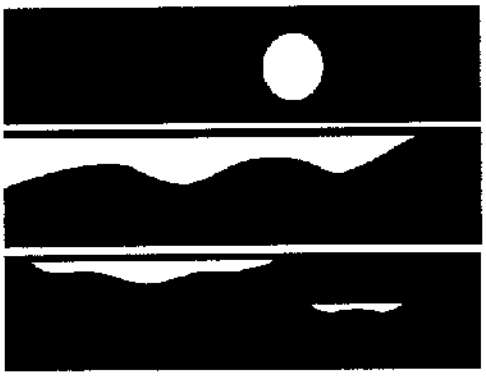


WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Everett Landfill/Tire Fire Site

RESPONSIVENESS SUMMARY
For
Consent Decree, Cleanup Action Plan, and Related Documents

FEBRUARY 2001

Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

This Responsiveness Summary addresses the comments received during the public comment period on the cleanup documents for the Everett Landfill/Tire Fire Site. The Everett Landfill/Tire Fire Site is located southeast of the downtown Everett business district. The landfill is bounded by 36th Street to the north, Burlington Northern Santa Fe (BNSF) railroad tracks to the west and BNSF tracks to the east. Wetlands and the Snohomish River are east of both the landfill and the BNSF tracks. The old Simpson mill site is located south and southeast of the landfill. The landfill is approximately 70 acres, of which about 66 acres have been used as a landfill and within which is located the 5.6 acres of the tire fire.

The cleanup documents that were presented to the public for comment were: Consent Decree, including as attachments a Cleanup Action Plan, a Scope of Work and Schedule, a Public Participation Plan, a Restrictive Covenant, and a Compliance Monitoring and Contingency Plan, Brownfield Feasibility Study; and a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) and associated SEPA checklist.

These cleanup documents vary from the norm in that they address what cleanup is required for the current landfill land use and what cleanup would be required in general for as yet undefined conditions that may take place if the site is developed. Because of the possible confusion with this variation from the norm and in an effort to make the process clear to the public, Ecology sponsored a couple of events before the comment period.

A workshop was held on May 15, 2000, for the purpose of clarifying the roles and responsibilities of the various agencies involved in the cleanup/redevelopment project and letting citizens know how they could participate. About 50 people attended. In addition, a workshop was held on October 21, 2000, for the purpose of offering the citizens an opportunity to help develop a Public Participation Plan. The plan applies to cleanup and monitoring activities under existing conditions as well as cleanup that would take place as a component of potential future development. About 10 people attended this workshop.

People were encouraged to comment on the cleanup documents during a public comment period from December 4, 2000, until January 22, 2001. A public hearing was held Thursday, January 11, 2001, at the Everett Senior Center in Everett, Washington. A fact sheet notifying people of the opportunities to comment was distributed to about 725 persons on the site mailing list. In addition, notices were published in Ecology's Site Register and SEPA Register, and display advertisements were published in local newspapers – Everett Herald and Everett Tribune.

Seven written comments were received during the public comment period, and one oral comment was received at the public hearing. These comments were submitted by:

- Gail Chism
- M. Michele Hoverter

- Janette Moore
- Terry Slatten
- Karen Williams
- Myrna Williams
- Slater Williams

Figure 2-2 of the Feasibility Study Report and Cleanup Action Plan and Figure 2 of SEPA checklist will be revised to show the appropriate shoreline jurisdiction area. SEPA checklist number 8 a. will be revised to indicate that portions of the adjacent properties are natural areas. No other changes to the Consent Decree and associated Consent Decree are required as a result of public comments.

This Responsiveness Summary is organized by summarizing the comments and grouping them into issues, then responding to the summarized issues. The original written comments and the transcript of the public hearing are included in the last section.

IF YOU HAVE QUESTIONS:

For more information regarding these documents and this action, contact Ecology Site Manager Sunny Lin at 425-649-7187.

INFORMATION REPOSITORIES:

Major documents pertaining to this site are available for your review at the following locations:

Everett Public Library
2702 Hoyt Street
Everett, WA 98201
425-259-8000

Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452
425-649-7190

Summarized Comments by Issue
And
Responses

Ecology Responsiveness Summary

1. Development Process versus Cleanup Process

Ecology and the City of Everett have different jurisdictions and responsibilities. The City, through the Comprehensive Plan and zoning designations, has jurisdiction over what development will occur at the landfill. In order to be responsive to a broad range of potential redevelopment options on the landfill, the City proposed a generic development of open space, buildings, and pavement. Ecology provided environmental requirements for this generic development proposal in the Cleanup Action Plan. Figure 6.3 of the Cleanup Action Plan shows how the development and cleanup processes relate to each other.

2. Public Involvement for Development versus Public Involvement for Cleanup

The City is currently amending its Shoreline Master plan, which is an element of the Comprehensive Plan. The Comprehensive Plan and Shoreline Master Program have their own public involvement process that is separate and independent of the cleanup process.

This public comment period was for the Cleanup Action Plan and Consent Decree for the Landfill/Tire Fire Site. Ecology sought feedback from the public for its proposed environmental requirements. Ecology will not offer another public comment period for the environmental requirements that are specified in the Cleanup Action Plan.

3. Is Ecology approving future development of the site?

Ecology, through the Cleanup Action Plan and Consent Decree, is not approving future development of the site. Because the site could potentially be developed, as shown by its designation in the City's Comprehensive Plan, Ecology and the City agreed that the Cleanup Action Plan and Consent Decree would define environmental requirements for any type of future development that might occur. Therefore, the proposed cleanup actions for potential future developed conditions apply to the generic categories of open space, pavement and buildings. Any proposed development must go through the standard land use and permitting reviews and approvals in order to be constructed. It is during this standard process that development would be approved or disapproved as required by law.

The Consent Decree, Exhibit D, additionally defines a coordinated review process that the City and Ecology will undertake for all proposed development on the landfill site. This review process will ensure that environmental requirements are implemented as a component of any development action.

4 **Why does the Cleanup Action Plan and Consent Decree address future development?**

Because the site could potentially be developed, as shown by its designation in the City's Comprehensive Plan, Ecology and the City agreed that the Cleanup Action Plan and Consent Decree would define environmental requirements for any type of future development that might occur. In this way, if the City of Everett and its citizens decide to allow future development on the site, the minimum environmental requirements are already defined and can be understood up-front by any prospective developer.

The Cleanup Action Plan and Consent Decree address future development in a way that is consistent with the brownfield policies of the USEPA and Ecology. Brownfields are properties that are abandoned or underused because of environmental contamination from past industrial or commercial practices. The USEPA established a grant program to provide funds for the assessment of brownfield sites and to test cleanup and redevelopment models. By encouraging the cleanup and redevelopment of properties that have already been disturbed by human activity, the USEPA and Ecology hope to prevent development of "Greenfield" properties that have not yet been substantially degraded by human activities.

5. **Should the City and Ecology wait until the Everett City Council has an opportunity to review the new Comprehensive Plan and Shoreline Master Program Update (SMP) before moving forward with the Brownfield Feasibility Study and CAP?**

The Brownfield Feasibility Study and Cleanup Action Plan set forth the environmental requirements for the generic developed conditions for buildings, pavement and open space/landscaping. Whether any development can occur at the landfill is subject to the Comprehensive Plan and Shoreline Master Program.

