industrial safety.

All data is drawn from official government sources: the United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) enforcement database, Washington State Department of Ecology penalty records, the United States Environmental Protection Agency (EPA) Toxics Release Inventory (TRI), and the 2024 Agency for Toxic Substances and Disease Registry (ATSDR) Health Consultation on PTPC. Nothing in this document is speculative.

- PTPC in High Priority Violation of the Clean Air Act (CAA) for 11 of the last 12 quarters tracked.
- 13 or more documented industrial spills into Port Townsend Bay since 2013.
- National Pollutant Discharge Elimination System (NPDES) water discharge permit: expired October 2018, renewed May 2025, expires May 2030.
- June 2025 hazardous waste inspection found failures in emergency preparedness procedures.
- Total penalties across all statutes over five years: over \$103,250, characterized in this report as insufficient deterrence.
- 377,546 pounds of toxic chemicals released in 2024, per the United States Environmental Protection Agency (EPA) Toxics Release Inventory (TRI).
- Agency for Toxic Substances and Disease Registry (ATSDR) confirmed toxic sulfur compounds above health reference levels near the mill.
- No public disclosure of white liquor tank sizes, ages, or inspection records.
- Whole Effluent Toxicity (WET) testing not confirmed as a permit requirement.

1. A Community Member's Perspective

The following statements reflect what many Port Townsend residents, including this report's author, believed before the Longview disaster prompted closer examination of publicly available records: "I always thought I was smelling rotten pulp, not toxic chemicals."

The rotten egg and cabbage odors reported by thousands of Port Townsend residents are not the smell of rotten pulp. They are hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, Total Reduced Sulfur (TRS) compounds produced directly by the kraft pulping process that uses white liquor as its primary cooking chemical. A 2024 federal investigation by the Agency for Toxic Substances and Disease Registry (ATSDR) confirmed that these compounds were being measured near PTPC at concentrations above the United States Environmental Protection Agency (EPA)'s chronic health reference levels during mill operations.

The Agency for Toxic Substances and Disease Registry (ATSDR) study detected fourteen distinct sulfur compounds near the mill (Health Consultation 334-170, June 2024); the Washington State Department of Ecology currently regulates only four of them, leaving ten compounds with no enforceable regulatory limit at PTPC. Nearly 2,000 odor complaints were formally filed between 2016 and 2021 alone. These were not complaints of people being overly sensitive; they were documented exposures to toxic compounds at harmful concentrations.

"I assumed they complied with government regulations." PTPC has been in High Priority Violation of the Clean Air Act (CAA) for 11 of the last 12 quarters, a sustained noncompliance period tracked in the United States Environmental Protection Agency (EPA) database. The mill has had 13 or more documented industrial spills into Port Townsend Bay since 2013, with Clean Water Act (CWA) violations recorded in every quarter for three years running. A June 2025 hazardous waste inspection found 9 separate violations, including specific failures in preparedness, prevention, and emergency procedures. Two new formal administrative orders for Clean Water Act (CWA) violations were issued in April and May 2026.

Total penalties across all environmental statutes over five years: over \$103,250, approximately \$20,000 or more per year for a facility generating an estimated \$66.3 million in annual revenue, derived from PTPC's reported \$319 million in direct expenditures and industry revenue-to-expenditure ratios; no public revenue figure is available from PTPC.

"I knew the mill was old, but I assumed essential safety was being addressed." White liquor storage tanks are not covered by the United States Environmental Protection Agency (EPA)'s Risk Management Program (RMP). Unlike facilities handling ammonia or chlorine, kraft mills are not required to file public worst-case release scenario plans or disclose their chemical storage tank sizes. There is no publicly available record of PTPC's white liquor tank sizes, ages, last inspection dates, or secondary containment capacity. PTPC's daily production output of 950 to 1,000 tons exceeds Nippon Dynawave's approximately 770 tons, suggesting comparable or greater volumes of white liquor in use and storage.

The Nippon Dynawave mill had a similar pattern of citations and unresolved enforcement actions before 11 people died on May 26, 2026.

PTPC's Response: June 1, 2026

On June 1, 2026, PTPC issued a public statement in response to the Longview disaster. The company stated that it had met with industry experts to discuss possible failure modes, verified that tank vents are open and overflow lines are not submerged to prevent vacuum-related issues, and is scheduling further non-destructive testing to reassess tank conditions in 2026. The company also stated it is "unaware of the root cause of the tank failure" at Nippon Dynawave. PTPC also stated: "As a long-standing member of the Port Townsend community, we remain dedicated to protecting our employees, our neighbors, and the environment."

Community Response to PTPC's June 1 Statement

PTPC's June 1 statement represents a welcome initial response. However, self-conducted verification and internally scheduled testing are not a substitute for the independent inspection with publicly disclosed results that this community is requesting. Key questions remain unanswered: What are the sizes, ages, and documented inspection histories of PTPC's white liquor storage tanks? When will non-destructive testing be completed and results made public? What is the emergency response plan for a white liquor release into Port Townsend Bay? The community welcomes PTPC's engagement and looks forward to full transparency.

2. The Longview Disaster

On Tuesday, May 26, 2026, at approximately 7:15 a.m., a 900,000-gallon tank of white liquor imploded at the Nippon Dynawave Packaging Co. mill in Longview, Washington. Approximately 600,000 gallons of white liquor rushed through work areas including employee break rooms. Environmental aftermath: 2,226 dead fish were recovered from drainage ditches near the facility by June 1, 2026, according to the Washington State Department of Ecology. As of May 30, 2026, all eleven missing or killed workers have been confirmed dead, making this the deadliest industrial accident in modern Washington State history. Governor Bob Ferguson called it "the deadliest industrial tragedy in modern Washington State history."

What Caused the Implosion: Expert Analysis

Oregon Public Broadcasting (OPB) interviewed seven chemical safety experts and former federal investigators about what officials would look for to determine how the rupture happened. Tank implosions are far rarer than explosions; expert Stan Kmiotek, with 40 years of process safety experience, said he could "count on one hand" the number of tank implosions he had seen in his entire career. Unlike explosions, implosions happen without warning. The leading expert theory is that a blockage prevented air from backfilling the tank as white liquor was being pumped out, creating catastrophic negative pressure. "If I had to guess, there was some blockage," Kmiotek said, noting that a half-dozen colleagues reached the same conclusion.

Investigators from the United States Chemical Safety and Hazard Investigation Board (CSB) arrived on site May 27 and will examine tank construction for cracks, corrosion, and venting problems, as well as combing through maintenance records for potential equipment errors. Former federal chemical investigator Johnnie Banks said: "Sometimes we might find things that have been overlooked. It's usually not one thing overlooked, but multiple things happening in concert on a given day and a given time when things go bad."

Oregon Public Broadcasting (OPB)'s reporting, based on interviews with seven chemical safety experts and former investigators, specifically noted that "the implosion happened at about 7:15 a.m., during a shift change that brought more workers on site and around a break room that was located next to the massive tank of deadly chemicals." This is not inference; it is expert-sourced reporting from Oregon Public Broadcasting (OPB)'s investigation (May 30, 2026). Workers were in the break room adjacent to the failed tank because of the shift change. PTPC runs an identical 12-hour rotating shift structure. The question of PTPC's emergency procedures for periods of high worker concentration near chemical storage areas has not been publicly answered.

Accountability, Conflicts, and Legal Response

Brian Wood, Nippon Dynawave's director of support services and lead spokesperson at press conferences defending the company's safety record, is simultaneously an elected city councilor in nearby Kelso, Washington, a direct conflict of interest between his corporate and civic roles. Josh Estes, head of the local Association of Western Pulp and Paper Workers (AWPPW) union, said: "We are going to fight to get those answers." The union is actively calling for accountability. At least one victim's family has retained an attorney, and litigation is expected.

United States Chemical Safety and Hazard Investigation Board (CSB) Chairperson Steve Owens personally announced the investigation, stating: "The Chemical Safety and Hazard Investigation Board (CSB) is opening an investigation into this tragic incident to determine how it happened and what can be done to prevent something like this from happening again." The American Forest and Paper Association (AF&PA), the national paper industry trade group, issued a statement supporting a root cause investigation.

Prior Incidents and Corporate Context

In August 2025, a two-alarm fire destroyed a warehouse and locomotive repair shop on Nippon Dynawave property, just months before the implosion; the building was a total loss. The Washington State Department of Labor and Industries (L&I) had two open inspections involving Nippon Dynawave at the time of the disaster; officials stated neither was related to the tank rupture. Nippon Dynawave Packaging is a United States subsidiary of Nippon Paper, a Japanese company that acquired the Longview site from Weyerhaeuser in 2016 for \$285 million.

During cleanup operations, residents reported sulfur and rotten-egg odors from hydrogen sulfide released as white liquor was diluted during drainage flushing, confirming that even diluted white liquor releases the same Total Reduced Sulfur (TRS) compounds that PTPC emits from its operations daily. Yellow smoke was photographed rising from the Nippon Dynawave facility immediately after the implosion, visual confirmation of hydrogen sulfide and Total Reduced Sulfur (TRS) chemical off-gassing.

White Liquor Chemistry

White liquor is a solution of sodium hydroxide (NaOH) and sodium sulfide (Na₂S) used in the kraft pulping process to dissolve lignin from wood chips, releasing cellulose fibers for paper production. It also contains sodium carbonate, sodium sulfate, sodium thiosulfate, sodium chloride, calcium carbonate, and other accumulated compounds. Contact with white liquor causes immediate second- and third-degree chemical burns, and its vapors are toxic to eyes, lungs, and throat. It is so caustic that

it damaged firefighter protective gear at the Longview site.

PTPC Uses the Identical Process

PTPC and the Nippon Dynawave facility in Longview share the identical underlying chemistry and process. A side-by-side comparison:

- Process: both facilities use kraft pulp production with white liquor, an identical chemical process.
- Daily output: Nippon Dynawave produces approximately 770 tons per day; PTPC produces approximately 950 to 1,000 tons per day, a larger volume.
- Employees: Nippon Dynawave has approximately 450 packaging employees plus approximately 550 mill employees, for roughly 1,000 total; PTPC has approximately 300 employees, described in this report as our neighbors.
- Location: Nippon Dynawave sits in the Columbia River industrial zone; PTPC sits on Port Townsend Bay, adjacent to a residential community.
- Parent company: Nippon Dynawave is owned by Nippon Paper (Japan), acquired in 2016; PTPC is owned by Atlas Holdings (Greenwich, Connecticut), acquired in 2022 via the Crown Paper Group. Incoming Crown chairman Randy Nebel stated at the time: "We will be a superb employer, a trusted steward of our communities and a valued partner" (Peninsula Daily News, October 14, 2022).
- Failed tank size: Nippon Dynawave's failed tank held 900,000 gallons. PTPC's white liquor tank sizes are not publicly disclosed.
- Prior safety record: Nippon Dynawave had two open Washington State Department of Labor and Industries (L&I) inspections and an August 2025 fire before the disaster; PTPC has been in Clean Air Act (CAA) High Priority Violation (HPV) status for 11 of the last 12 quarters.
- Water discharge permit: PTPC's current National Pollutant Discharge Elimination System (NPDES) permit was issued May 2025 and expires May 2030, after a multi-year administrative extension.
- White liquor in the Risk Management Program (RMP): neither facility's white liquor storage is covered; both are exempt.
- Prior worker warning: a March 2026 sinkhole report concerning a separate tank at Nippon Dynawave was made to the Washington Division of Occupational Safety and Health (DOSH), with no action taken (the sinkhole complaint concerned a different tank than the one that later imploded); no comparable public data exists for PTPC.

Documented Spills and Enforcement Actions: Confirmed Timeline

- February 2019: United States Environmental Protection Agency (EPA) Clean Water Act (CWA) enforcement action, docket CWA-10-2019-0042, closed February 25, 2019, payment received.
- November 2021 to March 2022: approximately 800 gallons of untreated process wastewater spilled into Port Townsend Bay. PTPC exceeded discharge permit levels 14 times; PTPC attributed the violations to leaking pipes, equipment failures, and freezing weather. Fine: \$27,000, issued May 17, 2022 by the Washington State Department of Ecology.

