


STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	 22002604NZ LANE
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Court address
 201 McMorran Blvd., Port Huron, MI 48060

Court telephone no.
 810-985-2031

Plaintiff's name(s), address(es), and telephone no(s).
 Attorney General Dana Nessel, on behalf of the People of the State of Michigan, and the State of Michigan

Defendant's name(s), address(es), and telephone no(s).
 Domtar Industries, Inc.
 234 Kingsley Park Drive
 Fort Mill, SC 29715

v

Plaintiff's attorney, bar no., address, and telephone no.
 Dana Nessel, Attorney General
 Polly A. Synk, Assistant Attorney General (P63473)
 ENRA Division
 P.O. Box 30755, Lansing, MI 48909
 (517) 335-7664

National Registered Agents, Inc.
 40600 Ann Arbor Road E, Suite 201
 Plymouth, MI 48170

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where it was given case number _____ and assigned to Judge _____.

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date DEC 16 2022	Expiration date* 91 DAYS	Court clerk JAY M. DeBOYER
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

RECEIVED JAY M. DEBOYER 12-16-2022 13:30:01 CLERK OF THE 31ST CIRCUIT COURT - FAX FILED
 MC 01 (9/19) SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT
ST. CLAIR COUNTY

ATTORNEY GENERAL DANA NESSEL,
on behalf of the People of the State of
Michigan, and the STATE OF
MICHIGAN,

Plaintiffs,

v

DOMTAR INDUSTRIES, INC.,

Defendant.

No. 2

HON.



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RECEIVED
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2022 DEC 16 PM 2:45
ST. CLAIR COUNTY
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There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint. MCR 2.113(A); MCR 1.109(D)(2)(a)(i).

COMPLAINT

1. Plaintiffs, Attorney General Dana Nessel, on behalf of the People of the State of Michigan, and the State of Michigan (collectively, State or Plaintiffs), seek to hold Domtar Industries, Inc. (Domtar or Defendant), accountable for releasing and/or arranging for the transport, disposal and/or treatment of hazardous perfluoroalkyl and polyfluoroalkyl substances (PFAS) to Techni-Comp Environmental located at 4152 Dove Road, Port Huron, Michigan (the Techni-Comp Site).¹

2. Michigan brings this civil action to recover monetary damages for the cost of identifying, monitoring, and remediating contamination caused by Domtar's actions causing releases of hazardous substances within the State and to protect and restore Michigan's precious natural resources from widespread contamination and injury caused by PFAS and other hazardous substances, in addition to injunctive, declaratory, and other equitable relief.

¹ This case only concerns PFAS contamination at the Techni-Comp Site and does not concern contamination to the land surrounding Domtar's paper mill located at 1700 Washington Avenue, Port Huron, Michigan, or any other site within the State of Michigan where Domtar may have caused PFAS contamination.

PARTIES

3. Plaintiffs are Attorney General Dana Nessel, on behalf of the People of the State of Michigan, and the State of Michigan.

4. The State maintains its principal office at 525 West Ottawa Street, Lansing, Michigan 48933.

5. Plaintiffs have the authority to bring an action to enforce Part 201, Remediation, of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.20101 *et seq.* MCL 324.20126a(6); MCL 324.20137(1). The State also brings this action based upon its statutory authority to protect State natural resources and property, and its common law police power. This power includes, but is not limited to, the State's power to prevent pollution of its natural resources and property, to prevent nuisances, and to prevent and abate hazards to public health, safety, welfare, and the environment. MCL 324.1701.

6. Defendant Domtar Industries, Inc. is a Delaware corporation with its principal place of business at 234 Kingsley Park Drive, Fort Mill, South Carolina 29715.

7. Domtar may be served with process through its registered agent, National Registered Agents, Inc, 40600 Ann Arbor Road E., Suite 201, Plymouth, Michigan 48170.

8. Domtar conducts business throughout the United States, including in the State of Michigan.

9. In or about the year 1998, Domtar acquired all assets and liabilities of E.B. Eddy Paper, Inc. (E.B. Eddy). Hereinafter, E.B. Eddy and Domtar are collectively referred to as “Domtar” or “Defendant.”

10. Domtar is a “person” within the meaning of the NREPA, including Part 201. MCL 324.301(h).

11. To the extent any act or omission of Defendant is alleged in this Complaint, the officers, directors, agents, employees, or representatives of Defendant committed or authorized each such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation, or control of the affairs of Defendant, and did so while acting within the scope of their duties, employment or agency.

12. Any and all references to Defendant in this Complaint include any predecessors, successors, parents, subsidiaries, affiliates, and divisions of the named Defendant.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the subject matter of this action pursuant to MCL 600.605.

14. Venue is appropriate in this Court pursuant to MCL 600.1627 and MCL 324.20137(5) because the causes of action arose in St. Clair County.

THE TECHNI-COMP SITE

15. Domtar is an international paper manufacturer with an industrial paper mill located at 1700 Washington Avenue, Port Huron, Michigan (the Port Huron Mill).

16. Beginning in or around the 1980s, Domtar began using PFAS chemicals at the Port Huron Mill as part of its industrial process, including, but not limited to, the use of PFAS as grease resistance in specialty papers.

17. From approximately 1998 until 2020, Domtar released and/or arranged for the transport, disposal, and/or treatment of PFAS-containing paper waste from the Port Huron Mill to the Techni-Comp Site for composting.

18. On information and belief, Domtar transported approximately 145,000 cubic yards of PFAS-laden waste to the Techni-Comp Site for composting over an 22-year period, contaminating the property and surrounding lands, ground waters, surface waters, and other natural resources.

19. A canal referred to as the Huffman Drain runs through the Techni-Comp Site and into Bunce Creek, a tributary of the St. Clair River. On information and belief, water run-off from the Techni-Comp Site has caused contamination to these surface waters.