6. **Who is the lead agency for the proposed cleanup actions?**

Ecology is the lead agency in determining the environmental requirements in the Cleanup Action Plan. Ecology will remain as a lead agency and provide regulatory oversight for implementing the environmental requirements for existing conditions and future conditions with development. Ecology will provide oversight to the City to implement the cleanup requirements, such as perimeter gas migration monitoring and controls (if necessary), installing an active gas control system for developed areas, conducting a shallow aquifer characterization before the placement of pile foundations through the aquitard, and monitoring groundwater and surface water quality.

7. **Enforcement Responsibilities for implementing environmental requirements**

Ecology oversees and has enforcement responsibility over the City-conducted cleanup activities. The Consent Decree is a legally enforceable document that will be lodged in court

in its final form. The City is required to implement the Cleanup Actions and other requirements of the Consent Decree, including reporting to Ecology. The Cleanup Action Plan and Compliance Monitoring Plan defines reporting requirements.

8. Why is the City lead agency for SEPA determination of the proposed cleanup actions?

When Ecology proposes a cleanup action, a SEPA determination for the proposed cleanup action is required. Ecology allows the Potential Liable Party (PLP) to be a lead agency for SEPA determination, according to SEPA rules WAC 197-11-253 (3) "(A)n agency that will be conducting a remedial action under a MTCA order, agreed order, or consent decree will be lead agency provided there is no objection by another agency determined by ecology to be a PLP for the facility." There were not objections raised by other agencies or PLPs, the City assumed lead agency status. Ecology reviewed and provided comment on the SEPA checklist before it was formally submitted for determination.

Allowing the PLP to be lead agency for SEPA determination does not mean the PLP is lead agency for the proposed cleanup action. Ecology retains lead agency status and oversees the proposed cleanup actions.

9. What future public involvement is related to the Landfill cleanup and how can the public receive timely information related to future development actions on the landfill?

The Public Participation Plan, Section 4.4, describes future public involvement opportunities related to the landfill cleanup. These activities include a City web page where reports and data will be made available to the public, and a library information repository where documents and updates submitted to Ecology are also made available for review. Additionally, for certain conditions, the City is required to notify Ecology as well as the Lowell and the Port Gardner Neighborhood Organizations by telephone or by email within one week of occurrence or confirmation. These conditions are:

- Confirmed "out-of-compliance" conditions for perimeter gas migration, groundwater or surface water, consistent with the Compliance Monitoring Plan.
- Accidental release of contaminants to groundwater or surface water due to events such as earthquake, flood, construction, etc.
- Notification of permit application for specific gas discharge points, if applicable.
- Results of shallow aquifer characterization for potential restrictions on pile foundations
- Notification of the intent to transfer properties prior to a transfer.
- Notification of SEPA/permitting public comment periods for development actions that will trigger the cleanup actions prior to the comment period and provide the documents at the library information repository.

- Notification and stop work for any activities performed on the site that are not allowable under the restrictive covenant for the site.

10. Will citizens be able to provide input on future potential development actions?

All future development actions on the landfill are subject to the applicable regulatory requirements, including permitting and SEPA review and related public participation as required by law. Documents prepared for SEPA review will be released for public comment, and SEPA decisions can be appealed.

11. Are there special circumstances that would allow additional citizen input on the cleanup actions after the close of public comment on the Cleanup Action Plan and Consent Decree?

Public involvement opportunities during the construction and monitoring of cleanup actions are defined in the Public Participation Plan, Exhibit E to the Consent Decree. Additionally, the Consent Decree includes a "reopener" clause, Section XXVII(A1), which describes conditions under which Ecology may require that additional remedial actions be performed. If such a "reopener" were triggered, it would include additional opportunity for public comment.

12. Why isn't the public allowed to obtain and review the Heartland Study entitled "City of Everett Riverfront Study Area, Redevelopment Analysis" (11/97)?

The "City of Everett Riverfront Study Area, Redevelopment Analysis" (Heartland 11/97) was only listed in Appendix A as a related document. It has not been cited, referenced, or utilized in the work of the Feasibility Study or Cleanup Action Plan. Ecology never received or reviewed the report and did not rely on it for any of its conclusions or analysis. The Heartland document is not publicly disclosable for the following reasons:

1. The document constitutes a real estate appraisal made for the City relative to the potential sale of the property and is therefore exempt from disclosure per RCW 42.17.310 (1) (g);
2. The document constitutes valuable research data obtained by the City and disclosure thereof would produce private gain and public loss. The document is therefore exempt from disclosure per RCW 42.17.310 (1) (h); and
3. The document was intended to be a preliminary draft. It is a document in which opinions and recommendations are expressed. The document is therefore exempt from disclosure per RCW 42.17.310 (1) (i).

13. What action has the City and/or Ecology taken to explore having other Potential Liable Party (PLP)'s contributing to funding the cleanup?

Ecology named Burlington Northern Railroad (BNR) as a PLP in 1989. The individual contributions to the cost of cleanup cost are resolved among the PLPs. Ecology pays half of the cleanup cost through a grant to the City of Everett.

14. Is a portion of the landfill in Snohomish River flood plain? Is development allowed in a flood plain?

The original Flood Insurance Rate Maps (FIRMS) were developed in the late 70s and adopted in 1978. There is a current effort to restudy the Lower Snohomish River floodplain and update the FIRMs in this area. The required encroachment and conveyance requirements of the Federal and State regulation must be met in this restudy process. Preliminary FIRMs will be available for public comment in 6 to 9 months.

The FIRMs, the Flood Insurance Study (FIS), Federal and State of Washington Floodplain Regulations, and local floodplain ordinance allow development in part of the floodplain (the flood fringe) and reserve the remainder of the floodplain for flood conveyance (the floodway). The floodway in the lower Snohomish River is much broader than most conveyance floodways in order to allow some development for continuing agricultural activity. While fill in the flood fringe is discouraged it is not prohibited. The local community makes that determination based on their zoning and land use regulations.

A portion of the landfill property is currently shown on FEMA maps as within the 100-year floodplain. Any development within this portion of the site would require a flood permit from the City.

15. Is the 210,000 cubic yards of fill part of the cleanup action? Does the extra fill cause any threat to human health and the environment?

The City placed about 210,000 cubic yards of fill on the site without obtaining a specific permit for the action. This fill is not part of the cleanup.

There is a potential that weight of the extra fill may cause methane gas to migrate off site. Methane gas samples were taken in the buildings in the vicinity of the landfill, north and west of the landfill. So far, there is no methane gas concentration detected exceeding cleanup levels in those buildings. In addition, new gas probes will be installed at the perimeter of the landfill to monitor any potential methane gas migration off site. If gas is determined to be migrating off site, a perimeter gas control system will be installed.

16. Who is enforcing protection of stream buffer?

The City of Everett has the primary role in enforcing protection of stream buffers through its Sensitive Areas Ordinance (SAO). Any future development proposal will be reviewed through the City's land use permitting process for compliance with the SAO, which contains protective requirements for streams, wetlands, and their buffers. The SAO will apply to all development proposals, including those within areas subject to the City's Shoreline Master Program. The Department of Ecology Shoreline Program has both oversight responsibility to ensure compliance with State's Shoreline Master Program and enforcement authority over individual substantial shoreline development permits.