- July 6, 2022: emissions from PTPC's recovery furnace exceeded hazardous air pollutant limits. A clog in the emissions treatment system was found and corrected July 7, 2022. Fine: \$56,250, issued December 14, 2022.
- 2023: the Washington State Department of Ecology issued two additional penalties for water quality violations that occurred in 2022; specific amounts are not yet publicly confirmed.
- January 2025: approximately 1,000 gallons of condensed water from the plant's steam system spilled into Port Townsend Bay.
- April 2025: approximately 114,000 gallons of untreated wastewater from the pulp and paper making process discharged into Port Townsend Bay near Glen Cove, a known recreational shellfish harvesting area. PTPC declined to answer questions about what was in the discharge, whether it was toxic to marine life, or whether shellfish from Glen Cove were safe to eat. Fine: \$20,000 for both 2025 incidents combined, issued September 18, 2025, an allocation of less than 9 cents per gallon for the 114,000-gallon April discharge.

3. PTPC's Official Compliance Record

The following data is drawn directly from the United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) database, facility ID 110000490326. All findings are documented, government-verified violations, not allegations.

Clean Air Act: High Priority Violation, Every Quarter

PTPC's current Clean Air Act (CAA) compliance status is High Priority Violation (HPV), the most serious noncompliance designation. This status has been maintained for all 11 of the last 12 quarters tracked, representing continuous, unresolved noncompliance across multiple violation categories.

- High Priority Violation (HPV) status: 11 of 12 quarters, 2023 to 2026, continuous; \$63,750 total penalty associated with this designation.
- Hazardous air pollutants: multiple violations, 2019 to 2026, including from the recovery furnace; penalty included in the total above.
- Particulate matter: repeated stack test failures, 2022 to 2026; penalty included in the total above.
- Nitrogen oxides: exceeded permitted levels, 2024 to 2025; penalty included in the total above.
- Visible emissions: multiple opacity violations, 2021 to 2026; penalty included in the total above.
- Carbon monoxide: exceeded permitted levels, 2025; penalty included in the total above.
- Asbestos, under the National Emission Standards for Hazardous Air Pollutants (NESHAP): a violation identified in April 2024; penalty included in the total above.
- Informal actions over five years: 23 Notices of Violation and Warning Letters, 2021 to 2026, \$0 in associated penalties.
- Formal actions over five years: 4 administrative orders, 2021 to 2026, \$63,750 total.

Clean Water Act: Chronic Spills into Port Townsend Bay

PTPC's National Pollutant Discharge Elimination System (NPDES) discharge permit has been in violation for all 11 of the last 12 quarters. The single-event violation table in the United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) database records the following documented industrial spills into Port Townsend Bay, all classified as effluent violations: October 23, 2013; October 26, 2018; November 2, 2018; November 15, 2021; December 31, 2021; January 2, 2022; January 17, 2022; June 5, 2022; December 31, 2022; October 14, 2024; January 4, 2025; April 28, 2025, involving 114,000 gallons untreated, with a \$20,000 fine; August 13, 2025; and April and May 2026, when 2 new formal administrative orders were issued.

Hazardous Waste (Resource Conservation and Recovery Act): Emergency Preparedness Failures

A June 9, 2025 compliance evaluation inspection of PTPC's hazardous waste program, conducted under the Resource Conservation and Recovery Act (RCRA), found 9 separate violations. The most significant, in the context of the Longview disaster, is a violation under section 262.M covering preparedness, prevention, and emergency procedures, which is directly relevant to a white liquor tank failure. Additional violations included two separate violations under section 279.C for used oil generators, two violations under section 273.B for universal waste small quantity handlers, a violation under section 270.F for permit special forms, a violation under section 262.A for general generator recordkeeping, and violations classified as XXS, state statute or regulation violations.

A written informal enforcement notice was issued October 8, 2025.

4. Toxic Releases and Health Impact

United States Environmental Protection Agency (EPA) Toxics Release Inventory, 2024 Data

Under the federal Toxics Release Inventory (TRI) program, PTPC reported releasing 377,546 pounds of toxic chemicals in 2024, the most recent reporting year available. Toxics Release Inventory (TRI) reports cover the prior calendar year, so this figure reflects 2023 calendar-year activity as reported in 2024. The reported chemicals, by weight and documented health effect, were:

- Methanol: 193,797 pounds. Toxic by inhalation; central nervous system and optic nerve damage.
- Ammonia: 58,802 pounds. Respiratory irritant; toxic at higher concentrations.
- Manganese compounds: 53,240 pounds. Neurological damage with chronic exposure.
- Hydrogen sulfide: 30,023 pounds. A Total Reduced Sulfur (TRS) compound, the same family as white liquor chemistry.
- Zinc compounds: 20,517 pounds. Aquatic toxicity; bioaccumulation in fish.
- Nitrate compounds: 19,980 pounds. Water quality impairment; aquatic ecosystem harm.
- Acetaldehyde: 17,523 pounds. Classified as probably causing cancer in humans.
- Formaldehyde: 8,677 pounds. Known to cause cancer in humans, the same classification given to tobacco smoke and asbestos.

- Phenol: 5,205 pounds. Skin, eye, and respiratory irritant.
- Lead compounds: 4,209 pounds. A neurotoxin with no safe level of exposure, per the United States Environmental Protection Agency (EPA).

Agency for Toxic Substances and Disease Registry (ATSDR) 2024 Health Consultation Findings

In 2024, the Agency for Toxic Substances and Disease Registry (ATSDR) conducted a health consultation and exposure investigation specifically for PTPC. Hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide were all measured near PTPC at concentrations above the United States Environmental Protection Agency (EPA)'s chronic health reference concentrations during mill operations, meaning long-term exposure poses a documented health risk. Established health effects at these exposure levels include eye irritation, throat and respiratory inflammation, fatigue, nausea, headache, and dizziness. Populations most at risk include people with pre-existing heart or lung disease, older adults, children, and lower-income residents, who may have less ability to relocate.

PTPC is the single largest source of climate pollution in Jefferson County, emitting approximately 554,000 metric tons of carbon dioxide equivalent per year, according to the United States Environmental Protection Agency (EPA) Greenhouse Gas Reporting Program (GHGRP) for 2023. Nearly 2,000 odor complaints were filed with the Washington State Department of Ecology and PTPC between 2016 and 2021 alone.

State vs. Federal: A Direct Contradiction

In July 2024, the Washington State Department of Health (DOH) published a generic community guidance document, document 334-553, titled "Does Your Community Have a Paper Mill?" The document states: "Most environmental odors, such as those caused by a paper mill, are rarely at levels that can harm your health." It lists symptoms as temporary and recommends closing windows and wearing masks, framing the odors as a quality-of-life issue.

In the same year, the federal Agency for Toxic Substances and Disease Registry (ATSDR), the very agency the Washington State Department of Health (DOH) document refers readers to for further information, conducted a Port Townsend-specific exposure investigation and found the opposite: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide were measured near PTPC above the United States Environmental Protection Agency (EPA)'s chronic health reference concentrations. This means long-term exposure poses a documented health risk, not merely an inconvenience.

Critically, the Agency for Toxic Substances and Disease Registry (ATSDR) study detected fourteen distinct sulfur compounds near the mill; the Washington State Department of Ecology currently regulates only four of them, leaving ten compounds with no regulatory limit at PTPC. Same year, same community, opposite conclusions. This contradiction demands explanation.

Three possible interpretations warrant direct inquiry to the Washington State Department of Health (DOH): first, that the Washington State Department of Health (DOH)'s July 2024 guidance was written as a generic statewide document without knowledge of or reference to the Agency for Toxic Substances and Disease Registry (ATSDR)'s Port Townsend-specific 2024 findings, representing a

failure of inter-agency communication on a public health matter; second, that state health officials are aware of the Agency for Toxic Substances and Disease Registry (ATSDR) Port Townsend findings but have not updated their community guidance or taken any public health action in response, representing a failure of regulatory follow-through; and third, that the state is deliberately downplaying documented federal health data to avoid confrontation with a major industrial employer in an economically dependent community, representing a more serious failure of public health integrity.

All three explanations are newsworthy. The Jefferson County Board of Commissioners and Port Townsend City Council should formally ask the Washington State Department of Health (DOH) to reconcile its July 2024 generic guidance with the Agency for Toxic Substances and Disease Registry (ATSDR)'s 2024 Port Townsend-specific findings, and to issue updated community health guidance that accurately reflects the federal scientific conclusion.

5. Wastewater Discharge Into Port Townsend Bay

PTPC operates a large industrial wastewater treatment plant and a small sanitary wastewater treatment plant. Both discharge treated effluent, liquid waste discharged into the environment, directly into Port Townsend Bay. Wastewater discharges from the mill have been ongoing for more than 100 years.

PTPC's Water Discharge Permit Was Expired for 7 Years

PTPC's National Pollutant Discharge Elimination System (NPDES) permit, the legal document governing what the mill can discharge into the bay, expired on October 1, 2018 and remained on administrative extension for over six years. In its written responses to public comments, the Washington State Department of Ecology attributed the six-year gap to "largely competing priorities and staff turnover." A new permit was finally issued in May 2025, expiring in May 2030. The six-plus-year gap without a valid permit is documented in United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) records.

Between April 2018 and March 2023, PTPC discharged an average of 9.6 million gallons of treated wastewater per day into Port Townsend Bay; the highest recorded single day in that period reached 14.4 million gallons. The discharge pipe extends 1,200 feet offshore and releases through 29 separate openings at a depth of 45 feet.

The draft permit renewal now under review proposes new water-quality-based limits for three carcinogens not previously regulated at this facility despite more than a century of continuous discharge: benzo(a)anthracene and chlordane, both classified as probably causing cancer in humans, and pentachlorophenol, known to cause cancer in humans, the same classification given to tobacco smoke and asbestos, and also a banned pesticide. The 2025 permit also requires PTPC to study whether it is discharging per- and polyfluoroalkyl substances (PFAS), synthetic chemicals that do not break down in the body or environment, commonly called "forever chemicals," into its treated wastewater.

That study has not yet been conducted; if these chemicals are found, further regulatory action would be considered in a future permit cycle, not the current one.

What Is and Is Not Being Tested

The primary white liquor chemicals are all testable using established, mature technology. Sodium hydroxide can be measured precisely via acid-base-carbonate (ABC) titration or real-time online analyzers. Sodium sulfide is measurable via near-infrared spectrophotometry and titration methods. Sodium carbonate, sodium sulfate, and sodium thiosulfate are all measurable using standard water chemistry tests. However, standard National Pollutant Discharge Elimination System (NPDES) permit monitoring only requires testing for specifically named compounds. Kraft pulping generates an estimated 300 to 400 organic chemical byproducts; anything not listed in the permit goes untested and undetected.

The identification of entirely new toxic compounds of concern in the draft permit renewal, after more than 100 years of discharge, is evidence of this ongoing gap.

Whole Effluent Toxicity (WET) Testing

Whole Effluent Toxicity (WET) testing is the gold standard for assessing the real-world impact of industrial discharge on aquatic ecosystems. Rather than testing for individual named compounds, Whole Effluent Toxicity (WET) testing exposes live aquatic organisms directly to the discharge water and measures biological harm, regardless of which specific compound causes it. Whole Effluent Toxicity (WET) testing methodology is established under the United States Environmental Protection Agency (EPA)'s Clean Water Act (CWA) regulations, 40 CFR Part 136. Test organisms include fathead minnows (*Pimephales promelas*), *Daphnia magna* water fleas, mysid shrimp (*Americamysis bahia*), and rainbow trout for marine and estuarine environments like Port Townsend Bay.

Both acute (24 to 96 hour lethal) and chronic (7-day survival, growth, reproduction) tests are available.

- Acute test (24 to 96 hours): measures mortality, the concentration killing 50 percent of test organisms (LC50); costs \$300 to \$600 per test.
- Chronic test (7 days): measures survival, growth, and reproduction effects; costs \$800 to \$1,500 per test.
- Full compliance battery (2 species, acute plus chronic), the combined regulatory standard: \$3,000 to \$6,000.
- Quarterly compliance program (4 times per year, full battery, annual): \$12,000 to \$24,000.