DOMTAR FRAUDULENTLY SELF-DECLARED ITS PAPER SLUDGE AS INERT

20. In or around February of 1996, Domtar sent a letter to the Michigan Department of Environmental Quality (DEQ), the predecessor agency to the Michigan Department of Environment, Great Lakes, and Energy (EGLE), declaring

its paper sludge to be inert pursuant to Part 115, Solid Waste, of the NREPA, MCL 324.11501 *et seq.*, and in compliance with the Type B criteria² developed pursuant to Part 201 of the NREPA.

21. Based upon Domtar's self-declaration of its paper sludge as inert, free of hazardous substances, and in compliance with Type B criteria for Part 201, in March of 1998 the DEQ approved Domtar's request to compost its paper sludge at the Techni-Comp site. The approval provided: (1) that Domtar "shall be responsible for ensuring that the Material continues to meet the inert criteria"; (2) that "any discharges to the environment (which include ground water, surface water, air, etc.) from the composting process may subject [Domtar] to potential liability"; and (3) that Domtar shall "prepar[e] a report by January 31 of each year, which details the volume of Material that was reused in the previous year to produce compost." (Exhibit A.)

22. Domtar's self-declaration of its paper sludge as inert was inaccurate because, in part, its paper sludge contained toxic and hazardous PFAS substances.

23. On information and belief, Domtar knew at the time that it self-declared its paper sludge as inert that the paper sludge contained hazardous and toxic PFAS chemicals, and that PFAS were toxic contaminants that posed a direct threat to the health and safety of the environment and public health, but failed to disclose this to the DEQ.

² Type B criteria was the residential criteria category under Act 307; the provisions of Act 307 and other environmental statutes were collected and recodified into the NREPA.

24. Even if Domtar did not know prior to 1998 that its paper sludge contained PFAS and that PFAS are toxic, Domtar acquired this information thereafter during the 22-year period from 1998 to 2020 in which Domtar continued to release and/or arrange for transport, disposal and/or treatment of its PFAS-laden paper sludge to the Techni-Comp Site. Domtar continued releasing and/or arranging for the disposal of its contaminated sludge with full knowledge that the material was not inert and contained hazardous PFAS contaminants. During this period, Domtar continued fraudulently misrepresenting to the State that its paper sludge was inert, free of hazardous substances, and in compliance with Type B (residential) criteria for Part 201.

25. Domtar's fraudulent misrepresentations and omissions were material to the DEQ's authorization, which expressly provided that Domtar shall be responsible for ensuring that the paper sludge continues to meet the inert criteria specified in Michigan status and rules and that Domtar is subject to liability for any discharges of contamination to the environment, including ground water, surface water, air, and natural resources.

26. The DEQ's approval of the transport and composting of Domtar's paper sludge to the Techni-Comp Site is void as it was based on upon Domtar's ongoing fraudulent and material misrepresentations and omissions as outlined above.

27. On December 17, 2019, Plaintiffs learned of the presence of PFAS contamination at the Techni-Comp Site. On February 19, 2020, EGLE notified Domtar that its self-declared inert designation is invalid and that the transport and

disposal of Domtar's paper sludge must be managed as a regulated solid waste under Part 115.

MICHIGAN'S ENVIRONMENTAL CLEANUP PROGRAM, PART 201

28. Part 201 of the NREPA requires that parties liable for a release or threat of release of PFAS contamination into Michigan's environment undertake response activities to evaluate and eliminate unacceptable risks posed by the contamination to public health, safety, or welfare, or to the environment. MCL 324.20102(c) and (g).

29. Part 201 places the responsibility for response activities and for compensating and/or repairing injury, destruction, or loss to natural resources caused by a release or threat of release on the person or persons liable for that release. MCL 324.20102(e)–(f).

30. Under Part 201, EGLE is authorized to develop generic criteria for hazardous substances, which apply broadly and designate the level of a hazardous substance above which the hazardous substances are defined to pose a risk to human health or the environment. MCL 324.20120a(1); MCL 324.20104(1).

31. In a case where the assumptions underlying the development of the generic criteria are not met, Part 201 requires the development and use of site-specific criteria based on more specific or detailed information for the particular site or circumstances. MCL 324.20120b; see also Mich Admin Code, R 299.14(2) and R 299.24(2).

32. Liable parties can undertake their own, voluntary actions to stop unacceptable exposures to the hazardous substances, but if action is necessary to protect the public health, safety, or welfare, or the environment, or if a liable party is not “diligently pursuing” such action, EGLE can take enforcement actions, up to and including legal action by the Department of Attorney General.

MCL 324.20114(1)(g)(i); MCL 324.20114a; MCL 324.20137(1), (3); see also MCL 324.20126a(6).

33. On information and belief, Defendant had reason to believe that it caused releases of hazardous substances at the Techni-Comp Site, yet failed to notify the State of its releases as required by MCL 324.20114(1) and MCL 324.20137(2).

34. Plaintiffs sought Domtar’s cooperation in investigating and remediating the Techni-Comp Site without court intervention. Domtar has refused to comply with its Part 201 obligations, forcing Plaintiffs to initiate the instant action.

PART 201 STANDARDS FOR PFAS

35. PFAS is a class of man-made chemicals, which have varying impacts on human health. The toxicity of PFAS has been evaluated in many human and laboratory animal studies. Epidemiological studies suggest associations between PFAS exposure and several health outcomes including pregnancy-induced

hypertension, increases in serum liver enzymes, increases in serum lipids, decreased antibody response to vaccines, and small decreases in birth weight.³

36. Michigan has enforceable criteria for seven types of PFAS: perfluorooctanoic acid (PFOA); perfluorooctanesulfonic acid (PFOS, a/k/a/ perfluorooctane sulfonate); perfluorononanoic acid (PFNA); perfluorohexane sulfonic acid (PFHxS); hexafluoropropylene oxide dimer acid (HFPO-DA) (a GenX compound); perfluorobutane sulfonic acid (PFBS); and perfluorohexanoic acid (PFHxA). The criteria relevant to the Techni-Comp Site pertain to two pathways of exposure: groundwater used as drinking water and, for PFOA and PFOS, the groundwater-surface water interface (GSI).⁴

37. In January 2018, Michigan established criteria for PFOA and PFOS at 70 parts per trillion (ppt) either singly or combined in groundwater used as drinking water.⁵ The criteria were developed to address adverse health impacts linked to ingestion of drinking water, including short-term developmental and chronic exposures.⁶

³ Agency for Toxic Substances and Disease Registry, *Toxicological Profile for Perfluoroalkyls* (May 2021), p 6, available at <https://www.atsdr.cdc.gov/ToxProfiles/tp200.pdf> (accessed December 16, 2022).