17. Could a portion of this site slip away, allowing pollutants to migrate into the wetlands or river? Would development exacerbate seismic instability?

On the eastern edge of the landfill site, closest to the Snohomish River, the railroad embankment has been in-place and undisturbed since approximately 1915. This provides us with evidence that although all waterfront property in Puget Sound has a potential risk of earthquake induced lateral displacement, this site has been seismically stable for the past 85 years.

Any potential future development actions must go through their own permit processes, including meeting the building code requirements related to seismic stability. The likely effect of redevelopment on this site would be to increase site stability through the installation of pile-supported structures and other measures.

The Compliance Monitoring and Contingency Plan will require quarterly inspection of the site for areas of erosion or displacement, and enforcement of timely repair as necessary.

18. 200 feet Shoreline Jurisdiction

It is true that two hundred feet from the ordinary high water mark or floodway is the minimum extent of shoreline jurisdiction. In the area of the landfill where the tracks run near the river, the City's current Shoreline Master Program defines shoreline jurisdiction to be the mainline BNSF Railroad tracks. However, where the mainline is closer than two-hundred feet from the ordinary high water mark, shoreline jurisdiction extends landward west of the railroad tracks. Figure 2-2 of the Feasibility Study report and Cleanup Action Plan and Figure 2 of will be revised to include a footnote stating "The shoreline boundary is the BNSF mainline railroad tracks, or 200 feet from mean high water from the Snohomish River where the tracks are located less than 200 feet from the mean high water mark."

19. Animal Shelter and Super Compactor at the Transfer Station

Ecology does not decide on what development will occur at the landfill. Ecology responds to the City's development proposal and provides environmental requirements for the development.

In 1995, the City proposed a new animal shelter to replace the old one. At that time, Ecology provided limited environmental regulation and guidance to the City for the new animal shelter. In 2000, Ecology was notified of Snohomish County's installation of a super compactor. Ecology was informed that the super compactor is " a remodeling that has a minimum, if any, impact on the landfill." Ecology did not review and approve its plan.

The City has not proposed that new or modified solid waste facilities will be a component of future development. Therefore, Ecology does not believe that the solid waste regulation applies to future redevelopment.

20. When a site or system is said to provide public safety, human safety, environmental safety...what criteria determines what is safe? Is it based on acceptable number of deaths, disabling injuries, monetary loss?

A Quantitative Risk Assessment (QAR) is a study that uses common statistical methods to assign risk to an activity. The Quantitative Risk Assessment for the commercial development of the Everett landfill site is included as appendix P. In the case of development at the Everett landfill site, the risk modeled was that from fire or explosion.

The Quantitative Risk Assessment states: "This assumes that, in the absence of equipment failures, human error or construction errors, the system has been properly designed to enable safe operation of the development facilities". What this statement means is only that the Quantitative Risk Assessment assumes that the facilities will be designed correctly, that is to say it will function as modeled. It does not mean that the Quantitative Risk Assessment assumes that gas control and safety equipment will never fail. The possible failure of this equipment has been modeled to arrive at the risk numbers provided.

No human activity is absolutely risk free, and neither is this one. Even with effective gas control, building on a former landfill site increases the risk over that of a similar facility not built over a former landfill site. The Quantitative Risk Assessment found that this increase in risk was small both in absolute terms and in comparison to the fire and explosion risk for a similar facility not constructed over a closed landfill. It is not however, the Department's intention to say that a certain level of risk is safe, only to elucidate the risk. It is left to the proponent and those agencies responsible for public safety to decide what is acceptable.

21. Why have there not been tests done on the Simpson Site to see if the gas has migrated to that area?

Additional perimeter landfill gas monitoring probes are being installed as part of this Cleanup Action Plan. If landfill gas is detected at any point around the perimeter in excess of regulatory standards, then the City will initiate corrective measures in accordance with the Compliance Monitoring and Contingency Plan. Regarding the Simpson site specifically, the likelihood of landfill gas migrating in that direction, for that distance, is extremely remote because of low permeable and saturated soils. Landfill gas does not migrate through saturated soil.

22. What are the low-end technologies required for open space, undisturbed development?

The environmental requirements for open space, undisturbed development are described in the Cleanup Action Plan. The requirements are as followings: fence the landfill to keep the public from access; install new gas probes at the perimeter and control any potential off-site gas migration; maintain and operate the leachate collection system, and monitor groundwater, surface water and methane gas.

23. Environmental requirements for 41st street overcrossing project.

The 41st street overcrossing project is the first development at the landfill. In addition of meeting land use and permitting process requirements, the 41st Street Overcrossing project must meet the requirements of the Cleanup Action Plan. A technical memorandum "Application of Everett Landfill/Tire Fire Site Environmental Requirements to the 41st Street Overcrossing Project" was submitted to Ecology on January 3, 2001. In this technical memorandum, the City presented preliminary designs for meeting the environmental requirements that are specified in the Cleanup Action Plan. An active gas control system will be installed underneath the 41st Street overcrossing project area to control the methane gas. An impermeable layer will be installed and sealed around the pilings. Surface water will be collected and conveyed for off-site discharge. Groundwater, surface water and landfill gas will be monitored.

24. The City of Everett intends a significant enhancement of the "east and west ditches" a commendable upgrade of habitat, that will change a Category 3 wetland/stream environment to a Category 1. However, the buffers for the 41st Street overcrossing in this area have not been upgraded to reflect this important change; and under the CAP there are no requirements to address any of these changes.

The City of Everett has the primary role in enforcing protection of stream buffers through its Sensitive Areas Ordinance (SAO). Any future development proposal will be reviewed through the City's land use permitting process for compliance with the SAO, which contains protective

requirements for streams, wetlands, and their buffers. Department of Ecology Shoreline Program has both oversight responsibility to ensure compliance with State's Shoreline Master Program and enforcement authority over individual substantial shoreline development permits. However, shoreline regulations are not administered through the Ecology Toxics Cleanup Program under this Cleanup Action Plan, Bob Fritzen (360) 676-2199 of the Ecology Shoreline Program oversees shoreline issues.

25. What effect(s) do compression, a vacuum and an evacuating system have on methane production?

The rate of methane production will not be significantly affected by compression caused by the weight of structures and facilities that may be built over the landfill. Nor will it be significantly affected by vacuum created by an active gas collection system. Methane produced in a landfill originates from biological processes, not chemical or physical processes. Methane is produced in a landfill by anaerobic microbes (bacteria that live in an atmosphere where no oxygen is present) decomposing organic matter. Methane will be produced when methanogenic bacteria are present along with organic matter and no oxygen (anaerobic). The rate of methane production from this process is controlled mainly by the amount of organic matter present, temperature, and moisture content. None of these factors are significantly affected by the expected compression or vacuum proposed for the development of the Everett Landfill. However, the installation of a low-permeable cap as a component of development will reduce moisture content of the buried refuse and will therefore likely reduce methane production.

Buildings, pavement and other facilities could cause methane to migrate by blocking the methane's pathway to the atmosphere. That is why an active gas collection system will be installed. The vacuum system only removes that amount of methane that is produced by the microbes in the landfill without changing the rate of that production.