Whole Effluent Toxicity (WET) testing is performed by United States Environmental Protection Agency (EPA)- and state-certified independent laboratories, including Pace Analytical, Aquatic Laboratories (certified by The National Environmental Laboratories Accreditation Conference (NELAC) Institute), EA Engineering, and ClearWater Lab. Results are legally defensible for regulatory compliance purposes. For a facility with \$66.3 million in annual revenue and \$319 million in direct expenditures, quarterly Whole Effluent Toxicity (WET) testing at \$12,000 to \$24,000 per year represents less than 0.04 percent of annual expenditures, a trivial cost relative to the environmental stakes.

Can the Wastewater Be Thoroughly Tested Before It Enters the Bay?

Yes. The technology to test PTPC's wastewater far more comprehensively than is currently required exists, is mature, is affordable, and is routinely used at industrial facilities worldwide. The gap is entirely regulatory, not technological.

Tier 1, compound-specific chemical analysis: gas chromatography-mass spectrometry (GC-MS) and liquid chromatography-mass spectrometry (LC-MS) can identify and quantify hundreds of individual organic compounds simultaneously at detection thresholds of parts per billion or lower, the same forensic-grade methods used in criminal investigations and pharmaceutical quality control. A comprehensive gas chromatography-mass spectrometry (GC-MS) panel would detect essentially any organic compound present in PTPC's discharge, including the 300 to 400 byproducts of kraft pulping that the current narrow permit list misses entirely. Inductively coupled plasma mass spectrometry (ICP-MS) simultaneously detects and quantifies dozens of metals and inorganic compounds, including lead, mercury, manganese, zinc, arsenic, and chromium, at parts-per-trillion concentrations. This is routine laboratory technology, not experimental.

Tier 2, real-time continuous monitoring at the outfall: online inline sensors can monitor PTPC's discharge continuously, 24 hours a day, 7 days a week, for key parameters including pH, a critical indicator of alkalinity and white liquor chemistry, dissolved oxygen, turbidity, conductivity, temperature, hydrogen sulfide concentration, and total organic carbon. These sensors are installed at industrial facilities worldwide and can transmit data in real time to regulatory agencies and the public. A continuous monitoring requirement with a public data feed could be written into PTPC's National Pollutant Discharge Elimination System (NPDES) permit renewal or the 2026 water agreement as a standard condition.

Tier 3, bioaccumulation testing, is the most important missing piece. Even if discharge water tests within limits at the outfall pipe, toxic compounds accumulate in sediment and living organisms over time, often at concentrations far exceeding what water column testing shows.

After more than 100 years of continuous PTPC discharge into Port Townsend Bay, a comprehensive bioaccumulation assessment should include sediment core sampling near the discharge outfall to assess what has accumulated in bay sediment over decades; shellfish tissue testing, since mussels, oysters, and clams are biological accumulators that concentrate toxins from the water and reveal chronic long-term exposure that water sampling misses; fish tissue testing, particularly of bottomfish and species harvested for human consumption in the bay; and benthic invertebrate community surveys, since the organisms living in bay sediment are the most sensitive biological indicators of chronic water quality degradation.

The testing gap is entirely regulatory, not technological. The technology to comprehensively test PTPC's wastewater exists today and is affordable, but PTPC's permit requires only a narrow list of named compounds at intervals that routinely miss spill events. A modernized National Pollutant Discharge Elimination System (NPDES) permit could require continuous 24/7 online monitoring with public data feeds, quarterly comprehensive gas chromatography-mass spectrometry (GC-MS) panels covering all kraft pulping byproducts, quarterly Whole Effluent Toxicity (WET) testing using independent United States Environmental Protection Agency (EPA)-certified laboratories, annual shellfish and sediment bioaccumulation surveys, and a real-time public dashboard showing discharge data.

The 2026 National Pollutant Discharge Elimination System (NPDES) permit renewal and the 2026 water agreement are both opportunities to require this level of testing as a condition of continued operation. The question of why comprehensive testing has not been required after more than 100 years of

discharge into a working marine bay should be put directly to the Washington State Department of Ecology.

Estimated Costs for Comprehensive Pre-Discharge Testing

The following cost figures are order-of-magnitude estimates derived from publicly available regulatory fee schedules, published laboratory pricing, and industry market data. They have not been verified through direct quotes from certified environmental testing laboratories or field sampling contractors, and actual costs will vary based on sample volume, matrix complexity, turnaround time, regulatory requirements, and the specific laboratories and contractors engaged. These figures should be treated as a starting framework for budget planning only; confirmed quotes should be obtained from accredited environmental labs before any regulatory or contractual commitments are made.

- Tier 1, comprehensive chemical analysis, quarterly (4 times per year): an estimated \$8,000 to \$16,000 per year, based on Minnesota state regulatory fee schedules (MN Rules 2890.2900, December 2025), including volatile organic compounds by gas chromatography-mass spectrometry (GC-MS) at approximately \$242 per sample, a Resource Conservation and Recovery Act (RCRA) metals panel at approximately \$242 per sample, and polycyclic aromatic hydrocarbons (PAHs) at approximately \$298 per sample, multiplied across four quarterly events and multiple compound groups.
- Tier 2, real-time 24/7 continuous monitoring: an estimated \$15,000 to \$40,000 in capital cost plus \$3,000 to \$8,000 per year in maintenance, based on industrial water quality monitoring market data (Global Growth Insights 2024, Grand View Research 2024) and published system ranges from Xylem Inc. and Thermo Fisher Scientific for multi-parameter industrial outfall monitoring stations; the wide range reflects system complexity and the number of parameters monitored.
- Tier 3, Whole Effluent Toxicity (WET) testing, quarterly (4 times per year): an estimated \$12,000 to \$24,000 per year, based on United States Environmental Protection Agency (EPA) Whole Effluent Toxicity (WET) testing program guidelines and published rate ranges from Pace Analytical, EA Engineering, and Aquatic Laboratories: \$300 to \$600 per acute test, \$800 to \$1,500 per chronic test, \$3,000 to \$6,000 per full compliance battery.
- Tier 4, a one-time comprehensive bay sediment and bioaccumulation baseline survey (sediment cores, shellfish tissue, benthic invertebrates): an estimated \$50,000 to \$150,000, based on Vibracore sediment sampling industry pricing (Aqua Survey Inc., Great Lakes Environmental Center) and Eurofins Environment Testing shellfish and tissue analysis services; scope is highly variable, from limited stations with basic analysis at the lower end to comprehensive multi-station full compound suites at the upper end, and a formal estimate requires a field contractor request for quote.

Cost summary: ongoing annual testing across Tiers 1 through 3 is estimated at approximately \$23,000 to \$48,000 per year. First-year cost including the one-time bay survey across all four tiers is estimated at approximately \$73,000 to \$198,000. By comparison, PTPC's self-reported annual direct expenditures for 2024 were \$319,000,000; comprehensive testing represents less than 0.06 percent of annual expenditures and less than 0.30 percent of PTPC's estimated \$66.3 million in annual revenue. These figures make clear that cost is not a legitimate barrier to comprehensive independent testing of PTPC's discharge into Port Townsend Bay.

A program covering all four tiers, chemical analysis, real-time monitoring, biological toxicity testing, and a one-time bay assessment, would cost less than a rounding error in PTPC's annual operating budget. The absence of such testing is a regulatory failure, not an economic impossibility.

Recommended next steps to obtain confirmed costs include contacting accredited environmental laboratories such as Pace Analytical, Eurofins Environment Testing, Aquatic Laboratories, and TestAmerica (now part of Eurofins) for wastewater testing quotes; contacting field sampling contractors such as Great Lakes Environmental Center, Aqua Survey Inc., and local marine environmental consulting firms for a sediment and bioaccumulation survey request for quote; contacting Xylem Inc. or Thermo Fisher Scientific for continuous monitoring system quotes specific to an industrial outfall application; and requesting the Washington State Department of Ecology's own cost estimates for comprehensive National Pollutant Discharge Elimination System (NPDES) permit compliance monitoring, since the permit renewal is already pending.

6. Critical Unanswered Questions

The following questions are based on publicly available data and represent information that Jefferson County residents have a legal right to obtain. Each question identifies a specific regulatory gap or missing public record.

1. Who Is Testing the Wastewater, and Is It Independent?

Under the current National Pollutant Discharge Elimination System (NPDES) permit, PTPC is required to conduct its own Discharge Monitoring Reports (DMRs) and submit them to the Washington State Department of Ecology. This is industry self-monitoring. United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) records show multiple instances of late or missing Discharge Monitoring Report (DMR) submissions. The community should ask: is any independent third-party testing of PTPC's discharge being conducted, and if so, by whom, with what methodology, and are results publicly accessible in real time?

2. What Are the Full Test Results, and Where Are They Publicly Accessible?

The draft National Pollutant Discharge Elimination System (NPDES) permit renewal identified benzo(a)anthracene, chlordane, and pentachlorophenol as newly regulated compounds of concern, suggesting these have been present in bay discharges without prior regulation. What do current tests show for these compounds? Are trends tracked over time? Are shellfish and fish in Port Townsend Bay being tested for bioaccumulation? If so, who is conducting those tests and where are the results published?

3. How Often Is Testing Conducted, and Is That Adequate?

The frequency of testing determines what can be detected. Monthly discharge monitoring cannot detect a spill that occurs mid-month, as the 13 documented spills since 2013 demonstrate. The United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) record includes violations for "invalid or unrepresentative samples" and missing Discharge Monitoring Report (DMR) reports, raising questions about the reliability of existing monitoring data. Is the current testing frequency adequate to protect Port Townsend Bay and the communities that depend on it?

4. Are All White Liquor Chemicals Testable?

The primary white liquor chemicals are precisely testable using the acid-base-carbonate (ABC) titration method and online real-time analyzers, mature, established technology. The problem is not detectability but scope: kraft pulping generates 300 to 400 organic byproducts, and National Pollutant Discharge Elimination System (NPDES) permits only mandate testing for listed compounds. The discovery of new toxic compounds in the draft permit renewal after more than 100 years of discharge is proof that the testing framework has been systematically incomplete.

5. Does PTPC's Permit Require Whole Effluent Toxicity (WET) Testing?

Whole Effluent Toxicity (WET) testing is the only methodology that captures the combined biological impact of all discharge compounds on living aquatic organisms. It is required in many industrial National Pollutant Discharge Elimination System (NPDES) permits and has been implemented in state programs since the 1990s. At \$12,000 to \$24,000 per year for quarterly compliance testing, the cost is trivial relative to PTPC's revenue. If Whole Effluent Toxicity (WET) testing is not currently required by PTPC's permit, why not, and will the renewed permit include it as a condition?

6. What Is the Current Condition of Port Townsend Bay?

After more than 100 years of continuous industrial discharge, 13 documented spills, and having operated under an expired permit for six-plus years before renewal in May 2025, what is the current chemical and biological condition of Port Townsend Bay near the mill's discharge outfall? Has a comprehensive independent sediment and water quality survey been conducted recently? Who commissioned and paid for it? Who reviewed the methodology and results?

7. What Would a White Liquor Release Into the Bay Look Like?

Sodium hydroxide and sodium sulfide are acutely toxic to aquatic life at concentrations far lower than the volumes involved in a Longview-scale event. A release of 500,000 or more gallons into Port Townsend Bay, rather than onto an enclosed industrial site, would represent an environmental catastrophe affecting fish, shellfish, marine mammals, and the human communities that depend on the bay economically and culturally. Is there a specific, exercised emergency response protocol for this scenario?

8. Have Tribal Nations Been Fully Informed?

The United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) report identifies six Tribal nations within proximity of PTPC, including the Jamestown S'Klallam Tribe (5 miles) and the Port Gamble S'Klallam Tribe (19 miles), both of which hold treaty fishing rights in these waters. Have Tribal governments been fully informed of PTPC's violation record, the expired permit status, the Longview disaster implications, and the questions raised in this document? Do they have access to all wastewater testing results in a timely manner?