⁴ The GSI is “the location at which groundwater enters surface water.” MCL 324.20120e(23)(c). This criteria is designed to protect surface water, water quality standards. MCL 324.20120e.

⁵ EGLE, *Table 1. Groundwater: Residential and Nonresidential Part 201 Generic Cleanup Criteria and Screening Levels* (June 25, 2018), available at <https://semspub.epa.gov/work/05/2001990.pdf> (accessed December 16, 2022).

⁶ MDEQ, *Establishing PFOA & PFOS Criteria* (January 9, 2018), available at <https://content.govdelivery.com/accounts/MIDDEQ/bulletins/1d1db52> (accessed December 16, 2022).

38. Subsequently, the Michigan PFAS Action Response Team's Science Advisory Workgroup reviewed the current science on PFAS and human health and identified health-based values for seven PFAS.⁷ Based on these health-based values, Michigan developed and promulgated Maximum Contaminant Levels, which are state drinking water standards. Those Maximum Contaminant Levels were approved and became effective August 3, 2020.

39. Under the terms of Section 20120a(5) of Part 201, MCL 324.20120a(5), if a federal or state drinking water standard differs from an existing Part 201 groundwater cleanup criterion, the groundwater criterion becomes the more stringent of the two by operation of law. The state drinking water standards for PFOA (8 ppt) and PFOS (16 ppt) became effective in August 2020 and replaced the previously-established groundwater cleanup criteria of 70 ppt for PFOA and PFOS, singly or combined.

40. Additionally, as of March 2022, Michigan has promulgated enforceable criteria for groundwater used for drinking water for seven types of PFAS: hexafluoropropylene oxide dimer acid (GenX) (370 ppt), perfluorobutane sulfonic acid (PFBS) (420 ppt), perfluorohexane sulfonic acid (PFHxS) (51 ppt), perfluorohexanoic acid (PFHxA) (400,000 ppt), perfluorononanoic acid (PFNA) (6

⁷ Michigan Science Advisory Workgroup, *Health-Based Drinking Water Value Recommendations for PFAS in Michigan* (2019), available at <https://www.michigan.gov/-/media/Project/Websites/pfasresponse/documents/MPART/Reports/2019-Health-Based-Drinking-Water-Value-Recommendations-PFAS-MI.pdf?rev=0dc919f0d56d44f98d5bb1130a8c8907> (accessed December 16, 2022).

ppt), perfluorooctanoic acid (PFOA) (8 ppt), and perfluorooctanesulfonic acid (PFOS) (16 ppt). Mich Admin Code, R 299.44.

41. EGLE also has PFAS criteria for the GSI. The generic GSI criteria “are the water quality standards for surface waters developed by the department pursuant to [P]art 31,” Water Quality, of the NREPA, MCL 324.3101 *et seq.* MCL 324.20120e(1)(a). EGLE has developed water quality standards under Part 31 for three PFAS: PFOA, PFOS, and PFBS.⁸

PFAS CONTAMINATION IN MICHIGAN CAUSED BY DOMTAR

42. Domtar’s conduct of releasing and/or arranging for the transport, disposal and/or treatment of its paper sludge to the Techni-Comp Site caused the release of PFAS into the environment and the State’s natural resources.

43. The PFAS released by Defendant have migrated into the environment, including, but not limited to, groundwater, surface waters, soils, and sediments at and surrounding the Techni-Comp Site.

44. On November 21, 2019, EGLE collected six surface water samples and three compost samples from the Techni-Comp site. EGLE received the results of the samples on December 17, 2019, showing all surface water samples contained PFOS and PFOA above water quality standards, as high as 53,000 ppt for PFOA.

⁸ Mich Admin Code, R 323.1057; EGLE, *Rule 57 Water Quality Values* https://www.michigan.gov/egle/0,9429,7-135-3313_3681_3686_3728-11383--,00.html (click on “Download Rule 57 Water Quality Values spreadsheet”) (accessed December 16, 2022).

45. The results evidence that PFAS contamination from the Techni-Comp Site has impacted the Huffman Drain which discharges to Bunce Creek and ultimately the St. Clair River. Plaintiffs are actively investigating the extent of the contamination to Bunce Creek and the St. Clair River emanating from the Techni-Comp Site.

46. In August 2021, EGLE conducted a subsurface investigation on the Techni-Comp Site which included collecting six groundwater samples. On September 7, 2021, EGLE received the sampling results, which again showed all samples above Part 201 criteria for PFAS. The highest result was 170,000 ppt for PFOA.

47. EGLE sampled two residential wells in the surrounding area which did not contain PFAS levels above criteria. EGLE is aware of at least four other residential wells in the surrounding area that may have been impacted by PFAS contamination emanating from the Techni-Comp Site; however, EGLE has not been able to access these properties for sampling. The extent of PFAS contamination to residential drinking water sources is therefore presently unknown.

48. Despite the State's efforts to date, defining the extent of Domtar's contamination will require more investigation and sampling, and the scope of the necessary actions to prevent unacceptable exposures to PFAS and to restore impacted natural resources is currently not known, including the extent of contamination to Bunce Creek and St. Clair River.

49. The extent of Domtar's contamination has not been fully identified, and the State reasonably anticipates further testing will reveal additional groundwater, surface water, and drinking water contamination due to Domtar's historical operations.

50. This contamination poses a substantial and imminent threat to the public health, safety, welfare, and the environment and requires immediate remediation and other response activity to abate the hazards Domtar has created.