26. How do you make repairs to the gas management system (geomembrane or pipes) under buildings and/or without impacting the refuse?

Gas collection pipes and geomembrane placed under structures are not accessible for repair. Independent construction quality control and assurance is applied during construction to ensure the systems are built according to the plans and specifications. This includes tests and observations to ensure the geomembrane has no leaks. The design will accommodate anticipated settlement while maintaining the integrity and performance of the gas collection system. Furthermore, the buildings include full-time monitoring for very low methane concentrations. If methane gas is entering the building it will be detected and the building ventilation system will increase interior ventilation and appropriate personnel will be notified to take further corrective action. Cracks could be sealed as necessary, and additional gas

extraction wells could be installed around the building if necessary. It should be noted that the risk assessment evaluated risk as if no geomembrane were present.

Gas extraction system components are to be installed below pavement, buildings and landscaped areas, but above refuse. Refuse would not typically be encountered for extraction system repair. However, if refuse is encountered during construction activities, the CAP includes health and safety protection requirements.

27. Why is ground level residential not allowed?

Ground level residential use is not allowed because of the buried landfill materials that are present. If there was private residential use of grounds, institutional controls to prevent digging and penetration of the cap could not be reliably enforced.

28. Describe and justify the surface water quality monitoring requirements.

Surface water quality concerns originating from the buried garbage and tire fire ash have been controlled with the installation and operation of the landfill cap and leachate collection system. Additional data collected after the leachate collection system was installed do not provide sufficient information to determine landfill impacts to surface water quality because the locations where those data were collected are impacted by activities other than the landfill (such as upgradient neighborhood runoff and railroad track runoff). The Compliance Monitoring and Contingency Plan requires surface water monitoring at locations specifically selected to provide adequate data to determine if the landfill site is contributing contaminants to surface water. If compliance monitoring shows that landfill runoff is a source of contaminants at levels of concern, then contingency measures will be implemented to reduce or eliminate the impacts to surface water quality. The City will perform the monitoring with Ecology oversight.

29. Why are some groundwater monitoring wells slated for abandonment? Why weren't they abandoned earlier? Who regulates installation of wells?

Both the City and Ecology have known for several years that several groundwater monitoring wells on the site have been damaged and need to be abandoned per state standards. These wells pose no threat; they are just not appropriate for monitoring. Several other wells are proposed for abandonment because they are not needed for future monitoring. Ecology is the agency that provides oversight of the installation of groundwater wells.

30. Clarify on-site relocation of excavated refuse and approval of relocation proposals. Could waste be brought in from off-site?

Relocation of excavated refuse on-site refers to refuse that is already buried on the site and is excavated in association with subsurface work related to monitoring or development. No off-site material is allowed to be landfilled on the closed Everett landfill. Ecology review and approval is required of any proposal related to relocating excavated refuse.

31. Responses to Comments on the SEPA Checklist

This SEPA checklist is only for the proposed cleanup actions specified in the Cleanup Action Plan. If development actions are proposed on the property in the future, separate SEPA Determinations or Environmental Impact Statements (EIS) would be required to evaluate any potential adverse impacts to the environment from the proposed future development.

- **Many of the adjacent properties are vacant and almost natural, not light and industrial.**

The site is surrounded by railroad tracks to the east and west, and by 36th street to the north. The adjacent uses to the north and west of the landfill consist of commercial and industrial uses. The abutting property to use the south and east is the former Simpson lumber mill site, a previously disturbed site, which now stands vacant. A portion of the site contains wetlands and a stream corridor. The SEPA checklist will be revised to reflect that portions of the adjacent properties are comprised of wetlands and a stream corridor (Bigelow Creek), a natural area.

- **Potential Impact of Future Development on Historic Resources in Lowell.**

This SEPA checklist applies to proposed cleanup action only. Future development proposals will be evaluated under a separate SEPA checklist for potential affects on historic structures. The City may require mitigation measures for any proposal that produces potential adverse impacts on these structures.

- **There are Chinook salmon and Bull trout in the Snohomish River; however, the environmental checklist listed "none" as a response to the question of whether there are any threatened or endangered species on or near the site.**

Please refer to #5.b, on page 20 of the environmental checklist. This section specifically mentions the Snohomish River as habitat for Chinook salmon, and potential habitat for Bull trout.

- **The proposal does not adequately address cumulative impacts of development proposals planned for this site, including the 41st Street Overcrossing project.**

  The cumulative impacts of the 41st Street Overcrossing project were addressed during the SEPA review process for the 41st Street Overcrossing project. The SEPA determination for the 41st Street Overcrossing project was appealed on this issue (SEPA #99-049/Appeal #99-007). The appeal was denied by the Land Use Hearing Examiner, who determined that the City's environmental review had appropriately addressed both the scope of environmental review, and the cumulative impacts of the proposal. The proposed cleanup actions would not generate significant adverse impacts to the environment. Therefore, an analysis of cumulative impacts of other development proposals and the proposed cleanup actions is unwarranted.

- **Any changes to the site would impact opportunities for passive recreation within the area immediately surrounding the site.**

  This SEPA checklist is for proposed cleanup actions only. Implementation of cleanup actions for existing site conditions would not substantially change the physical layout or appearance of the site. Implementation of cleanup actions for future site conditions will be part of the development. Any future development that may have impact opportunities for passive recreation will be evaluated in a separate SEPA or EIS.

- **Requested advance notice of any development proposal under SEPA**

  The City will comply fully with all public notice requirements listed in the Regulatory Reform Act of 1995, SEPA, and the Project Permit Processing requirements in EMC Chapter 15. For a development proposal that involves a SEPA review, notice will include the following:

  - Post the site with 24" by 36" signs;
  - Mail notice to contiguous property owners;
  - Mail notice to the SEPA Register (Ecology)
  - Mail notice to the City's SEPA mailing list; and
  - Mail notice to the applicable neighborhood chairperson(s).

  Public notice will be in the form of a Notice of Application and will be issued at the commencement of the 14-day public comment period. Individuals requesting notice who are not contiguous property owners may be placed on the City's SEPA mailing list by contacting the Planning/Community Development Department.

  Additional citizen notification requirements related to SEPA are included in Section 4.4.2 of the Public Participation Plan, Exhibit E of the Consent Decree.

Original Comments
and
Public Hearing Transcript

This needs to Be upheld!

"Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air and waters of the state is a solemn obligation of the present generation for the benefit of future generations."

— Declaration of Policy, Washington State Model Toxics Control Act

January 22, 2001

Dept. of Ecology - ATTN: Sunny Lin
Re: Brownsfield Study & all assoc documents

The Lowell Neighborhood's historical significance is well documented including but not limited to: The Lowell Story, Lowell Remembered, Lowell's Farms + Art Buildings, Historians in the N.W. Room of the Everett Public Library, historical functions such as surveys, articles, Lowell Days, Tours, and of course it is part of Tulalip Tribes ancestral grounds.