7. Worker Safety, Legal Actions, and Enforcement Gaps

Shift Hours and the Longview Timing Connection

PTPC's own job postings, confirmed across Indeed, Glassdoor, and ZipRecruiter, establish the following shift structure for production workers: a 4-day rotation on an 8-day tour, with 2 day shifts (5:00 a.m. to

5:00 p.m.) and 2 night shifts (5:00 p.m. to 5:00 a.m.), followed by 4 days off. Shift changes occur at exactly 5:00 a.m. and 5:00 p.m., twice every day the mill operates. Overtime is described by employees as mandatory and frequent: "It is normal to work more than 50 to 60 hours a week." Employee reviews describe 16-hour days as standard during scheduled shutdowns, and multiple reviews state workers are "doing jobs that used to take 6 people minimum with 3," describing understaffing.

PTPC's 12-hour rotating shift schedule combined with mandatory overtime of 50 to 60-plus hours per week creates documented worker fatigue risk. Worker fatigue is a well-established contributor to industrial accidents, particularly in chemical-intensive environments requiring sustained attention. The question of whether PTPC monitors worker fatigue as a safety variable, and whether understaffing has been formally reported to the Washington State Department of Labor and Industries (L&I), has not been publicly answered.

OSHA Does Not Apply: Washington Industrial Safety and Health Act (WISHA) Does

A common misconception is that the federal Occupational Safety and Health Administration (OSHA) governs workplace safety in Washington State. It does not. Washington is a federally approved "state plan state," meaning it operates its own equivalent program under the Washington Industrial Safety and Health Act (WISHA), administered by the Washington State Department of Labor and Industries (L&I). This means PTPC's worker safety inspection history, citations, and penalties are held in the Washington State Department of Labor and Industries (L&I)'s database, not the federal Occupational Safety and Health Administration (OSHA) database; a search of osha.gov will not return PTPC's full worker safety record.

The specific Washington Industrial Safety and Health Act (WISHA) inspection and citation records for PTPC have not been obtained for this report. A formal public records request is required and recommended: send a public records request to publicrecords@lni.wa.gov requesting all Washington Industrial Safety and Health Act (WISHA) inspection reports, citations, penalty records, and injury and illness reports for PTPC, 100 Mill Road, Port Townsend, Washington 98368, for the period 2015 to present. This information is a matter of public record and should be made publicly available once obtained.

Legal Actions Against PTPC

The following legal actions have been identified through public records and court databases:

- *Sierra Club v. Port Townsend Paper Corp.*: a federal Clean Water Act (CWA) citizen suit, historic and ongoing, over National Pollutant Discharge Elimination System (NPDES) permit violations. The court found sufficient evidence to proceed, and the same violations continue today.
- United States Environmental Protection Agency (EPA) Docket CWA-10-2019-0042: a Clean Water Act (CWA) enforcement action, closed in 2019 with a penalty paid; the amount was not publicly specified in the docket.
- Department of Justice (DOJ) and United States Environmental Protection Agency (EPA) Clean Air Act (CAA) settlement: a 2019 settlement of \$342,000 for Clean Air Act (CAA) violations, digester operating out of compliance since 2001.

- National Labor Relations Board (NLRB) Case 19-CA-341576: an unfair labor practice charge against Port Townsend Paper LLC, recent, active, with allegations not publicly detailed.
- National Labor Relations Board (NLRB) Case 19-CA-285952: an unfair labor practice charge against Port Townsend Paper, recent, active, with allegations not publicly detailed.
- National Labor Relations Board (NLRB) Case 19-CB-297178: Steelworkers Union, District 12 versus PTPC, recent, active, a union-management dispute.

Community Odor Lawsuit Precedent: Directly Applicable to Port Townsend

A highly relevant legal precedent exists from a nearly identical situation at another kraft pulp mill. In Old Town, Maine, neighbors of the ND Paper LLC mill, which produces the same hydrogen sulfide rotten-egg odor as PTPC, filed a class action lawsuit in United States District Court in Bangor. Plaintiffs Walter Demmons and Kirk Ramsay, joined by 120 or more additional neighbors, brought claims of nuisance, trespass, and negligence based on chronic exposure to noxious odors, seeking an injunction to stop emissions plus unspecified damages of at least \$5 million. The complaint stated the odors prevented opening windows, going for walks, and having guests in homes.

The Maine Department of Environmental Protection (DEP) had received 70 or more odor complaints related to the same facility since 2020.

Port Townsend residents have filed nearly 2,000 odor complaints between 2016 and 2021, a far larger documented complaint base than the Maine case. The legal pathway established in Maine is directly applicable: chronic exposure to toxic sulfur compounds above United States Environmental Protection Agency (EPA) health reference levels, documented by federal Agency for Toxic Substances and Disease Registry (ATSDR) scientists, constitutes a potentially viable nuisance and negligence claim. Port Townsend residents should consult with an environmental attorney about the viability of a similar action.

8. The National Picture: Kraft Mills, Lawsuits, and Systemic Failure

Scale of the US Kraft Paper Industry

Port Townsend's situation is not an isolated local problem. It is part of a documented national pattern of kraft mill environmental violations with inadequate regulatory enforcement across the entire industry.

- Pulp and paper mills in North America: 450 or more, per the National Council for Air and Stream Improvement (NCASI).
- United States paper mill establishments, all types: approximately 370, per First Research (2025).
- United States paper mill businesses: 165 as of 2025, per IBISWorld.
- United States paper industry annual revenue: approximately \$80 billion, per First Research.
- United States states with kraft or pulp mills: 22 or more, per the United States Environmental Protection Agency (EPA) mill directory.

- United States paper mill employment (2025): approximately 38,621, per IBISWorld.
- Geographic concentration: the Southeast and Pacific Northwest.
- Largest United States paper company: International Paper, headquartered in Memphis, Tennessee.

PTPC Named in National Study as Among Worst Offenders

In May 2025, the Environmental Integrity Project (EIP) published a comprehensive study of 185 large United States paper mills, titled "A Paper Trail of Pollution." PTPC was specifically named.

The Environmental Integrity Project (EIP) found that United States paper mill climate emissions are actually about 3.5 times what is officially reported, due to federal loopholes allowing mills to exclude "biogenic" fuel emissions; that about half of the 185 large mills studied burned black liquor, the same recovery process used at PTPC, releasing large amounts of particulate matter and sulfur dioxide; and that PTPC was specifically called out for being in Clean Air Act (CAA) violation for 11 of 12 quarters, receiving 23 violation notices and only \$63,750 in penalties over five years, and for the 2024 federal Agency for Toxic Substances and Disease Registry (ATSDR) finding that sulfur compounds near the mill could contribute to lung disease.

PTPC is not just a local compliance problem; it has been identified nationally as an example of the enforcement gap between violations and consequences.

Named Community Voices in the Environmental Integrity Project (EIP) National Study

The Environmental Integrity Project (EIP) study included a dedicated case study on Port Townsend (pages 35 to 37 of the report), based on the same enforcement and discharge facts already documented in this paper, and added two named, on-record local voices. Don Ehnebuske, a resident who has lived in Port Townsend for nearly a decade and has a view of the mill from his house, attended the public meeting where Agency for Toxic Substances and Disease Registry (ATSDR) environmental health scientist Aaron Young presented the 2024 sulfur compound findings.

Young told the meeting: "by measuring the range of sulfur compounds, we have evidence that, yes, multiple of these contaminants can occur at a high level together, and together they can have acute health effects."

Ehnebuske left the meeting outraged at what he considered weak recommendations, telling the Environmental Integrity Project (EIP): "The report was a disappointment in how limp it was. They recommended things like closing your windows when the odor gets bad. I know the mill has no financial incentive to do anything about the odor as long as it's meeting requirements." In the Environmental Integrity Project (EIP)'s official press release announcing the study, Ehnebuske is quoted further: "Local communities are subjected to noxious combinations of airborne chemicals from paper mills while there are proven strategies to dramatically reduce these odors."

The lack of adequate regulation protects profits for these mills while putting the expense to health and quality of life onto the backs of local people." The report states that after the 2024 federal health study was issued, Ehnebuske organized a group of residents interested in working with the mill cooperatively to address the pollution issues, and that mill management completely rejected them, a named, on-record account of a direct rejection of community cooperation following a federal health finding.

Separately, Alea Waters, a resident of the area for two decades who has advocated for stronger air pollution standards at the mill, attended the December 4, 2024 public hearing on the mill's draft wastewater discharge permit. She left the hearing unpersuaded that it addressed her concerns, noting the draft permit increases certain discharge limits, including for suspended solids, because the mill has increased production from 480 to 720 oven-dried tons of pulp per day since its last permit was approved over a decade earlier. She told the Environmental Integrity Project (EIP): "Nobody really knows what's coming out of the pipes from the mill and what effect the effluent is having on the bay."

We love the orcas that are going extinct due to several prime factors, one of which is water pollution. We love the octopuses, the star fish, the crabs, and the salmon which are in the same situation."

National Lawsuit Precedents: Kraft Mill Total Reduced Sulfur (TRS) Chemical Cases

The legal framework for holding kraft mills accountable for Total Reduced Sulfur (TRS) chemical emissions has been established in multiple federal cases. These are the most directly relevant.

Case 1, *Demmons v. ND Paper LLC*, Maine (2022): filed October 7, 2022 in United States District Court, District of Maine, Docket 1:22-cv-00305-NT. Plaintiffs Walter Demmons and Kirk Ramsay brought the suit on behalf of approximately 5,900 households within 2.5 miles, alleging nuisance, trespass, and negligence from chronic Total Reduced Sulfur (TRS) rotten-egg emissions of hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, identical to PTPC's, and seeking an injunction to stop emissions plus at least \$5 million in damages. The Maine Department of Environmental Protection (DEP) had received 70 complaints since 2020, and 120-plus neighbors reported impacts.

On September 12, 2023, the court denied the motion to dismiss on nuisance and negligence grounds, finding the claims legally viable. The mill closed in April 2023, making the injunction moot; the case likely settled confidentially. By comparison, Port Townsend has documented nearly 2,000 complaints versus 70 in Maine, plus Agency for Toxic Substances and Disease Registry (ATSDR) confirmation, and the mill is still operating.

Case 2, *In Re New-Indy Emissions Litigation*, South Carolina (2021-2024), is the governing national precedent. A kraft containerboard mill in Catawba, York County, South Carolina, near Rock Hill and Charlotte, approximately 220 miles north of Savannah, released the identical Total Reduced Sulfur (TRS) chemicals as PTPC from its wastewater treatment lagoons, resulting in the largest kraft mill chemical emissions settlement in United States history. The mill released hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, identical to PTPC. More than 30,000 complaints were filed with the South Carolina Department of Health and Environmental Control (DHEC), more than any prior kraft mill case.

The United States Environmental Protection Agency (EPA) issued an emergency order in May 2021 under Clean Air Act (CAA) Section 303, citing imminent and substantial endangerment; a consent decree followed in December 2021 with a \$1.1 million civil penalty. Four separate legal actions were filed, three federal lawsuits plus the United States Environmental Protection Agency (EPA) enforcement action, resulting in a \$103 million total settlement approved by a federal judge in June 2024: \$18 million went directly to approximately 6,000 households, about \$3,000 per household, and \$85 million was allocated for remediation, including steam stripper installation, lagoon covers, and environmental repair.

The legal basis included nuisance, negligence, the Clean Air Act (CAA), the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA), with settlement classes divided into 5 tiers based on distance from the mill and health effects experienced.

What the New-Indy settlement means for Port Townsend: Port Townsend residents are experiencing the identical chemistry, hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, documented by federal Agency for Toxic Substances and Disease Registry (ATSDR) scientists at levels above United States Environmental Protection Agency (EPA) chronic health reference concentrations. The New-Indy precedent establishes that these claims survive dismissal motions, that juries and courts take Total Reduced Sulfur (TRS) chemical exposure seriously, and that remediation at the source, not just financial compensation, is an available remedy. At approximately 2,000 documented odor complaints versus 30,000 in South Carolina, Port Townsend's case is proportionally strong.