STATE NATURAL RESOURCE AND PROPERTY DAMAGE

51. PFAS contamination at and around the Techni-Comp Site has injured the State's natural resources and/or adversely impacted its beneficial public trust uses including those for drinking water, recreation, fishing, agriculture, and other uses.

52. PFAS contamination at and around the Techni-Comp Site has substantially damaged the intrinsic value of these State natural resources.

53. Michigan and its residents have been deprived of the full use, enjoyment, and benefit of the State's public trust resources, and the intrinsic value of such State natural resources, and have been substantially harmed by PFAS contamination, as identified above.

54. The State's natural resources and property will continue to be harmed and injured for the foreseeable future by the ongoing release and/or spread of PFAS, as identified above.

55. Domtar's acts and/or omissions have caused and/or contributed to cause PFAS contamination, as identified above.

56. Each of the State's natural resources is precious, limited, and invaluable, as described in more detail below.

Groundwater.

57. Groundwater is a precious, limited, and invaluable State natural resource that is used for drinking water, irrigation and agriculture, and other important purposes.

58. State natural resources, including groundwater, are vital to the health, safety, and welfare of Michigan residents, and to the State's economy and ecology.

59. Domtar's PFAS have contaminated and injured the State's groundwater at and around the Techni-Comp Site.

60. Domtar's PFAS have contaminated and injured drinking water that is drawn from groundwater sources in locations at and around the Techni-Comp Site.

61. Ongoing additional testing continues to reveal further PFAS contamination and injury of groundwater at and around the Techni-Comp Site. It is virtually certain that this additional testing will reveal further PFAS contamination and injury of groundwater.

Surface waters.

62. Surface waters are precious, limited, and invaluable State natural resources that are used for drinking water, irrigation, recreation such as swimming and fishing, and ecological and other important purposes.

63. Ongoing additional testing continues to reveal further PFAS contamination and injury of surface waters at and around the Techni-Comp Site. It is expected that additional testing will reveal further PFAS contamination in surface waters including, but not limited to, Bunce Creek and St. Clair River.

Wildlife, soils, and sediment.

64. Wildlife, soils, and sediments are precious, limited, and invaluable State natural resources.

65. Domtar has contaminated and injured the State's wildlife, soils, and sediments at and around the Techni-Comp Site.

66. Agriculture relies on uncontaminated soils and is one of Michigan's largest industries, contributing billions annually to Michigan's economy.

67. Michigan's fish and other wildlife are used for food, recreational purposes, and provide a significant economic benefit to the State, including through tourism and recreation.

68. Injuries to wildlife affect not only individual wildlife, but the entire ecosystem of which they are a part.

69. Ongoing additional testing continues to reveal further PFAS contamination and injury of agricultural operations, wildlife, soils, and sediment at

and around the Techni-Comp Site. It is virtually certain that this additional testing will reveal further PFAS contamination and injury of soils, sediments, and wildlife.

**THE PFAS CONTAMINATION CAUSED BY DOMTAR MUST BE
REMEDIED**

70. Through this lawsuit Plaintiffs seek an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site and monetary recovery for the cost of all past and future monitoring, identification, response activities, and remediation efforts related to Domtar's pollution of the State's natural resources due to PFAS contamination above current cleanup criteria.

71. There are proven and preliminary remedial techniques for cleaning up PFAS in environmental media, and successfully treating drinking water.

72. Absent use of remediation and treatment methods, PFAS contamination will continue to spread through the State's natural resources and property. Although PFAS are persistent in the environment, PFAS can be successfully remediated in certain natural resources and/or successfully treated, but at significant expense.

73. The presence and migration of PFAS in State natural resources and property, absent large-scale and costly remediation and/or treatment, will continue indefinitely, and will continue to indefinitely threaten such natural resources and property.

74. Because of the injury PFAS have caused and are causing to State natural resources, Michigan's natural resources require restoration, including compensation for interim and permanent losses.

75. The State reserves its right to amend this Complaint as additional evidence of PFAS contamination comes to light including, but not limited to, PFAS contamination of wildlife, soils, sediments, and other State natural resources arising from/related to Domtar's culpability in causing PFAS-contamination at the Techni-Comp Site.

**FIRST CAUSE OF ACTION
LIABILITY UNDER PART 201 OF NREPA**

76. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

77. Part 201 of the NREPA authorizes the Attorney General, on behalf of the State, to commence a civil action seeking, among other things, "[t]emporary or permanent injunctive relief necessary to protect the public health, safety, or welfare, or the environment from the release or threat of release," "[r]ecovery of state response activity costs pursuant to section 20126a", and a "declaratory judgment on liability for future response activity costs and damages." MCL 324.20137(1). Part 201 defines "response activity costs" or "costs of response activity" as "all costs incurred in taking or conducting a response activity, including enforcement costs." MCL 324.20101(ww).

78. Part 201 of NREPA also allows the State to recover “[d]amages for the full value of injury to, destruction of, or loss of natural resources[.]”

MCL 324.20126a(1)(c).

79. The purpose of Part 201 of NREPA is to provide for appropriate response activities to eliminate unacceptable risks to public health, safety, or welfare, or to the environment from environmental contamination at facilities within the State of Michigan. MCL 324.20102(c).

80. Part 201 of NREPA authorizes the Attorney General, on behalf of the State, to commence a civil action seeking, inter alia, “[t]emporary or permanent injunctive relief necessary to protect the public health, safety, or welfare, or the environment from the release or threat of release,” and a “declaratory judgment on liability for future response activity costs and damages.” MCL 324.20137(1).

81. PFOA, PFOS, GenX, PFBS, PFHxS, PFHxA, and PFNA are “hazardous substances” under Section 20101(1)(x) of Part 201 of the NREPA, MCL 324.20101(1)(x).

82. The leaking, emitting, discharging, escaping, leaching, dumping, and disposal of hazardous substances constitute a “release” or “threat of release” as those terms are defined in MCL 324.20101(1)(pp) and 324.20101(1)(ccc).