It's a matter of record Lowell's citizens have been involved in their neighborhood from 1863 to 2001. It has the longest continuing manufacturing plant in Everett, oldest Church in Snohomish Co., Lowell was here Before Everett, oldest neighborhood association in Everett. In Everett's book of Centennial Structure our downtown Lowell was chosen as the Cover

The City of Everett chooses to ignor how the planned development in & near us will destroy our historical nature, quality of life, impact our health + make our neighborhood unlivable. Everett can argue "Now's not the time", it's only a clean-up action plan. Why then is the City con-currently incorporating the ground work for future development into these documents. Citizen Participation plan ??? All factors must be considered up front + taken into consideration now. Please reference NMFS letter of 10-12-00 all development must be considered a part of the Citizen, Sepa + Clean-up participation plan

problems. This site has many problems NOT associated with those developments. Where ours is located, the fire element, unstable soils, earthquakes + other "acts of God" are but a few of the reasons this site should Be Cleaned up, monitored + left alone. AND there is NO Open space buffer planned for Historical Lowell. Please reference all issues for our 41st Overpass appeal.

Many of these health, safety + ± quality of life issues impacting all living creatures boil down to Everett's interpretation, manipulation, use of loop holes for rules, RCW's, WAC's etc. and non-enforcement of same. Sadly, I must also include strong arming + backdoor politics the City uses including DOE.

Then, as usual, citizens are left to pick up the pieces, try + hold City accountable + use valuable DOE + other agencies time + money for something that should NOT have occured nor been allowed in the first place. The City continues to break + circumvent spirit + intent of laws.

Citizen Participation ??? All of this health, safety quality of life issues must Be Front + Center - 1st + foremost. I also request more up front information Be available Before things are "set in concrete". When city is developing plans, looking to develop + transfer / sell properties we want to Be included + notified Bifore the usual 15 day, 30 day Responses. much Before

Our Very lives depend upon it.

Gail Chase 4601 S. 4th Ave Everett 98203

12. **Recreation**

a. **What designated and informal recreational opportunities are in the immediate vicinity?**

Informal recreational opportunities in the vicinity include walking and bird watching.
VIEWS OF AREA including mountains + Beyond Both Day + Night

b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No. See Above. I have seen many, many times people stopped at 41st to VIEW Vistas including moon stars etc. Any change to area would destroy that

c. **Proposed measures to reduce or control impacts to recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable. Again see above. Also serenity of this area.

13. **Historic and Cultural Preservation**

a. **Are there any places or objects listed on, or eligible for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

There are no places or objects proposed for national, state, or local preservation known to be affected by the proposal.

See cover letter. Must consider Historic Lowell neighborhood + how development plans distroy it.

b. **Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

The Landfill/Tire Fire Site has previously been developed or disturbed, and reveals no evidence of historic, archaeological, scientific or cultural importance. The entire area was used as a landfill for approximately 57 years, and portions have been used for a railroad corridor.
See above.

c. **Describe proposed measures to reduce or control impacts, if any:**

City ignors Lowell's historical significance. Cannot mitigate intrusive nature of project.

Allan Giffen

From: Ann Garrett [Ann.Garrett@noaa.gov]
Sent: Thursday, October 12, 2000 6:45 PM
To: agiffen@ci.everett.wa.us
Cc: Brian Hasselbach; Steven Landino; Deeann Kirkpatrick
Subject: 41st Street Overcrossing Project

Dear Allan

I have reviewed the biological assessment (BA) for the 41st Street Overcrossing Freight Mobility Project (Dated September 13 and received in this office on October 6, 2000), in which the City of Everett (City) proposes to remove an at grade railroad crossing at 36th Street and replace it with a grade-separated access road at 41st Street.

Based upon my review of the proposed project, I cannot agree with the City's findings that the project will have "no effect" on chinook salmon. As it is currently proposed, I anticipate that the project will have some level of effect, perhaps direct, indirect and cumulative, on chinook salmon and their critical habitat. My finding is based on the following reasons:

- By the WSDOT's own guidance (1999), the project does not qualify for a "no effect" determination as clearing and grading will occur within 300 feet of a water body and the environmental baseline is degraded. Construction activities that move soils, particularly in close proximity to a water body, may result in potential direct effects including short-term increases in turbidity from mobilized sediments. NMFS recognizes that appropriate erosion and sediment control measures can reduce this potential short-term impact, but that such measures are not uniformly, or necessarily, 100 percent effective. Nonetheless, when the erosion and sediment control measures are appropriately applied and implemented, the effect may be "discountable or insignificant," but by definition this is not the same as having "no effect whatsoever" on the species and its critical habitat. See *Making Endangered Species Act Determination of Effect for Individual or Grouped Actions at the Watershed Scale* (NMFS 1996).

- The new roadway will increase physical through lane capacity. According to the BA, the preliminary design for the overcrossing is four to five lanes wide. The existing roadway at 36th Street is only two lanes wide and traffic is delayed due to rail crossings. The project, as proposed, will result in an increase of two to three new lanes over that which is being removed. NMFS considers increases in physical through lane capacity as having the potential to induce growth. This is further supported by the fact that the proposed project will direct traffic into an area that is only partially developed and has a high potential for additional development. Indeed, the BA acknowledges that future development of adjacent properties is likely, although the extent or details of which are not yet determined. Such an admission does not preclude the development of the river front area. Rather, it indicates that the City is in the early stages of planning this development. By providing increased through capacity, the new overpass will facilitate attractive access for such development to occur in an area of importance to chinook salmon.

While the complexity of the direct, indirect, and cumulative impacts of this proposal make an effect determination difficult, I feel that there is sufficient information and likelihood of impact to warrant a determination of, at least, "may affect, not likely to adversely affect" chinook salmon and their critical habitat. Whether the project's effects can be minimized to the level that they are "discountable or insignificant" will depend on the measures that the City intends to implement to avoid and minimize effects on chinook salmon and their critical habitat. In order to ensure compliance with the Endangered Species Act, I recommend that the City withdraw the existing BA and, at a minimum, amend the

determination and provide a more rigorous evaluation of the indirect effects of increased lane capacity and increased development along the Snohomish River. Such an assessment may necessitate review of the City's comprehensive plan, shoreline plan, and the ability of critical areas ordinance (CAO) to protect salmon and their habitat through buffer widths, stormwater regulations, and enforcement provisions of the CAO. The 4d rules for chinook salmon in Puget Sound (50 CFR 223) provide a backdrop by which the City could compare their protective measures. The results of such an assessment should be incorporated into the discussion of the effects of the proposed action on the environmental baseline.

If you have questions please don't hesitate to call me. Otherwise, I am still planning on meeting with you and others from the City on Wednesday, October 18, 2000, and we can discuss your questions then.
Sincerely,

–

Ann M. Garrett
Fish Biologist
Phone 206.526.6146
Fax 206.526.6736
Ann.Garrett@noaa.gov

National Marine Fisheries Service
Habitat Conservation Division
7600 Sand Point Way NE
Building 1
Seattle, WA 98115

Literature cited

- National Marine Fisheries Service 1996. Making Endangered Species Act Determination of Effect for Individual or Grouped Actions at the Watershed Scale. Available at: http://www.nwr.noaa.gov/1habcon/habweb/habpub.htm.
- Washington Department of Transportation (WSDOT) 1999. Endangered Species Act Stormwater Effects Guidance for Projects http://www.wsdot.wa.gov/TA/Operations/Environmental/stormwater.html

Toxins of Concern in Puget Sound

Heavy Metals: Sources of mercury, lead, and other heavy metals in the sound include hazardous materials spills, discarded batteries, car emissions, paints, and dyes. They can cause reproductive failure in humans and other animals.