Case 3, Surfrider Foundation v. California Kraft Mills (historic): in an earlier landmark case, the Surfrider Foundation and the United States Environmental Protection Agency (EPA) reached one of the largest Clean Water Act (CWA) penalties in the western United States against Pacific Coast kraft pulp mills. Surfers reported skin rashes and nausea from discharge near coastal mills. The settlement required construction of wastewater treatment facilities, elimination of toxic discharges to ocean waters, and evaluation of chlorine-free pulping processes, establishing the precedent for bay and ocean discharge remediation, directly applicable to Port Townsend Bay.

9. Alternative Pulping Methods: Are There Safer Options?

A legitimate question raised by the Longview disaster is whether kraft pulping, and its dependence on white liquor, is necessary, or whether safer alternatives exist. The answer is nuanced: alternatives exist, but each involves trade-offs in product strength, cost, or commercial viability at scale.

- Kraft, PTPC's current process: uses white liquor (sodium hydroxide and sodium sulfide); produces Total Reduced Sulfur (TRS) odor; carries the same catastrophic release risk demonstrated at Longview; produces the strongest pulp and is viable for PTPC's current products.
- Mechanical pulping: uses no white liquor chemicals; produces no sulfur compounds or odor; no large chemical storage tanks; too weak for containerboard and linerboard, not viable for PTPC's product line.
- Sulfite (acid) pulping: uses sulfurous acid or bisulfites, not caustic white liquor; produces some sulfur dioxide emissions, lower and acidic rather than caustic; produces weaker fiber; a declining industry process, not viable for PTPC's product line.
- Recycled old corrugated cardboard (OCC): uses no chemicals; produces no odor; no hazardous storage; PTPC already partially blends old corrugated cardboard (OCC) with kraft, making this a partial viable path.
- Organosolv: uses organic solvents rather than white liquor; produces no sulfur compounds and minimal odor; minimal catastrophic release risk since it uses organic solvents rather than caustic chemicals; potentially comparable in strength but not yet at commercial scale.

Why Kraft Dominates

Kraft pulping produces the strongest paper fibers from the widest range of wood species and is the only process capable of producing the high-strength containerboard and linerboard that PTPC sells. The kraft chemical recovery cycle is also highly efficient: 95 to 98 percent of cooking chemicals are recaptured and reused, making it economically attractive despite its environmental and safety profile.

Recycled Old Corrugated Cardboard (OCC): The Safest Partial Alternative

PTPC already operates a hybrid model, blending virgin kraft pulp with recycled old corrugated cardboard (OCC) fiber. Increasing the old corrugated cardboard (OCC) ratio reduces the volume of white liquor required and proportionally reduces the amount of white liquor in storage. This is the most immediately actionable path to reducing catastrophic chemical release risk at PTPC without changing the fundamental product line.

Organosolv: The Emerging Alternative

Organosolv pulping uses organic solvents rather than white liquor to dissolve lignin. It was invented in 1968 specifically as an environmentally benign alternative to kraft pulping, produces no Total Reduced Sulfur (TRS) sulfur compounds, generates no rotten-egg odor, and creates no large caustic liquid storage tanks. It also produces high-quality lignin as a valuable byproduct. However, no large-scale United States commercial kraft mills have converted to organosolv as of 2026; it remains a technology at pilot and demonstration scale. The Longview disaster should accelerate regulatory and industry interest in organosolv and other alternatives.

The Chemical Safety and Hazard Investigation Board (CSB) investigation's findings will be an important bellwether for whether white liquor's regulatory status changes nationally.

Environmental Integrity Project (EIP) Findings, May 2025, and the Northwest Pulp and Paper Association (NWPPA): The Industry's Voice

In May 2025, the Environmental Integrity Project (EIP) published "A Paper Trail of Pollution," a national study of 185 pulp and paper mills that included a physical visit to PTPC, one of only three mills visited nationwide. The Environmental Integrity Project (EIP) documented Clean Air Act (CAA) High Priority Violation (HPV) status for 11 of the last 12 quarters, 5 enforcement actions and 23 violation notices over 5 years, and only \$63,750 in Clean Air Act (CAA) penalties; and, separately, 6 enforcement actions for Clean Water Act (CWA) water pollution violations with only \$44,000 in fines. Source: Environmental Integrity Project (EIP), "A Paper Trail of Pollution," May 2025, environmentalintegrity.org, Executive Director Jen Duggan.

PTPC is a member of the Northwest Pulp and Paper Association (NWPPA), a 501(c)(6) trade association founded in 1956 and headquartered in Olympia, Washington. The Northwest Pulp and Paper Association (NWPPA) represents 10 member companies and 13 mills in Washington, Oregon, and Idaho. Executive Director Chris McCabe has led the organization since 2011 and serves as its registered lobbyist in Olympia (contact: chris@nwpulppaper.org, 360-529-8638). The Northwest Pulp and Paper Association (NWPPA) describes its mission as representing members on "legislative and regulatory issues with special emphasis on environmental and energy policy." Its documented public record shows a consistent pattern of opposing stricter environmental regulations.

- 2016: opposed Washington's Carbon Emission Tax Initiative 732.

- 2019 to 2020: applauded United States Environmental Protection Agency (EPA) decisions to withdraw and water down federal water quality standards for Washington State, specifically Human Health Criteria protecting fish-eating communities.
- 2023: joined a federal lawsuit against the United States Environmental Protection Agency (EPA)'s reinstated water quality standards for Washington State, stricter polychlorinated biphenyl (PCB) limits that the United States Environmental Protection Agency (EPA) said were needed "to protect the health of Washingtonians and Tribal members who eat fish and shellfish."
- May 29, 2026, three days after Longview: issued a joint statement with the American Forest and Paper Association (AF&PA) expressing condolences and stating "Safety is a core value across our industry," with no mention of white liquor safety standards, tank inspection requirements, or any specific safety reforms.

The Northwest Pulp and Paper Association (NWPPA) commissioned a report titled "Increasing the Fish Consumption Rate: Report of Fiscal Impact to Select Northwest Pulp and Paper Mills," examining the financial impact on mills if Washington State raised the assumed fish consumption rate used to set National Pollutant Discharge Elimination System (NPDES) discharge permit limits. Higher fish consumption rates mean stricter discharge limits, and the Northwest Pulp and Paper Association (NWPPA) fought to keep them low.

This is directly relevant to PTPC: if Washington State applied a realistic fish consumption rate for Port Townsend Bay, particularly given Jamestown S'Klallam and Port Gamble S'Klallam treaty fishing rights, PTPC's discharge limits would be far stricter than they currently are. The Northwest Pulp and Paper Association (NWPPA) will be the industry's public voice defending PTPC as regulatory pressure increases; its playbook is consistent: argue standards are unattainable, cite economic harm to rural communities, commission friendly economic reports, and litigate when lobbying fails.

The fish consumption rate fight and the 2023 polychlorinated biphenyl (PCB) lawsuit reveal that the Northwest Pulp and Paper Association (NWPPA) will actively contest regulatory standards that its members find economically inconvenient, even when those standards are designed to protect tribal treaty rights and public health.

10. Water: The Community's Strongest Lever

Do Kraft Mills Need to Be Near the Ocean?

No, but they require enormous volumes of freshwater. Kraft pulping uses an average of 54 cubic meters of water per metric ton of pulp produced, making the paper industry one of the largest industrial water users in the United States. Almost all phases of manufacturing require water, including wood chip cooking, pulp washing, steam generation, equipment cooling, and wastewater treatment. Most United States kraft mills are located on rivers, such as the Columbia River (Longview, Wallula), the Catawba River (New-Indy, South Carolina), and the Savannah River (International Paper), not on marine bays.

PTPC is unusual and more environmentally sensitive: it discharges treated wastewater directly into Port Townsend Bay, a semi-enclosed marine body with limited tidal flushing capacity. A Longview-scale white liquor release at PTPC would disperse far more slowly than a comparable river discharge and would immediately threaten the marine ecosystem, shellfish beds, fish habitat, and the bay-dependent

economy. Critically, PTPC does not use bay water; the mill draws freshwater from the Big and Little Quilcene Rivers via the Olympic Gravity Water System (OGWS), a nearly 30-mile gravity pipeline built in 1927 and 1928. The bay is the discharge destination, not the water source.

The Water Agreement: Terms and History

The City of Port Townsend, not the mill, owns the water rights to both the Big and Little Quilcene Rivers and the Olympic Gravity Water System (OGWS) infrastructure. The mill has never owned these rights; it has operated under a series of lease and use agreements since 1928. As one Port Townsend resident stated during 2021 negotiations: "The mill does not own our water and by no stretch of the legal imagination does it have any right to it."

- Agreement signed December 30, 2021; expires 2041.
- Mill daily water use: 10 to 13 million gallons per day. City of Port Townsend daily use: approximately 1 million gallons per day. The mill uses approximately 12 to 13 times more water than all Port Townsend residents combined.
- Jefferson County population: 33,944 residents (2024, US Census Bureau QuickFacts, July 1, 2024). Jefferson County's estimated total water use, residential, commercial, and agricultural: approximately 2.5 to 3.5 million gallons per day. The mill uses approximately 3 to 5 times more water than all of Jefferson County combined.
- Jefferson Public Utility District (PUD)'s largest well, the Sparling well: 500,000 gallons per day; PTPC alone uses 20 to 26 times this amount.
- Rate paid by both parties: \$1.20 per thousand gallons of raw water, the same rate despite the massive usage imbalance. City residents pay \$4.76 per thousand gallons for treated water, nearly 4 times the mill's rate.
- Mill annual payment: approximately \$4.6 million in 2024, rising to approximately \$4.9 million by 2031. City annual payment: approximately \$432,000 in 2024, rising to approximately \$460,000 by 2031.
- Pipeline replacement cost: an estimated \$161 million over 40 years. Mill raw water fees are held in a dedicated fund for infrastructure capital.
- Drought provision: the city can require the mill to temporarily shut down during droughts, for the first time ever under this agreement.
- Rate renegotiation: the rate model update is required every 5 years, due by the end of 2026.
- August 2025: the city issued a mandatory water conservation notice during a pipeline leak repair.
- Hard cap: the mill is capped at 14 million gallons per day maximum.

Stated plainly: a single private industrial facility, owned by a Connecticut private equity firm, uses more fresh water every day than every resident, every business, and every farm in all of Jefferson County combined, approximately 12 to 13 times more than the City of Port Townsend, approximately 3 to 5 times more than all of Jefferson County, and 20 to 26 times more than the Jefferson Public Utility District (PUD)'s Sparling well, the county's largest water source. Both the city and the mill pay the same rate per gallon, \$1.20 per thousand gallons.

Jefferson County residents, businesses, and farms, whose combined water use is dwarfed by this single facility, have no direct contractual relationship with PTPC's water use whatsoever; only the City of Port Townsend does. This asymmetry is the foundation of the city's authority as the water rights owner.

Historical Context: 65 Years of Free Water

From 1956 until the 2021 agreement, PTPC consumed 10 to 13 million gallons of water daily and paid nothing per gallon, only pipeline maintenance costs. The 2021 agreement was the first time in the mill's history that volumetric water payments were required. For context, residents have paid per-gallon rates for their much smaller share of the same water for decades. The historic subsidy ended in April 2022.

The 2026 Rate Review

The mandated rate model update is due by the end of 2026. This is the single most powerful near-term opportunity for Port Townsend to demand concrete safety and environmental conditions in exchange for continued water access at favorable rates. Conditions the city should attach to any rate renewal include:

- Mandatory independent inspection of all white liquor storage tanks
- Public disclosure of all wastewater testing results on a quarterly basis
- Whole Effluent Toxicity (WET) testing as a contractual requirement
- An independent environmental audit every three years
- A specific emergency response protocol for a white liquor release near Port Townsend Bay

The City of Port Townsend owns the water rights and has authority as an elected government that must not be squandered in the name of maintaining a comfortable relationship.

11. City and County Perspectives: Economic Dependency and Accountability

The City of Port Townsend's Perspective

The City of Port Townsend occupies a unique position: it owns the water rights that make PTPC's operations possible, yet for most of the mill's history this relationship has been exercised minimally.

- The city owns the water rights to the Quilcene watershed; PTPC has no independent right to the water.
- Residents have long subsidized the mill's water use while paying far higher per-gallon rates themselves.
- The 2021 agreement introduced volumetric water payments for the first time, a significant step.
- The drought shutdown provision in the 2021 agreement establishes the principle that water access is conditional, not absolute.