83. EGLE has established cleanup criteria for certain PFAS for exposure pathways including the groundwater-surface water interface for PFOA and PFOS and groundwater as a source of drinking water for PFOA, PFOS, GenX, PFBS,

PFHxS, PFHxA, and PFNA. MCL 324.20120e(1)(a); MCL 324.20120a(5); Mich Admin Code, R 299.44.

84. As a result of the testing conducted by MPART, the State has discovered PFAS at the Techni-Comp Site.

85. The levels of PFOA and PFOS in groundwater at and around the Techni-Comp Site exceed the concentrations that satisfy the cleanup criteria under Part 201.

86. The levels of other PFAS in groundwater, drinking water, surface water, soil, and sediments at and around the Techni-Comp Site pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.

87. The Techni-Comp Site constitutes an area, place, parcel or parcels of property, or portion of a parcel of property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located.

88. MCL 324.20126(1), provides in relevant part:

Notwithstanding any other provision or rule of law and except as provided in subsections (2), (3), (4), and (5) and section 20128, the following persons are liable under this part:

(a) The owner or operator of a facility if the owner or operator is responsible for an activity causing a release or threat of release.

(b) The owner or operator of a facility at the time of disposal of a hazardous substance if the owner or operator is responsible for an activity causing a release or threat of release.

(d) A person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by the person, by any other person, at a facility owned or operated by another person and containing the hazardous substance.

89. Domtar owned and operated a facility, the Port Huron Mill, and through its operations at the Port Huron Mill caused a release or threat of release of PFAS at the Techni-Comp Site. Specifically, Domtar's operations at the Port Huron Mill generated PFAS-containing waste that Domtar released, causing contamination at the Techni-Comp Site. Domtar also operated the Techni-Comp Site as, on information and belief, Techni-Comp was incorporated in 1998 specifically to accept Domtar waste; Techni-Comp's composting operations through 2020 consisted almost entirely of Domtar's waste; and the compost was intended for Domtar's reuse as feedstock.

90. Alternatively, by contract, agreement, or otherwise, Domtar arranged for the disposal or treatment of PFAS, and/or arranged with a transporter for transport for disposal or treatment of PFAS wastes that contained PFAS at facilities owned by others, and is liable under MCL 324.20126(1)(d).

91. MCL 324.20126a, provides in part:

(1) Except as provided in section 20126(2), a person who is liable under section 20126 is jointly and severally liable for all of the following:

(a) All costs of response activity lawfully incurred by the state relating to the selection and implementation of response activity under this part.

(c) Damages for the full value of injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing the injury, destruction, or loss resulting from the release.

(3) The amounts recoverable in an action shall include interest. This interest shall accrue from the date payment is demanded in writing, or the date of expenditure or damage, whichever is later. The rate of interest on the outstanding unpaid balance of the accounts recoverable under this section shall be the same rate as specified in section 6013(8) of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.613 of the Michigan Compiled Laws.

(6) If the department determines that there may be an imminent and substantial endangerment to the public health, safety, or welfare, or to the environment because of an actual or threatened release from a facility, the attorney general may bring an action against any person who is liable under section 20126 or any other appropriate person to secure the relief that may be necessary to abate the danger or threat. The court has jurisdiction to grant such relief as the public interest and the equities of the case may require.

92. MCL 324.20137(1), provides in part as follows:

[I]n addition to other relief authorized by law, the attorney general may, on behalf of the state, commence a civil action seeking one or more of the following:

(a) Temporary or permanent injunctive relief necessary to protect the public health, safety, or welfare, or the environment from the release or threat of release.

(b) Recovery of state response activity costs pursuant to Section 20126a.

(c) Damages for the full value of injury to, destruction of, or loss of natural resources resulting from the release or threat of release, including the reasonable costs of assessing the injury, destruction, or loss resulting from the release or threat of release.

(d) A declaratory judgment on liability for future response costs and damages.

(e) A civil fine of not more than \$10,000.00 for each day of noncompliance without sufficient cause with a written request of the department pursuant to section 20114(1)(h). A fine imposed under this subdivision shall be based on the seriousness of the violation and any good faith efforts of the person to comply with this part.

(f) A civil fine of not more than \$1,000.00 for each day of violation of this part. A fine imposed under this subdivision shall be based upon the seriousness of the violation and any good faith efforts of the person to comply with this part.

(k) Any other relief necessary for the enforcement of this part.

93. As a result of releases and threatened releases of hazardous substances for which Domtar is responsible, the State has incurred and is continuing to incur response activity costs, including investigation, monitoring, and enforcement costs at and around the Techni-Comp Site.

94. Releases and threatened releases of hazardous substances for which Domtar is responsible has also caused injury to, destruction of, and loss of the State's natural resources.

95. Due to the injury, destruction, and loss of natural resources, Domtar is liable to the State for the cost of restoring, repairing, replacing, or acquiring the

equivalent of the natural resources injured or acquiring substitute or alternative resources. MCL 324.20126a(4).

96. Accordingly, under Part 201 of NREPA, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of use damages, response activity costs, costs of investigation, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS contamination before it reaches wells, costs of remediating PFAS and other hazardous substances from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS and hazardous substance contamination at the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, any applicable civil fines, and any other relief necessary for the enforcement of Part 201 to remedy PFAS and hazardous substance contamination at and around the Techni-Comp Site.

97. The State also seeks a declaratory judgment on Defendant's liability for future response activity costs and damages pursuant to MCL 342.20137(1)(d) including, but not limited to, costs related to providing an alternative water supply for any impacted or threatened drinking water wells that may be identified in the investigation by EGLE, the Michigan Department of Health and Human Services, or county health department officials, costs related to health assessments or health-

effect studies carried out under the supervision, or with the approval of, the Michigan Department of Health and Human Services related to response activities, interest, and oversight of any future response activities that Domtar may perform.

**SECOND CAUSE OF ACTION
LIABILITY UNDER PART 17 OF NREPA**

98. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

99. Part 17 of NREPA authorizes the Attorney General, on behalf of the State, to maintain a civil action “for declaratory and equitable relief against any person for the protection of the air, water, and other natural resources and the public trust in these resources from pollution, impairment, or destruction.” MCL 324.1701(1). Part 17 of NREPA is commonly referred to as the “Michigan Environmental Protection Act.”