Polycyclic Aromatic Hydrocarbons (PAH): Some PAHs are present in fossil fuels; others are formed when fossil fuels and other organic materials are burned. Exposure is linked to cancer and to impaired immune function, reproduction, and development. They enter the sound through storm water run-off, industrial and municipal discharges, and petroleum spills.

Research has shown that exposure to contamination reduces reproductive capability, growth rates, and resistance to disease, and may lead to lower survival for salmon.

Chlorinated Organic Compounds: These chemicals are found in solvents, electrical coolants and lubricants, pesticides, herbicides, and treated wood. They are some of the most toxic chemicals known, causing birth defects and liver damage, reducing fertility and retarding growth. Examples are Poly-Chlorinated Biphenyls (PCBs), dioxins, and Dichloro Diphenyl Trichloroethane (DDT). Though PCBs and DDT are now banned in the United States, they remain in leaking disposal sites and in contaminated sediments in the sound. And more are added as airborne fallout deposited after circulating across the globe from continuing sources in Asia.[29]

Loss of Wetlands and River Flood Plain Habitat

Found in forests, prairies, deserts, and along flood plains, wetlands act as sponges within the landscape. Wetlands provide cover, feeding, nesting, and breeding habitat for many fish and wildlife species, including 212 animal species in western Washington and 285 species in eastern Washington.[6]

River flood plains and their wetlands provide flat expanses where flood waters spread out, helping to reduce both the height and velocity of flooding downstream. Once the velocity is reduced, the water stored in wetlands will drain more slowly back into the ecosystem. If the soil in a wetland area is not fully-saturated, the soil itself will provide storage capacity during floods. Studies have shown that flood peaks may be as much as 80 percent higher in watersheds without wetlands than in similar basins with large wetland areas.[7]

Wetlands also:

- Maintain groundwater supplies.
- Trap sediments that can pollute waterways.
- Modify climate change.
- Protect shorelines from erosion by slowing down and absorbing river current energy.

Especially during droughts, wetlands are critical for many species that rely on them for moisture. Shallow depressions where wetlands often form can hold standing water for weeks or months, helping to recharge groundwater.

Since colonial America, wetlands often have been regarded as a hindrance to productive land use. Swamps, bogs, sloughs, and wetlands were considered

BILL LEONARD

Only three populations of the Oregon spotted frog are known to exist in Washington.[3] No longer found in more than 90 percent of its historic range,[4] the frog is thought to have declined because of loss of wetland habitat, the introduction of non-native predators, and a high vulnerability to nitrates and nitrites, such as those found in fertilizers.[5]

Because the value of wetlands and their overall environmental importance have been recognized only recently, the nation has a 200-year history of wetland conversion.

wastelands to be drained, filled, and converted to more productive uses. Many wetlands occurred in flat lowlands that were otherwise easy to access and build on, so they were seen as a nuisance. To encourage settlement and expansion of agricultural lands, the United States government passed the Swamp Lands Act in the mid-1800s to encourage settlers to "reclaim" wetlands. Subsequent filling, diking, and draining resulted in nationwide losses of wetlands.

Because the value of wetlands and their overall environmental importance have been recognized only recently, the nation has a 200-year history of wetland conversion. According to some estimates, the United States lost 53 percent of all its wetlands between 1780 and 1984.[8]

Washington was no exception to this nationwide pattern. A 1989 report completed by the U.S. Fish and Wildlife Service conservatively estimated that activities such as draining and filling reduced Washington's wetland area by 33 percent since statehood, from 1.4 million acres to 938,000 acres.[9]

WATERSHED PROTECTION

In an effort to maintain an entire ecosystem, The Nature Conservancy of Washington is seeking to purchase the 5,000-acre coastal watershed of Ellsworth Creek in the Willapa Hills. The watershed, 10 miles east of the Long Beach Peninsula in Pacific County, is home to 300 acres of some of the last old-growth forest in the Willapa Hills.[11]

The proposed purchase is part of The Nature Conservancy's new efforts to think in terms of functioning landscapes rather than small patches. By purchasing the property, The Nature Conservancy intends to retain the whole ecosystem, instead of just pieces of it. This approach protects all of the ecosystem processes, such as the normal flow of water through the watershed, as well as components of the ecosystem, such as old growth and salmon.

The Nature Conservancy purchased 117 acres in September 2000 and has signed a purchase agreement for an additional 1,500 acres. The rest of the land will be purchased as money is raised.

If the proposed purchase of 5,000 acres of the Ellsworth Creek watershed is successful, it will be the only fully protected coastal watershed between Canada and central Oregon.

If all 5,000 acres are purchased, the watershed will be the only fully protected coastal watershed between Canada and central Oregon.[12]

Protecting the entire watershed offers a chance for conservation on a broad scale, including not only the remaining 300 acres of intact old-growth forest, but also 6 miles of Ellsworth Creek, 350 acres of healthy estuarine wetlands at the mouth of the creek, and 3,000 acres of nearly mature second-growth forest.[13] Protecting the forests ultimately protects the aquatic ecosystems by continuing to provide decaying logs and branches in streams and by protecting downstream water quality. These processes are critical to fish, oysters, and many other aquatic species.

TOURISM

SUMMARY

Washington's waterways are exhibiting the warning signs seen in other troubled waters around the world. Habitat has disappeared or is so impaired it no longer supports life the way it used to; populations of many aquatic animals are in serious decline; human population increase is jeopardizing the quality and quantity of water. But most importantly, the flow has been interrupted — the flow of water, the flow of nutrients and sediments, the flow of life through connected waters.

It's impossible to restore the state's waterways to the condition they were in 100 years ago. We can, however, try to restore the way they function.

But if Washington residents want clean water to drink, fish in the waters, access to beaches, and uncluttered views of the sun setting below the watery horizon, we have to be willing to make some tough decisions. What we value will determine what we decide and what happens to our freshwater and saltwater ecosystems.

Nearly all the problems facing Washington's aquatic ecosystems are in the same places where we live, work, and play. To protect and restore those ecosystems, we will need to understand the connections between the things we do on land and the consequences to the water — and make changes.

By changing our water ways, we can change our waterways, for the better.

Sources of information for this chapter can be found on pages 127 - 133.

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

October 26, 2000

Sean Callahan
Water Quality Program

Regarding Coverage Under the Stormwater General Permit for Construction Activity

Permit Number: SO3-003743

Site Name: Simpson Riverfront Site
Location: 4600 Blk/East of I-5/West of Snohomish River
Everett, WA

It is my understanding that the most significant requirement is the implementation of a stormwater pollution prevention plan or prevent pollution through the application of BEST MANAGEMENT PRACTICES.