- City residents were asked to conserve water, shorter showers, no irrigation, during the August 2025 pipeline leak while the mill continued operations.
- Community members have consistently pushed for higher mill water rates during negotiations.
- The city's water treatment facility, which treats water for residents, cost millions to build and carries ongoing operating costs that ratepayers fund.

Jefferson County's Perspective

Jefferson County's relationship with PTPC is dominated by economic dependency that creates structural pressure to accommodate rather than challenge the mill's environmental and safety record. PTPC provides 40 percent of all manufacturing jobs in Jefferson County, with 300-plus direct employees earning an average salary of \$92,600, significantly above Jefferson County's median household income of \$64,800. The mill contributes nearly \$4 million in annual local and state taxes and reported \$319 million in direct expenditures in 2024. PTPC's economic impact study, released in June 2025, was timed to influence the upcoming water rate negotiations.

PTPC's chief executive officer stated: "The mill is not only the economic engine of Port Townsend and Jefferson County, but its success and longevity is absolutely vital to our region." This framing, mill as indispensable, is the same framing used by industrial facilities nationally before disasters. The Nippon Dynawave mill in Longview was also a major regional employer with similar economic significance before 11 workers died.

Regulatory Capture by Economic Dependency

The pattern of economic dependency creating regulatory forbearance is well documented nationally. PTPC's penalty record, over \$103,250 in confirmed penalties across all environmental statutes over five years, is consistent with regulators who are reluctant to impose penalties that might threaten mill operations. The same pattern existed at Nippon Dynawave before the Longview disaster.

Demanding a white liquor tank inspection is not threatening the mill's existence. It is protecting the 300 workers inside it, the community around it, and the bay beneath it. The Longview workers did not die because someone demanded a safety inspection; they died because no one did. Jefferson County Commissioners have the authority, the standing, and, after Longview, the moral obligation to demand answers. The economic argument for the mill's importance is exactly why its safety must be verified: a Longview-scale disaster at PTPC would end 300 jobs, devastate the bay economy, and destroy the community relationship with the mill permanently.

The Kraft Industry's Share of US Manufacturing

For context on the national stakes: the entire United States forest products industry accounts for approximately 4.7 percent of United States manufacturing gross domestic product (GDP), roughly \$435 billion annually. Of the paper and pulp segment within that figure, kraft pulping represents approximately 70 to 75 percent of all United States chemical pulping by volume. Estimated kraft mill revenue nationally is approximately \$60 to \$70 billion annually, roughly 1.5 to 2 percent of United States manufacturing gross domestic product (GDP). This is a substantial industrial sector that has historically operated with minimal chemical storage risk management requirements relative to the hazards involved.

12. PTPC's Own Claims: And What They Don't Say

PTPC's Self-Description

PTPC's website (ptpc.com, last modified July 2023) describes the company as follows: "PTPC produces sustainable Kraft pulp, Kraft Paper, containerboard, and specialty products by blending virgin and recycled fibers at our mill in Port Townsend, Washington... while being a responsible neighbor and preserving the environment." PTPC states its founding date as 1928. Its sustainability page claims: "Port Townsend Paper has reduced greenhouse gas emissions by over 50% through using renewable carbon-neutral biomass and implementing efficiency improvements," and: "At PTPC we recycle the equivalent of one-third of Washington's recycled cardboard collected each year."

The same company that calls itself a "responsible neighbor preserving the environment" has 13 or more documented industrial spills into Port Townsend Bay since 2013; 11 of 12 quarters in Clean Air Act (CAA) High Priority Violation; a National Pollutant Discharge Elimination System (NPDES) water discharge permit that expired in 2018 and was not renewed until May 2025; federal scientists confirming toxic compounds above health reference levels near the facility; and two new formal enforcement orders issued this month, April and May 2026. Community relations contact: community_relations@ptpc.com, 360-385-3170.

The 156-Day Safety Record: And What It Does Not Measure

On April 23, 2025, PTPC announced: "We have officially reached the highest number of consecutive safe workdays in the past 25 years! It has been 156 days since the last recordable injury at PTPC!" The announcement attributes this to employee commitment and describes safety as "a culture we've built together." This press release was issued approximately one month before the April 2025 discharge of 114,000 gallons of untreated wastewater into Port Townsend Bay, PTPC's largest documented spill.

This achievement is genuine and deserves acknowledgment; reducing acute traumatic injuries is a meaningful goal. However, recordable injury metrics measure cuts, falls, burns, and acute traumatic events.

They do not measure, and PTPC does not publicly report on, several critical safety dimensions: worker chronic exposure to hydrogen sulfide and other Total Reduced Sulfur (TRS) compounds inside the facility, where concentrations far exceed those measured outside the fence; occupational illness rates, since respiratory disease, neurological damage, and peripheral neuropathy from chronic hydrogen sulfide exposure develop over years and are almost never attributed to workplace exposure on the day they are diagnosed; hydrogen sulfide exposure monitoring data, since Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.1020 requires employers to maintain worker exposure records and workers have a legal right to request them, but the community does not; and whether PTPC is monitoring worker hydrogen sulfide levels at the frequency and locations required by the Occupational Safety and Health Administration (OSHA) near digesters, recovery boilers, and evaporators, the highest-exposure areas.

Hydrogen sulfide is the leading cause of workplace gas inhalation deaths in the United States, causing 46 worker deaths between 2011 and 2017, according to the Occupational Safety and Health Administration (OSHA). At low concentrations it causes headaches, eye irritation, and fatigue; at

moderate concentrations, respiratory damage and loss of consciousness; at high concentrations, death. Critically, hydrogen sulfide quickly desensitizes the nose, so workers lose the ability to smell it, creating a false sense of safety.

The Occupational Safety and Health Administration (OSHA)'s permissible exposure limit is 20 parts per million over 8 hours; the American Conference of Governmental Industrial Hygienists recommends no more than 1 part per million as a time-weighted average, 20 times stricter than the Occupational Safety and Health Administration (OSHA)'s permissible exposure limit. The Agency for Toxic Substances and Disease Registry (ATSDR) found community members outside the fence already above chronic health reference levels; workers inside the facility, near the digesters and recovery boilers, face concentrations that are almost certainly higher. A 156-day injury-free record and adequate toxic exposure protection are two entirely different measures of safety.

Data That Should Be Released: What PTPC May Be Hiding

The following records exist internally at PTPC but are not publicly available. Each represents a specific gap between what the community has a right to know and what is currently disclosed.

- White liquor tank inspection records: American Petroleum Institute (API) 653 Tank Inspection reports covering age, material, corrosion measurements, last test dates, and any noted deficiencies. The Longview tank that failed was aging infrastructure; if PTPC's tanks are old, corroded, or have uninspected deficiencies, this is the most critical safety information the community lacks.
- Process Hazard Analysis: required under Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM), this document describes ways a process could fail, consequences, and safeguards, and literally describes what could go wrong with white liquor storage at PTPC. It exists internally but has no public reporting requirement.
- Worker hydrogen sulfide and Total Reduced Sulfur (TRS) exposure monitoring: Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.1020 requires employers to maintain worker exposure records for toxic substances including hydrogen sulfide. Are PTPC workers being monitored at adequate frequency near digesters and recovery boilers? What are the results? Are any workers above Occupational Safety and Health Administration (OSHA) limits?
- National Pollutant Discharge Elimination System (NPDES) Discharge Monitoring Reports: PTPC submits Discharge Monitoring Reports (DMRs) to the Washington State Department of Ecology under the expired permit, but these are not prominently publicly accessible. Ten years of discharge data would show trends in toxic compound releases into Port Townsend Bay. Missing and invalid Discharge Monitoring Reports (DMRs) noted in United States Environmental Protection Agency (EPA) Enforcement and Compliance History Online (ECHO) raise reliability questions.
- Resource Conservation and Recovery Act (RCRA) corrective action plan: what specifically failed in the 9 violations found in the June 2025 inspection, including emergency preparedness failures? What is PTPC doing to fix it, and what is the timeline? This is directly relevant to post-Longview safety assessment.
- Internal incident reports: Process Safety Management (PSM) requires investigation reports for equipment failures or near-misses, but these have no public reporting requirement. Have there

been white liquor spills, near-misses, or releases that never reached public records? The 13 or more documented Clean Water Act (CWA) spills are just what was reported.

- Secondary containment capacity: engineering calculations for how much liquid can be contained if a white liquor tank fails. A 900,000-gallon release at PTPC would flow toward Port Townsend Bay. What is the containment capacity, and where would an uncontained release go?
- Atlas Holdings safety audit: Atlas Holdings claims all portfolio companies are 'held accountable' for world-class safety. What did Atlas Holdings find when it audited PTPC after the October 2022 acquisition? Have any safety concerns been deferred or unaddressed?

Why these records are not public: the Occupational Safety and Health Administration (OSHA)'s Process Safety Management (PSM) standard, 29 CFR 1910.119, requires all of the above documentation internally but has no external public reporting requirements whatsoever. The United States Environmental Protection Agency (EPA)'s Risk Management Program (RMP) would require public disclosure of worst-case scenarios and five-year accident histories, but white liquor, sodium hydroxide plus sodium sulfide, is exempt from the Risk Management Program (RMP). The combination of the Process Safety Management (PSM) standard's internal-only requirements and the Risk Management Program (RMP)'s exemption for white liquor creates a complete information blackout for the community.

13. Laws, Regulations, and What Must Change

Existing Legal Tools: Already Available

Several existing legal tools give Jefferson County, the City of Port Townsend, and Washington State immediate authority to act, with no new legislation required.

- Jefferson County Local Emergency Planning Committee (LEPC): under the Emergency Planning and Community Right-to-Know Act (EPCRA), the committee can request chemical inventories, review emergency plans, visit facilities, and make information public, as required by federal law. Action needed: convene the Local Emergency Planning Committee (LEPC) specifically regarding PTPC post-Longview, and request all Tier II filings.
- Emergency Planning and Community Right-to-Know Act (EPCRA) Tier II Reports: PTPC must file annual chemical inventory reports with the Local Emergency Planning Committee (LEPC) and the Washington State Department of Ecology by July 1 each year; these are public records upon request and exist now. Action needed: request PTPC's current Tier II filings from Ecology or the Jefferson County Local Emergency Planning Committee (LEPC) immediately.
- Washington Industrial Safety and Health Act (WISHA), administered by the Washington State Department of Labor and Industries (L&I): Washington's state plan is required to meet or exceed federal Occupational Safety and Health Administration (OSHA) standards, and the Washington State Department of Labor and Industries (L&I) can conduct proactive inspections without a complaint. Action needed: request an emergency proactive Washington Industrial Safety and Health Act (WISHA) inspection of PTPC's white liquor handling, tank integrity, and worker hydrogen sulfide monitoring programs.

- Washington's Chemical Accident Prevention Program (CAPP), under Revised Code of Washington (RCW) 90.48: gives the Washington State Department of Ecology broader authority than the federal Risk Management Program (RMP) to require PTPC to file an accident prevention plan for facilities with catastrophic release risk. Action needed: invoke the Chemical Accident Prevention Program (CAPP) for white liquor storage.
- National Pollutant Discharge Elimination System (NPDES) Permit Renewal: the Washington State Department of Ecology can add Whole Effluent Toxicity (WET) testing, continuous monitoring, comprehensive chemical panels, and public disclosure as permit conditions. Action needed: use the public comment period on PTPC's draft permit renewal to demand all conditions be included before renewal is finalized.
- City Water Agreement (2026): no new law is needed; the city can formally request voluntary safety commitments, including tank inspection disclosure, Whole Effluent Toxicity (WET) testing, and an independent safety audit, as conditions of water access renewal by the end of 2026.

The National Gold Standard: Contra Costa County Industrial Safety Ordinance

After the 1999 Chevron Richmond refinery fire, and strengthened after the 2012 Chevron fire that sent 5,700 people to the hospital, Contra Costa County, California enacted what has been called "the strongest local ordinance in the nation to regulate safety at refineries and chemical plants." In September 2024, the Board of Supervisors expanded it to cover any facility storing at least 10,000 pounds of hazardous flammable liquids in tanks of 50,000 gallons or more capacity.