100. Part 17 of NREPA applies to pollution of surface water and groundwater contamination.

101. As set forth in more detail above, surface water and groundwater have been contaminated at and around the Techni-Comp Site.

102. Part 17 of NREPA authorizes the Court to grant declaratory and equitable relief, to impose conditions on Defendant to protect the environment. It allows the court to fashion standards in the context of actual problems as they arise in individual cases.

103. Accordingly, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of use damages, response activity costs, costs of investigation, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS and hazardous substances from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS and hazardous substance contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS and hazardous substance contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, and any other relief necessary for the enforcement of Part 17 to remedy PFAS and hazardous substance contamination at and around the Techni-Comp Site.

104. The State also seeks a declaratory judgment on Defendant's liability for future response activity costs and damages including, but not limited to, costs related to providing an alternative water supply, costs related to health assessments or health-effect studies carried out under the supervision, or with the approval of, the Michigan Department of Health and Human Services related to response activities, interest, and oversight of any future response activities that Domtar may perform.

**THIRD CAUSE OF ACTION
LIABILITY UNDER PART 31 OF NREPA**

105. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

106. Part 31 of NREPA, MCL 324.3101, *et seq.*, is Michigan’s primary water pollution control statute. Part 31 of NREPA has the dual purpose of protecting water quality and regulating water-waste disposal. Under MCL 324.3103(1), EGLE has the duty and authority to “protect and conserve the water resources of the state.” “Waters of the state” includes both surface and underground waters.

107. MCL 324.3115(1) provides that the Attorney General may commence a civil action for appropriate relief, including a permanent or temporary injunction, for violations of Part 31 of NREPA or its implementing rules.

108. MCL 324.3109(1) prohibits the direct or indirect discharge of any substance into the waters of the State that is or may become injurious to: (a) “the public health, safety, or welfare”; (b) “domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters”; (c) “the value or utility of riparian lands”; (d) “livestock, wild animals, birds, fish, aquatic life, or plants or to their growth, or propagation”; and (e) “the value of fish and game.” EGLE has also developed water quality standards under Part 31 for three PFAS: PFOA, PFOS, and PFBS.⁹

⁹ Mich Admin Code, R 323.1057; EGLE, *Rule 57 Water Quality Values*
https://www.michigan.gov/egle/0,9429,7-135-3313_3681_3686_3728-11383--,00.html

109. “Waters of the state” means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes within the jurisdiction of the State of Michigan. MCL 324.3101(aa).

110. Through its release and/or arrangement for transport, disposal and/or treatment of PFAS and/or PFAS-containing products in Michigan, Domtar has directly or indirectly caused PFAS to be discharged into the waters of the state, and these discharges are or may become injurious to public health, fish, plants, aquatic life, and other designated uses of the waters of the state and, therefore, these practices are in violation of MCL 324.3109.

111. A violation of MCL 324.3109 is prima facie evidence of the existence of a public nuisance and “may be abated according to law in an action brought by the attorney general in a court of competent jurisdiction.” MCL 324.3109(7).

112. The State is entitled to relief requiring Domtar to take such action as may be necessary to abate the injurious PFAS discharged to the waters of the state as defined in Part 31 of NREPA.

113. The State further seeks statutory penalties, fines, and any other relief available under Part 31.

114. In addition, Domtar knew or should have known that it directly or indirectly discharged substances that are or may become injurious to public health, fish, plants, aquatic life, and other designated uses of the waters of the state.

(click on “Download Rule 57 Water Quality Values spreadsheet”) (accessed December 16, 2022).

115. As a result, the value and function of the natural resources of the State have been significantly damaged. In addition, the State has incurred, and continues to incur, costs of surveillance and enforcement resulting from the violations of Part 31.

116. Accordingly, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of-use damages, costs of compliance and enforcement, costs of investigation, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, any applicable civil fines, and any other relief necessary for the enforcement of Part 31 to remedy PFAS contamination at and around the Techni-Comp Site.

117. The State also seeks a declaratory judgment on Defendant's liability for future costs and damages including, but not limited to, costs related to providing an alternative water supply, costs related to health assessments or health-effect studies carried out under the supervision, or with the approval of, the Michigan

Department of Health and Human Services related to response activities, interest, and oversight of any future response activities that Domtar may perform.

FOURTH CAUSE OF ACTION FRAUD

118. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

119. In self-declaring its paper sludge as inert, Domtar materially misrepresented that its paper sludge was free of hazardous substances and in compliance with criteria for Part 201, and materially omitted that its paper-sludge contained hazardous PFAS contaminants. Domtar continued making these same material misrepresentations and omissions for decades, including, but not limited to, through continuing representations to the DEQ that its paper sludge continued to be inert and in compliance with Type B criteria for Part 201.

120. Domtar knew that its paper sludge was not inert, free of hazardous substances, or in compliance with Type B criteria for Part 201 because Domtar knew that its paper sludge contained PFAS contaminants and further knew that PFAS are toxic chemicals that pose significant risk to the welfare of the environment and public health.

121. Domtar intended that Plaintiffs rely upon these representations and omissions in authorizing the composting of Domtar's sludge at the Techni-Comp Site, and Plaintiffs did justifiably act in reliance upon them.

122. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of use damages, response activity costs, costs of investigation, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, any applicable civil fines, and any other relief necessary to remedy PFAS contamination at and around the Techni-Comp Site.

FIFTH CAUSE OF ACTION NEGLIGENCE

123. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

124. Defendant had a duty to the State to exercise due care in the release and/or arrangement for transport, disposal and/or treatment of PFAS and products containing PFAS.

125. Defendant breached its duty of care in that it negligently, carelessly, and/or recklessly released and/or arranged for the transport, disposal and/or treatment of PFAS, and products containing PFAS. Defendant directly and proximately caused PFAS to contaminate the State's property and its groundwater, surface waters, fish, wildlife, marine resources, and other natural resources, thereby causing a threat to human health and the environment.

126. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State and its residents, which the State represents *parens patriae*, have suffered monetary losses and damages in amounts to be proven at trial.

127. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of use damages, response activity costs, costs of investigation, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on

the damages according to law, any applicable civil fines, and any other relief necessary to remedy PFAS contamination at and around the Techni-Comp Site.

SIXTH CAUSE OF ACTION TRESPASS

128. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

129. The PFAS that was released and/or arranged for transport, disposal and/or treatment by Defendant affecting the State's property and its groundwater, surface waters, fish, wildlife, marine resources, and other natural resources constitutes an unauthorized direct and immediate physical intrusion of property in which the State and/or a substantial number of its residents have exclusive possessory interests.

130. The trespass of PFAS alleged herein has varied over time and has not ceased.

131. PFAS released and/or arranged for transport, disposal and/or treatment by the Defendant continues to be located on or in the State's property and its groundwater, surface water, fish, wildlife, marine resources, and other natural resources.

132. Defendant knew with substantial certainty that its acts would contaminate the State's property and its surface waters and groundwater, fish, wildlife, marine resources, and other natural resources.

133. The State has not consented to and does not consent to the trespass alleged herein.

134. The State brings this claim as the exclusive owner of the property and interests in property, as well as in both its public trustee and *parens patriae* capacities.

135. The State has a duty to protect and restore its natural resources and protect the health and comfort of its inhabitants.

136. In its *parens patriae* capacity, the State may protect its quasi-sovereign interests, including the State's interest in the well-being of its residents, as well as its residents' interest in the integrity of the State's natural resources.

137. Accordingly, the State is bringing this action for the invasion of its exclusive possessory interests in the State's natural resources, in addition to its residents' interest in the integrity of the State's natural resources.

138. As long as the State's property and natural resources remain contaminated due to Defendant's conduct, the trespass continues.

139. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State and its residents, which the State represents *parens patriae*, have suffered monetary losses and damages in an amount to be proven at trial.

140. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all

past and future natural resource damages, loss-of-use damages, response activity costs, costs of investigation, costs of compliance and enforcement, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, any applicable civil fines, and any other relief necessary to remedy PFAS contamination at and around the Techni-Comp Site.

**SEVENTH CAUSE OF ACTION
PUBLIC NUISANCE**

141. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

142. Defendant released and/or arranged for transport, disposal and/or treatment of PFAS and/or products containing PFAS in a manner that created or participated in creating a public nuisance that unreasonably interferes, endangers, or injures the property, health, safety, and welfare of the general public and the State of Michigan.

143. Defendant, by its negligent, reckless, and willful acts and omissions as set forth above, have, among other things, knowingly released PFAS contamination in State natural resources and property throughout Michigan, having concealed the threat, thereby causing and threatening to cause PFAS contamination of the State's natural resources and property. Defendant's PFAS continue to spread in and contaminate more State natural resources and property throughout the State.

144. Defendant has caused, contributed to, maintained, and/or participated in a public nuisance by substantially and unreasonably interfering with, obstructing and/or threatening, among other things, (i) Michigan residents' common public rights to enjoy State natural resources and property free from unacceptable health risk, pollution, and contamination, and (ii) the State's *parens patriae* and public trust abilities to protect, conserve, and manage the State's natural resources.

145. Defendant has, at times relevant to this action, caused, contributed to, maintained, and/or participated in the creation of such public nuisance. Through its acts and omissions, Defendant knowingly released PFAS into the environment, including groundwater and other natural resources, through its ownership, operation, and/or control of the Techni-Comp Site.

146. Defendant knew, or in the exercise of reasonable care should have known, that the introduction and use of PFAS would unreasonably and seriously endanger, injure, and interfere with the ordinary comfort, use, and enjoyment of natural resources and property relied upon by the State and its residents, as it has.

147. Defendant has caused, contributed to, maintained, and/or participated in a public nuisance that has caused substantial injury to the State's natural resources and property, in which the public has interests represented by and protected by the State in its trustee and *parens patriae* capacities. Defendant's conduct also threatens to cause substantial additional injury to the State's natural resources and property. The public nuisance has caused and/or continues to threaten to cause substantial injury to property directly owned by the State.

148. The contamination of the State's natural resources and property with PFAS is ongoing. PFAS continue to threaten, migrate into, and enter the State's natural resources and property, and cause new contamination in new locations.

149. As a direct and proximate result of Defendant's acts and omissions, the State's natural resources and property are contaminated with PFAS.

150. The State has incurred, is incurring, and will incur investigation, remediation, cleanup, restoration, removal, treatment, monitoring, and other costs and expenses related to contamination of the State's natural resources and property.

151. Defendant's acts and omissions have caused and/or threatened to cause injuries to the State's natural resources and property that are indivisible.

152. As a direct and proximate result of the Defendant's acts and omissions as alleged herein, the State seeks an order compelling Domtar to remediate PFAS contamination at the Techni-Comp Site in addition to holding Domtar liable for all past and future natural resource damages, loss-of-use damages, response activity

costs, costs of investigation, costs of compliance and enforcement, costs of testing and monitoring, costs of providing water from an alternate source, costs of installing and maintaining an early warning system to detect PFAS before it reaches wells, costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources, costs of remediating PFAS contamination at and around the Techni-Comp Site, any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site, interest on the damages according to law, any applicable civil fines, and any other relief necessary to remedy PFAS contamination at and around the Techni-Comp Site.

EIGHTH CAUSE OF ACTION UNJUST ENRICHMENT

153. The State repeats, re-alleges, and incorporates by reference each and every allegation contained in the preceding paragraphs, as though fully set forth herein.

154. By common law and the principles of justice, a person may not be inequitably enriched by receiving a benefit at another's expense.

155. The principles of unjust enrichment are violated where a party steps in to address a duty owed by another to the public to protect the public from an urgent threat to their health, safety, or general welfare and pays expenses that rightfully should have been paid by the other person.