Others and I would like to submit our personal observations, we have taken pictures as well, as to what we believe are violations of the City of Everett's permit as follows:

1. The road is muddy-3" or more sediment on the road.
2. Muddy water is being drained into the Bigelow Creek Estuaries.
3. Two asphalt-holding ponds with drainpipes were built on the site next to the truck entrance.
4. The time frame in the City of Everett's Standard Construction manual states seasonal limitations for land activities. 1-22.2 CITY OF EVERETT SEASONAL LIMITATION POLICY. "In addition to the above periods...Work outside of the 25 foot setback, but within the designated buffer area, will generally be restricted to the period between April 1 and October 1."
5. No swales are placed next to sensitive wetlands (Bigelow Creek) to prevent runoffs. We have observed this occurring when it rains.
6. Water ponding on the site.
7. They have not applied suitable cover on the exposed soils.

We trust you will look into these matters, as this permit expires on November 18, 2000.

Sincerely,

Myrna Williams
Gail Chism
Karen Williams, fax (425) 259-0787
E-Mail BIGELOW01@AOL.COM

Please see enclosures.

CC-Gary C. Bailey, Water Quality Program
CC-Bob Wright, NPDES
CC-Tina Tong, Corps of Engineers

Customer Reply Card
09631

City of Everett
Public Works
Department
Maintenance Division
We Will Be Working In
Your Neighborhood

The crew leader is: DAVE CITR -
↗ DAN Schaller

* Stopped above + asked them if this was a permitted activity + to stop until resolved.

• Note to myself (bail): no more mowing has been done. 7-28-00

Re: Simpson Property Buffer Zone 45 acre.

Work in your area will be performed starting on 5-4-00 at 2pm
and continuing through ____________

The work to be performed is:

☐ Water Main Work	☐ Street Paving	☐ Sidewalk Replac
☐ Water Service Work	☐ Street Repairs	☐ Sidewalk Repair
☐ Sewer Main Work	☐ Alley Paving	☐ Mark & Locate Lines
☐ Side Sewer Work	☐ Alley Grading	☐ Emergency Work
☐ Sewer Video Inspection	☐ Alley Reconstruction	☐ Customer Service
☐ Storm Drain Work	☒ Brush Cutting	

☐ Water will be shut off from: ____________ to: ____________

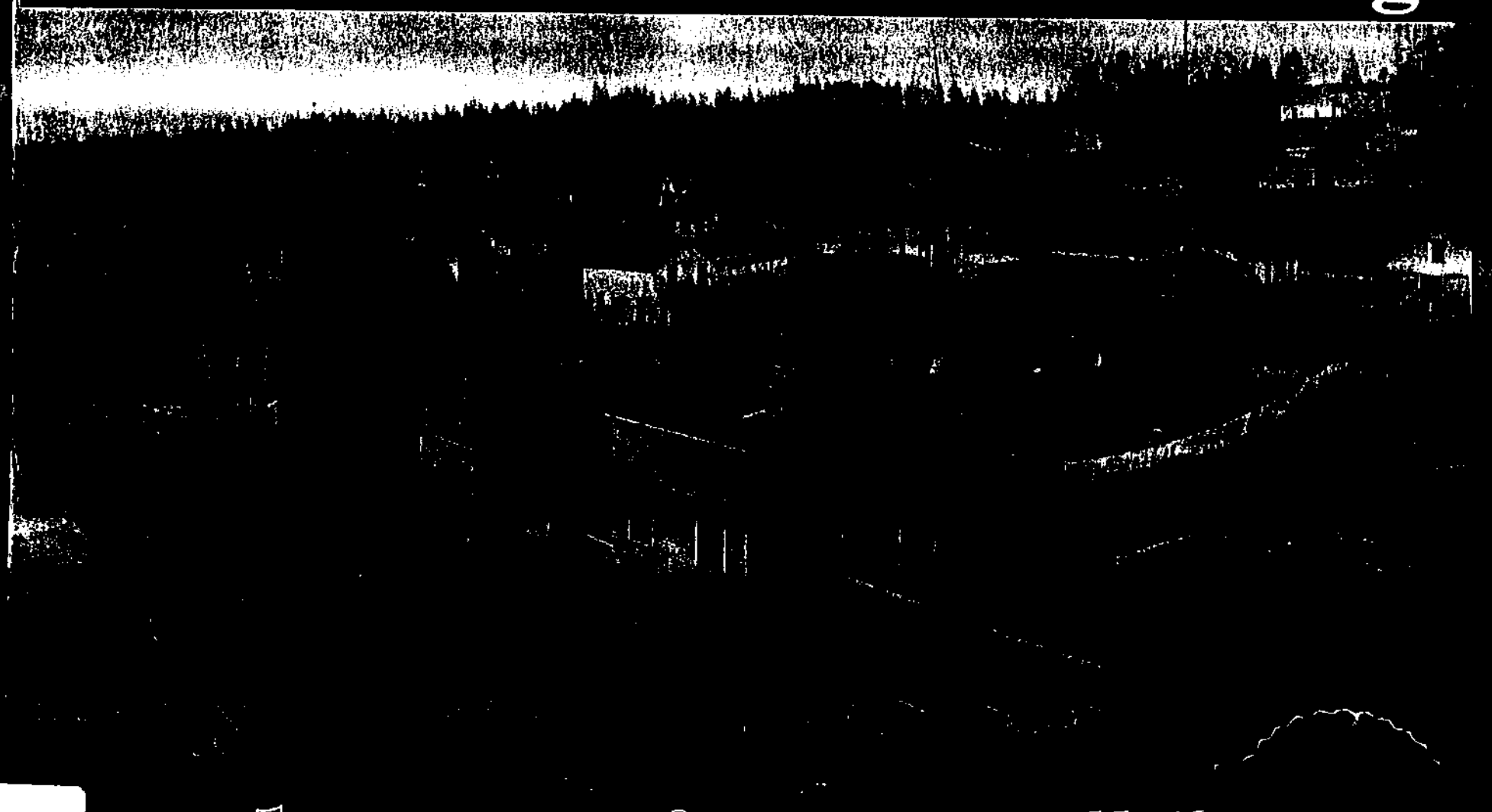
☐ The street will be blocked from: ____________ to: ____________

* Details: 5/4/00 T/c fm Ray Harris Everett Public Works Mail Crew asked if cutting on outside of 45 acre chain fence was a permitted activity. "They'll stop for now + mow some other area", I responded "It's habitat & Buffer → Season violation – that I didn't want them to mow anywhere on Simpson/Rotary Park Site.

Contact me on-site, with any questions or concerns:
DAYTIME DISPATCHER: 257-8832 • EMERGENCY ANYTIME: 257-8821

CENTENNIAL STRUCTURES:

Everett's 100-Year-Old Buildings



Bayside · Riverside · Lowell

To: Paul Roberts

From: Gerry Ervine

Date: 4/2/99

Subject: 41st Street Bridge

A jurisdictional question has arisen related to the construction of the 41st Street Bridge. The project location is zoned M-2 UFFD Heavy Manufacturing-Urban Flood Fringe District (see Exhibit #1). This zoning permits a wide variety of industrial uses and further permits filling of this flood fringe area to elevate development above the 100-year flood elevation.

The eastern most portion of the current bridge project is shown on the FEMA map (see Exhibit #2) as an area inundated by the 100-year flood, which would normally require processing of a Shoreline Permit. This site however, has been filled with approximately 300,000 cubic yards of clean material since 1995, through a MTCA clean-up action. The Washington State Department of Ecology headed this effort.