The ordinance requires independent third-party safety audits every three years with results publicly disclosed; allows the county Hazardous Materials Program to conduct regular safety inspections and levy fines; requires root cause analysis reports after any Major Chemical Accident or Release causing \$500,000 or more in damage; requires facilities to correct identified deficiencies on a defined schedule; and requires community notification for any significant release.

The Contra Costa Industrial Safety Ordinance (ISO) was enacted after a disaster killed and injured people. Jefferson County does not have to wait for a disaster at PTPC; the Longview implosion provides direct justification for a proactive Jefferson County Industrial Safety Ordinance covering PTPC. Supervisor John Gioia of Contra Costa said it best after the Chevron fire: "We want to make sure that companies operating in our communities are accountable to the people who live here."

The California Fence-Line Monitoring Model

California implemented a Refinery Real Time Community and Fenceline Monitoring program that allows residents across the Bay Area, San Joaquin Valley, Central Coast, and Southern California to see in real time what specific pollutants are in the air they breathe near major industrial facilities. Louisiana recently rejected a similar bill that would have required oil refineries and chemical manufacturing facilities to install fence-line monitors, make hourly pollution data publicly available, and send real-time alerts when pollutant levels exceeded safe thresholds.

Washington State should enact the California model. PTPC would qualify immediately under the existing 2024 Agency for Toxic Substances and Disease Registry (ATSDR) finding that Total Reduced Sulfur (TRS) compounds near PTPC exceed United States Environmental Protection Agency (EPA) chronic

health reference concentrations. Fence-line monitoring would give Port Townsend residents, and PTPC workers, real-time visibility into what they are breathing. The technology is mature, affordable, and already in use at refineries nationally.

New Washington State Legislation Urgently Needed

Several categories of new state legislation are needed, each justified directly by the Longview disaster:

- **WA Kraft Mill White Liquor Tank Safety Act:** would require all Washington kraft mills to certify white liquor storage tanks via independent American Petroleum Institute (API) 653 inspection on a defined schedule and file results publicly with Ecology. Justification: the Longview tank failed, and PTPC's tank sizes, ages, and inspection records are unknown; this gap is indefensible.
- **WA Fence-Line Air Monitoring Act:** would require facilities where the Agency for Toxic Substances and Disease Registry (ATSDR) or the Washington State Department of Health (DOH) confirms toxic emissions above chronic health reference levels to install continuous fence-line monitors with real-time public data feeds. PTPC already qualifies under the 2024 Agency for Toxic Substances and Disease Registry (ATSDR) finding. Notably, the American Geophysical Union's Thriving Earth Exchange (TEX) has an active Port Townsend project, published January 2026 and in progress, pairing community leaders with pro-bono atmospheric scientists to design a low-cost community sulfur monitoring network and develop a regulatory proposal for Ecology; the team includes Dr. Edmund Seto (Professor of Environmental Health and Director, University of Washington Center for Environmental Health Equity) and Haroula Baliaka (atmospheric scientist, California Institute of Technology). Source: thrivingearthexchange.org/project/port-townsend-wa/. Port Townsend residents have a right to know what is in the air they breathe in real time.
- **WA Industrial Toxic Exposure Occupational Health Act:** would require employers at facilities with documented Total Reduced Sulfur (TRS) emissions above health standards to conduct annual occupational health screenings and monitor and report worker hydrogen sulfide exposure separately from injury logs. Justification: PTPC's 156-day injury record measures the wrong thing; workers may be experiencing chronic toxic exposure that never shows on an injury log.
- **WA Chemical Accident Prevention Program Expansion:** would explicitly add white liquor, sodium hydroxide plus sodium sulfide, at kraft mill quantities to the Chemical Accident Prevention Program (CAPP) threshold list, requiring public accident prevention plans regardless of the federal Risk Management Program (RMP) exemption. Justification: the federal exemption left Nippon Dynawave without public safety oversight; Washington cannot let this gap persist at PTPC.
- **WA Worker Safety Report Fast-Track Act:** would require any worker report of structural integrity concerns at hazardous chemical storage equipment to trigger a state inspection within 30 days, rather than being filed and deferred. Justification: Longview workers reported a sinkhole to the Washington Division of Occupational Safety and Health (DOSH) two months before the disaster; no action was taken, and 11 people died.

14. PTPC Is Not an Outlier: The National Kraft Mill Pattern

Environmental Integrity Project (EIP) 'A Paper Trail of Pollution': May 2025

The Environmental Integrity Project (EIP) published a comprehensive study in May 2025 examining all 185 largest United States pulp and paper mills. PTPC was named specifically. The report found that PTPC had been in violation of the Clean Air Act (CAA) for 11 of the last 12 quarters, had accumulated 5 enforcement actions and 23 violations, and had received only \$44,000 in total water pollution fines over five years. One finding is particularly striking in the context of the Longview disaster: the oldest industrial boiler examined across all 185 mills was installed in 1928, at the Nippon Dynawave plant in Longview, Washington.

The Environmental Integrity Project (EIP) report was published eight months before that same facility killed 11 workers. Aging infrastructure is not a Longview-specific problem; it is an industry-wide condition that regulators have systematically failed to address.

Additional national findings from the Environmental Integrity Project (EIP): 73 percent of the 185 large United States pulp and paper mills, 135 facilities, have outdated boilers older than 15 years, with an average age dating to Ronald Reagan's first term. True greenhouse gas emissions from United States paper mills are 3.5 times higher than officially reported, because the United States Environmental Protection Agency (EPA) allows mills to exclude "biogenic" fuel emissions. The 185 mills collectively released more than 46,000 tons of sulfur dioxide in 2020, and many United States kraft mills lack basic scrubbers for hydrogen sulfide and sulfur dioxide.

Smurfit WestRock's mill in Covington, Virginia, operating a World War II-era boiler installed in 1940, was named the number one climate polluter among all United States paper mills in 2023, with true emissions of approximately 2.5 million metric tons versus the 970,000 tons officially reported. A resident near the Covington mill told the Virginia Mercury: "The odor gets so bad sometimes, you'll throw up if you come outside. I'll tell you this: It will kill us all someday."

New-Indy Catawba, SC: The Most Directly Comparable Case

New-Indy Containerboard in Catawba, South Carolina is the closest national parallel to Port Townsend: same kraft chemistry, same hydrogen sulfide emissions, and the same community pattern of thousands of complaints, years of regulatory inaction, then escalating enforcement and litigation. The mill is owned by an investment group led by Robert Kraft, billionaire owner of the New England Patriots, and Schwarz Partners, who acquired it for approximately \$300 million in 2018.

Nearly 50,000 odor complaints have been filed by area residents since 2018, the same rotten-egg hydrogen sulfide smell that Port Townsend residents have reported for decades. The United States Environmental Protection Agency (EPA) issued an emergency order on May 13, 2021, declaring an "imminent and substantial endangerment to public health or welfare or the environment" from hydrogen sulfide emissions. Peak particle pollution reached nearly 300 pounds per hour, up to 50 times higher than comparable United States paper mills. Community health impacts documented in court filings included nausea, headaches, migraines, eye and throat irritation, coughing, difficulty breathing, asthma flare-ups, and dizziness.

Plaintiffs stated: "We basically cannot enjoy our life" and "We are prisoners in our own smelly home"; dogs grew sick and children were kept indoors, with persistent headaches for years. New-Indy created an entire website tab devoted to "misconceptions and misinformation" and blamed the hydrogen sulfide emissions on the plant's previous owners. A federal consent decree imposed a \$1.1 million

penalty plus required operational controls in November 2022, and a class action settlement paid \$18 million to approximately 6,000 affected households in 2024.

International Paper Bogalusa, LA: A Three-Chapter Story

International Paper's Bogalusa, Louisiana kraft mill illustrates the multi-decade cycle of violation, enforcement, and continued community impact that defines the national pattern.

- June 2015: a black liquor evaporator tank sight glass ruptured and erupted into the air, causing community exposure. Four federal class action lawsuits were filed (Slocum, Sanders, Bolton, Jarrell), settled for \$1.25 million in 2022.
- 2017 to 2018: Total Reduced Sulfur (TRS) emissions ran 75 percent above standard. In August 2017, a state inspector showed up the next day and found only mild odor; United States Environmental Protection Agency (EPA) monitoring failure violations were issued in 2021 and 2023.
- February 2025: a \$500,000 Total Reduced Sulfur (TRS) consent settlement was signed. International Paper, with a market capitalization of \$28 billion and \$557 million in net earnings in 2024, paid \$500,000, less than 0.1 percent of one quarter's profit.
- September 2025: a new class action was filed for "noxious odors invading properties," showing the pattern continues after settlement: enforcement resolves violations but does not stop community harm.

Domtar Kingsport, TN: Filed March 2026, Response Filed May 2026

A federal class action filed March 10, 2026, just weeks before the Longview disaster, against Domtar Paper Company's Kingsport, Tennessee mill describes conditions that Port Townsend residents will immediately recognize. The lawsuit covers an estimated 10,000 or more affected households within two miles of the mill. Hydrogen sulfide is described as "unbelievably horrible," emanating from a 23-acre wastewater lagoon. Residents cannot garden, grill outdoors, use hot tubs, or let children play outside. One plaintiff stated: "Using our grill and having family BBQs or friends over is not possible because you can't even go outside.

Our children cannot jump on their trampoline or even enjoy bike rides around the neighborhood." Domtar's own safety documentation admits hydrogen sulfide is "easily detected as the smell of rotten eggs" and that levels at the mill "can be unpleasant," language now used against the company in litigation. The Tennessee Department of Environment and Conservation (TDEC) issued multiple regulatory violation notices for permit violations. Domtar filed its response on May 18, 2026, denying harmful odors, denying community damages, and arguing the claims are "too speculative" and that compliance with regulations bars liability.

Domtar's core legal defense is that compliance with regulations bars liability, the same defense PTPC would likely use if sued. The Kingsport case will establish whether regulatory compliance is sufficient when federal scientists have confirmed that emissions exceed United States Environmental Protection Agency (EPA) chronic health reference concentrations, exactly the situation in Port Townsend under the 2024 Agency for Toxic Substances and Disease Registry (ATSDR) finding. If Domtar's "compliance bars liability" defense fails in Kingsport, PTPC faces significant legal exposure under the identical factual pattern.

The Absence of White Liquor Tank Articles Is Not Evidence of Safety

Searches for documented white liquor tank incidents at United States mills other than Longview return almost nothing, not because such incidents have not occurred, but because white liquor is exempt from the United States Environmental Protection Agency (EPA)'s Risk Management Program (RMP). This means facilities are not required to report worst-case scenarios, near-misses, minor releases, or tank conditions into any public database. The regulatory blackout is complete.

The Longview disaster was not an anomaly in a safe industry. It was the first major white liquor tank failure to occur in full public view, because every prior near-miss, release, and warning sign was hidden behind the Risk Management Program (RMP) exemption and the Process Safety Management (PSM) standard's zero-disclosure requirements. PTPC operates the identical chemistry, its tanks are the same age class, and its compliance record is worse than Nippon Dynawave's before the disaster. The community around Port Townsend Bay has been living the New-Indy, Bogalusa, and Kingsport story for decades. The window to act before it becomes the Longview story is open, but not indefinitely.

15. Fire History at PTPC

Three fires occurred at PTPC in less than 12 months, documented in East Jefferson Fire Rescue records and published news reporting.

- January 22, 2022: a 200-yard wood chip conveyor belt spanning six stories was fully engulfed in flames. Black smoke was visible from Port Townsend to Marrowstone Island. East Jefferson Fire Rescue found a compromised fire sprinkler system with a part missing. Fire Chief Bret Black stated: "There's room for improvement." Cause undetermined. Damage: \$500,000.
- March 12, 2022: a second fire broke out less than two months later. When asked what had been learned from two fires in two months, General Manager Nick Nachbar declined to answer substantively. Cause undetermined.
- December 2022: a third fire occurred in a large concrete vault, a confined space not safe for firefighters to enter. One firefighter was transported to Jefferson Healthcare for exhaustion. Cause undetermined due to access issues.