156. To address PFAS and hazardous substance contamination in the State of Michigan in order to protect its residents and natural resources, the State has incurred, and continues to incur, substantial costs in investigating and responding to PFAS contamination at the Techni-Comp Site.

157. Defendant has received a benefit from the State's response activities because Defendant should bear the cost of investigating and cleaning up the PFAS and hazardous substance contamination caused by or related to the sale, use, and disposal of PFAS and PFAS-containing products at the Techni-Comp Site.

158. The principles of justice and established common law require Defendant to reimburse the State for performing a duty properly owed by Defendant as a result of its conduct, as alleged herein.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs seek an order compelling Defendant to remediate PFAS contamination at the Techni-Comp Site and/or monetary damages.

Specifically, Plaintiffs request that this Court:

A. Order Defendant to pay the State compensatory damages arising from PFAS contamination and injury of State natural resources and property, including groundwater, surface waters, drinking water supplies, biota, wildlife (including fish), and their associated soils, sediments, and uses, and other State natural resources and property, according to proof, including, but not limited to:

- (i) natural resource damages;
- (ii) loss-of-use damages;

- (iii) past and future response activity costs;
- (iv) costs of investigation;
- (v) costs of compliance and enforcement;
- (vi) costs of testing and monitoring;
- (vii) costs of providing water from an alternate source;
- (viii) costs of installing and maintaining an early warning system to detect PFAS before it reaches wells;
- (ix) costs of remediating PFAS from natural resources including groundwater, surface waters, soils, sediments, and other natural resources;
- (x) remedial action at and around the Techni-Comp Site, including cleanup of PFAS contamination;
- (xi) any other costs or other expenditures incurred to address PFAS contamination and injury at and around the Techni-Comp Site; and
- (xii) interest on the damages according to law;

B. Declare that Domtar is liable under Part 201 for causing the release or threat of release of hazardous substances from its facility and that such actions require Domtar to conduct response activities under Part 201 to address the exceedances of criteria and unacceptable risks to public health and the environment;

C. Declare that Domtar arranged for the transport, disposal and/or treatment of a Part 201 hazardous substance at a facility owned or operated by another person, and that such actions require Domtar to conduct response activities

under Part 201 to address the exceedances of criteria and unacceptable risks to public health and the environment;

D. Order Domtar to prepare and submit for approval to EGLE, for review and comment, all necessary reports or plans, and to perform all further response activities necessary to protect the public health, safety, and welfare or the environment from a release or threat of a release of PFAS contamination resulting from Domtar's actions, releases or threatened releases in compliance with Part 201;

E. Order Domtar to implement a program of ongoing public outreach and information-sharing efforts to provide effective communication to the public and local units of government regarding the status and progress of response activities related to Domtar's releases of PFAS into the environment;

F. Order Domtar to institute protective measures to prevent endangerment to human health and the environment including, but not limited to: (a) sampling for PFAS in drinking water using U.S. EPA-approved Method 537 version 1.1, as written, including any modifications allowed therein, or any subsequent U.S. EPA-approved method; (b) connection to municipal drinking water supplies; and (c) provision and maintenance of drinking water treatment systems, including regular sampling;

G. Order Domtar to complete the investigation and characterization of the PFAS released into the environment from its manufacturing processes and disposal practices, including potential releases via air deposition, and analyze the impact of

such releases to drinking water wells, surface waters, and stream biota, subject to the approval of the State;

H. Declare that Domtar's unpermitted discharges of PFAS into surface water and groundwater are violations of Part 31 of NREPA;

I. Grant injunctive and equitable relief to compel Defendant to abate the continuing nuisance and trespass by enjoining the further disposal, use, sale, distribution, and discharge of PFAS in the State and compelling Defendant to remove PFAS from State natural resources and property;

J. Impose statutory penalties, fines, and any other relief available under Parts 201 and 31 of NREPA.

K. Require Domtar to pay the State's costs (including reasonable attorney fees, court costs, and other expenses of litigation);

L. Order Domtar to pay any prejudgment interest that has accrued on amounts owed to the State; and

M. Order any other and further relief as the Court deems just, proper, and equitable.

JURY DEMAND

Plaintiffs demand a trial by jury of all issues so triable as a matter of right.

Respectfully submitted,

Dana Nessel
Attorney General

/s/ Polly A. Synk
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Dated: December 16, 2022

EXHIBIT A



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

WASTE MANAGEMENT DIVISION
PO BOX 30241
LANSING MI 48909-7741

March 17, 1998

Ms. Christine J. Lupu, Environmental Engineer
E.B. Eddy Paper, Inc.
P.O. Box 5003
Port Huron, Michigan 48061-5003

Dear Ms. Lupu:

This is in response to your letter dated February 10, 1998, notifying the Michigan Department of Environmental Quality (DEQ) of your intent to reuse the paper fiber waste (Material) generated at the E.B. Eddy Paper, Inc. (E.B. Eddy) facility located in Port Huron, Michigan. Your notification was being made pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and its administrative rules. Your letter states that the Material will be mixed with yard wastes at a composting facility owned by Techni-Comp Environmental.

Since E.B. Eddy had previously notified the DEQ, in a letter dated June 3, 1996, per Rule 114(2)(g), that their Material met the inert criteria contained in Rule 115, then they have the right to self-declare their wastes as inert. You have fulfilled your obligations pursuant to Rule 114(2)(g). You should realize that any discharges to the environment (which include ground water, surface water, air, etc.) from the composting process may subject E.B. Eddy to potential liability. In addition, E.B. Eddy shall be responsible for ensuring that the Material continues to meet the inert criteria contained in Rule 115.

E.B. Eddy shall be responsible for preparing a report by January 31 of each year, which details the volume of Material that was reused in the previous year to produce compost. The report should be sent directly me. If you have any questions regarding this approval, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Duane Roskoskey".

Duane Roskoskey
Environmental Quality Specialist
Solid Waste Program Section
Waste Management Division
517-335-4712

cc: S. Bentley, E.B. Eddy Paper, Inc.
Mr. Charlie Dally, Techni-Comp Environmental
Ms. Joan Peck, DEQ
File