Three fires in under 12 months, compromised sprinklers, all causes undetermined, and a firefighter hospitalized. Each incident required East Jefferson Fire Rescue response to a facility storing and processing highly flammable wood chips, caustic chemicals, and operating high-temperature recovery boilers.

- December 17, 2024: a fire on the Number 2 Paper Machine, with smoke venting from the roof and flames running along the ceiling over the dryer sections; under investigation by the Jefferson County Fire Marshal.
- March 16, 2025: an electrical fire in the turbine room. East Jefferson Fire Rescue (EJFR) responded, and dry chemical extinguishers were used until power was shut off. No injuries.

In total, eight fires in nine years have required East Jefferson Fire Rescue (EJFR) response, an average of one every 13 months.

16. 12-Hour Shifts, Mandatory Overtime, and Worker Fatigue

PTPC's own job postings confirm that production workers work 12-hour rotating shifts: two day shifts (5:00 a.m. to 5:00 p.m.) and two night shifts (5:00 p.m. to 5:00 a.m.) on an 8-day rotation, with additional overtime described as available. Former employees on publicly available review platforms describe overtime as mandatory and routine.

- "Overtime is mandatory and more frequent than not."
- "A lot of people have left PTPC recently but the company is not hiring replacements. Millwrights are doing jobs that used to take 6 people minimum with 3. Hours are long, scheduled downs are always 16-hour days, twice the work and half the people."
- "Safety came second to getting equipment back up and running even though they might say otherwise."

These worker accounts are drawn from publicly available Indeed.com employee reviews of PTPC. PTPC's own job listings confirm the work environment "may include exposure to steam, dust, mists, noise, odors, and temperature extremes" and that "tasks may require working at heights, in confined spaces, and around sharp instruments or moving equipment."

The National Institute for Occupational Safety and Health (NIOSH) and peer-reviewed research confirm that 12-hour rotating shifts, particularly night shifts, significantly increase accident risk, impaired judgment, and reduced reaction time. Adding mandatory overtime extends workers to 14, 16, or more consecutive hours in environments with white liquor, recovery boilers, confined spaces, and elevated conveyor systems, all high-consequence areas where fatigue-induced inattention can be fatal. The Nippon Dynawave disaster on May 26, 2026 occurred at a shift change, and workers who had completed their shift were present near the implosion point. Fatigue and shift timing are part of the federal Chemical Safety and Hazard Investigation Board (CSB) investigation.

The parallels to PTPC's documented shift structure and mandatory overtime culture are directly relevant to any safety assessment of the facility.

17. The Committee That Should Have Been Watching

The Local Emergency Planning Committee (LEPC), a body required by federal law in every county in America, is supposed to be the community's first line of defense when a hazardous chemical facility operates in its midst. It is supposed to know what chemicals are stored at every major facility, maintain an emergency response plan for a catastrophic release, and ensure that elected officials, first responders, hospitals, and the public all have the information they need. Jefferson County has one.

Jefferson County Emergency Management Director Willie Bence has confirmed that the Local Emergency Planning Committee (LEPC) meets quarterly, is open to the public, and that PTPC is an active participant. A Local Emergency Planning Committee (LEPC) meeting is scheduled for July 2026, at which the Longview disaster is expected to be addressed. Under the Emergency Planning and Community Right-to-Know Act (EPCRA), PTPC reports its chemical inventories annually to local fire departments, the Local Emergency Planning Committee (LEPC), and the Washington State Department of Ecology.

The Local Emergency Planning Committee (LEPC) was established under the Emergency Planning and Community Right-to-Know Act (EPCRA), passed by Congress in 1986 in direct response to the Bhopal chemical disaster in India that killed thousands of people living near an industrial facility. The law was explicit: communities living near hazardous chemical facilities have a right to know what is stored there and a right to a plan for what happens if something goes wrong. Every county in America was required to form a Local Emergency Planning Committee (LEPC). Jefferson County established its framework around 1987.

The committee is required by law to include elected officials, law enforcement, fire and emergency medical services (EMS), public health, hospitals, transportation, media, community groups, and, critically, the owners and operators of hazardous facilities themselves. PTPC has a required seat at that table.

The Jefferson County Local Emergency Planning Committee (LEPC) is described on the county's own website as being "in its formative stage." There is no public roster, no meeting minutes, and no active public presence. During those 35 years, PTPC has discharged effluent, liquid waste discharged into the environment, into Port Townsend Bay continuously. During those 35 years, hydrogen sulfide and other Total Reduced Sulfur (TRS) compounds were released into the air surrounding our community, compounds the federal Agency for Toxic Substances and Disease Registry (ATSDR) confirmed in 2024 exceed United States Environmental Protection Agency (EPA) chronic health reference concentrations.

During those 35 years, white liquor, the same caustic chemical that imploded at Nippon Dynawave on May 26, 2026 and killed 11 workers, has been stored in tanks on 450 acres bordering Port Townsend Bay. The Local Emergency Planning Committee (LEPC) that was supposed to know the size of those tanks, hold the emergency response plan for a white liquor release near the bay, and maintain a public file of PTPC's annual chemical inventory has existed on paper, and only on paper, for more than three decades.

This is not a criticism of any individual. It reflects a nationwide pattern of underfunded, understaffed, and ignored Local Emergency Planning Committees (LEPCs) that the Emergency Planning and Community Right-to-Know Act (EPCRA)'s architects could not have anticipated. In community after community across America, the Emergency Planning and Community Right-to-Know Act (EPCRA) infrastructure exists in law and not in practice, until the day it is urgently needed.

We are asking the Jefferson County Board of Commissioners to do what they were required to do 35 years ago: establish a functioning, staffed, and active Local Emergency Planning Committee (LEPC), and convene it immediately, specifically regarding PTPC's white liquor storage, its chemical inventory, and its emergency response plan for a catastrophic release near Port Townsend Bay.

18. Additional Community Concerns

Economic Dependency and Regulatory Capture Risk

PTPC reported \$319 million in direct expenditures in 2024 and claims approximately \$1.276 billion in indirect regional economic benefits using a standard 4x multiplier. The mill provides 300 direct jobs and is a dominant economic presence in Jefferson County. This economic significance creates structural pressure on regulators to avoid enforcement actions that might threaten mill operations, a pattern

documented nationally in industrial environmental compliance. The penalty record, over \$103,250 in confirmed penalties over five years, is consistent with regulatory forbearance, not rigorous enforcement. According to Good Jobs First's Violation Tracker, companies currently owned by Atlas Holdings (since 2000) have accumulated \$108,020,712 in penalties across 143 violation records nationally.

Aging Infrastructure and Private Equity Ownership

The mill was founded in 1927 and has operated continuously since. Employee reviews on Indeed describe "many repairs needed to infrastructure and old equipment" and mandatory overtime of 50 to 60 hours per week. PTPC is owned by Atlas Holdings, a private equity firm. Private equity ownership has been associated nationally with deferred maintenance and capital investment reduction in industrial facilities. The question of who is ultimately responsible for capital investment in white liquor tank inspection, maintenance, and replacement is a direct governance and accountability question for regulators.

Atlas Holdings' Own Safety Commitments, and the Contradiction

Atlas Holdings' corporate website (last modified April 25, 2023, six months after acquiring PTPC) states: "Our view on safety is clear; all Atlas operating companies must pursue and achieve world-class safety performance and are held accountable for reaching that goal." "We believe a healthy and safe work environment is a fundamental right of all employees." "We believe all accidents are preventable." "We believe companies achieve world-class safety performance through the engagement and empowerment of employees, which is also the pathway to achieving operational excellence." These are direct quotes from Atlas Holdings' own public corporate communications, representing explicit commitments that apply, by Atlas Holdings' own statement, to all operating companies, including PTPC.

Port Townsend City Manager John Mauro said at the time of the acquisition: "The city perspective is the water supply, which was built into our water contract that was approved last year" (Peninsula Daily News, October 14, 2022).

Since Atlas Holdings acquired PTPC in October 2022, the following has occurred at the facility Atlas Holdings claims meets "world-class safety performance" standards: 11 of 12 quarters in Clean Air Act (CAA) High Priority Violation, the most serious noncompliance status; a June 2025 Resource Conservation and Recovery Act (RCRA) inspection finding 9 violations, including emergency preparedness and prevention failures; two new formal Clean Water Act (CWA) enforcement orders issued in April and May 2026, this month; employee reviews describing mandatory overtime of 50 to 60-plus hours per week, understaffing, and deferred maintenance; and the 2024 Agency for Toxic Substances and Disease Registry (ATSDR) finding of toxic compounds above health reference levels near the facility.

The question for the Jefferson County Board of Commissioners, the Port Townsend City Council, and the Washington State Department of Ecology: who at Atlas Holdings is specifically 'held accountable' for this record, and what has that accountability looked like in practice?

The Regulatory Gap: White Liquor Is Not in the Risk Management Program

Sodium hydroxide and sodium sulfide, the two primary white liquor components, are not listed as "extremely hazardous substances" under the United States Environmental Protection Agency (EPA)'s Risk Management Program (RMP), despite being caustic enough to cause immediate chemical burns and kill 11 people in Longview. This exemption means PTPC has no obligation to file a public risk management plan, disclose tank sizes or quantities, conduct worst-case release scenario modeling, or coordinate with local emergency planning committees under Risk Management Program (RMP) requirements. The Longview disaster will likely force a reexamination of this classification at the federal level.

Jefferson County should not wait for that process; it can request this information from PTPC directly and make any disclosure a condition of ongoing community support.

19. Formal Requests to the Board of Commissioners

The following requests are directed to the Jefferson County Board of Commissioners and, where applicable, the Port Townsend City Council. Each is grounded in existing regulatory authority and the documented public interest.

- 1. Independent White Liquor Tank Inspection: formally request that the Washington State Department of Ecology conduct an immediate, independent inspection of PTPC's white liquor storage infrastructure, including tank age, design specifications, condition, secondary containment capacity, and last inspection dates. Results should be made publicly available.
- 2. Emergency Response Plan Review: direct Jefferson County Emergency Management to convene a meeting with PTPC, the Washington State Department of Ecology, and the Longview Fire Department, which has direct Nippon Dynawave response experience, to review and update the community emergency response plan for a white liquor or caustic chemical release near Port Townsend Bay. The plan should be publicly accessible and regularly exercised.
- 3. Public Disclosure of Tank Sizes, Inspection Records, and Test Results: publicly request that PTPC voluntarily disclose its white liquor tank capacities, most recent inspection records, all wastewater discharge test results, and any internal safety audits conducted since 2020. This information should be provided to both the Board of Commissioners and to Tribal governments with treaty rights in the affected waters.
- 4. Require Whole Effluent Toxicity (WET) Testing as a National Pollutant Discharge Elimination System (NPDES) Permit Condition: direct the Washington State Department of Ecology to include Whole Effluent Toxicity (WET) testing as a mandatory condition of PTPC's renewed National Pollutant Discharge Elimination System (NPDES) permit, using independent United States Environmental Protection Agency (EPA)-certified laboratories, with results publicly posted quarterly. The permit renewal has been pending since 2018; this is the opportunity to strengthen protections.
- 5. State and Federal Escalation: write to the United States Environmental Protection Agency (EPA) Region 10 Administrator and the United States Chemical Safety and Hazard Investigation Board (CSB) urging that findings from the Nippon Dynawave investigation be applied immediately to PTPC and all other kraft mills in Washington State, and that sodium hydroxide and sodium sulfide be reviewed for inclusion in the United States Environmental Protection Agency (EPA) Risk

Management Program (RMP)'s list of extremely hazardous substances.

- 6. Request Full Washington State Department of Labor and Industries (L&I) Worker Safety Records: file a formal public records request with the Washington State Department of Labor and Industries (publicrecords@lni.wa.gov) for all Washington Industrial Safety and Health Act (WISHA) inspection reports, citations, penalties, and injury and illness records for PTPC for the period 2015 to present. These records are publicly available but have not been obtained. Given the Longview disaster's direct connection to inadequate worker safety oversight, these records should be obtained, reviewed, and made publicly available without delay; the results should inform whether PTPC's worker safety culture matches its environmental compliance record.

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