The clean-up action and filling of the property was exempt from the Shoreline Permit process, with this fill elevating the subject property above the 100-year floodplain (15 foot flood elevation established on the FEMA Map at this location) and therefore, out of Shoreline jurisdiction. The Perteet Engineering map (see Exhibit #3) shows the general location of the Phase I improvement with approximately 300 feet of improvement adjacent to the Simpson swamp. Exhibit #4 which is a detailed contour map provided by Perteet Engineering was based on recent aerial fly-over, indicates that 100% of the Phase I project is located above the 15-foot contour and is outside shoreline jurisdiction.

WASHINGTON STATE DEPARTMENT OF
Natural Resources

JENNIFER M. BELCHER
Commissioner of Public Lands

January 5, 2001

Greetings:

Because of your interest in natural resource issues and your support of People for Puget Sound, I am enclosing a new Washington State Department of Natural Resources publication entitled *Changing Our Water Ways*. This document looks at the trends affecting the overall health of our aquatic resources statewide.

Changing Our Water Ways does not attempt to recommend specific solutions to the major effects that people have had on Washington's waters. Rather, it provides information, gathered from a variety of sources, that transcends the department's boundaries and jurisdiction in order to give a more complete picture of our state's aquatic systems. Produced with the assistance of many other agencies and organizations, the publication reveals dramatic changes in Washington's water resources including:

- One-quarter of the state's watersheds do not have enough water to meet the needs of both people and fish.
- About 85 percent of Washington's wildlife relies on streamside habitat. Since the early 1800s, from 50 percent to 90 percent of that habitat has been lost or extensively modified.
- In 1999, more than 25,000 people had to boil water or find other sources because water from their taps was not safe to drink.
- Orca whales in the San Juans are among the most contaminated marine mammals on earth.

Trends indicate that we continue to consume more than our natural systems can replace. If current trends continue, our descendants will live in a state that will be unrecognizable to us. These trends can be reversed. The last chapter of *Changing Our Water Ways* highlights examples of efforts to reverse trends taking place around the state.

It is my hope in releasing this document that the natural resource policy leaders and the public will be challenged to continue the statewide dialogue about the future of Washington's incredible natural legacy – what we inherited, what remains, and what we'll pass on to the children of the twenty-first century and beyond.

Sincerely,

Jennifer Belcher
Commissioner of Public Lands

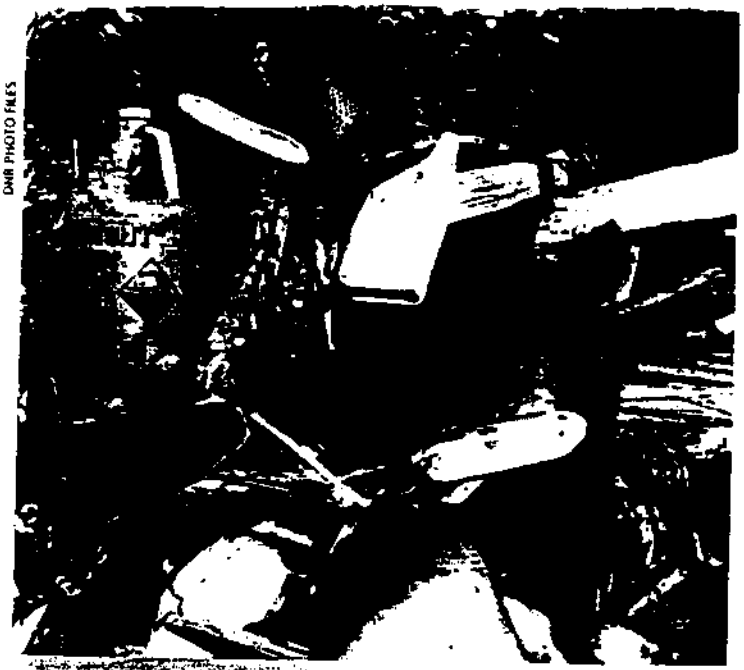
1111 WASHINGTON ST SE ▮ PO BOX 47000 ▮ OLYMPIA, WA 98504-7000
FAX: (360) 902-1775 ▮ TTY: (360) 902-1125 ▮ TEL: (360) 902-1000
Equal Opportunity/Affirmative Action Employer

Most of the contaminated sites identified by Ecology are concentrated in just a few locations, including Elliott and Commencement bays, and the Bremerton/Kitsap Peninsula inlets. Contaminated sediments are most concentrated in urban bays. Contaminated sediments at the mouths of rivers in those bays can harm salmon, which use the area for rearing and as a place to spend time adjusting from freshwater to saltwater. Research has shown that exposure to contamination reduces reproductive capability, growth rates, and resistance to disease, and may lead to lower survival rates.

Contaminated sediments in Washington's marine waters are a major problem, yet they may be an even bigger problem in the future. The current method for calculating the contaminated area considers only the top four inches of sediment, while actual contamination could extend far deeper, meaning that the extent of pollution could be greater than commonly thought. Areas thought to be clean under current regulations may in the future be viewed as contaminated.[30]

"I can only hope that we can have the will as a society to clean up Puget Sound and keep it clean, that each one of us takes personal responsibility and fully realizes the consequences of our actions—and inactions."

FROM MUMFORD, DNR scientist, 2000



DNR PHOTO FILES

SUMMARY

Washington is rich in water resources, but there are unseen risks in many of the state's water bodies. Of the 1,099 lakes, streams, and estuaries for which there is data, 643 (59 percent) are so impaired they don't adequately provide for swimming, fishing, or habitat.

The main causes of water quality problems are related to human activities, such as farming, failing septic systems, increased erosion along streams, and pollutants added to land and water.

In many places around the state, fertilizers and pesticides enter surface and groundwater, putting drinking water at risk.

More than 25,000 Washington residents in 1999 had to boil their water because their tap water wasn't safe to drink.

The mud and sand in many places beneath Washington's waters are so contaminated they don't meet state and federal standards. Of the 112 contaminated sites, 93 are in saltwater and 19 are in freshwater. Contaminated sediments are detrimental to the health and diversity of aquatic populations and can cause health concerns to humans.

In the case of water pollution, what we can't see can hurt us.

Sources and information for this chapter can be found on pages 127–133.

↑Above - City dumps in Wetlands (1998) ↑ CLASS I↑

Left City dumps in Wetlands (July 2000) ↙

All Pictures on Page is Simpson Property

City rec'd Clean Water Grant Wetland Enhancement By Class I Begelow Cr. in 1995. No monitoring - didn't work - [illegible] ↓ It's Cities "SUBSTANTIAL Progress"

45 acres Wet. AND IS RIGHT OF ROAD

↙ ①   ↙ #2

July 2000 - BN under guise of maintenance -
destroys Salmon Bearing Creek and smashed
culvert (#2) - note Elevation of RR Tracks above
Creek - not needed, They also sprayed next to Creek
EVERETT DID NOTHING ABOUT IT

Lowell Civic Association
PO Box 2250
Everett, WA 98203

Sunny Lin, Site Manager
Department of Ecology
3190 – 160th Ave. SE
Bellevue, WA 98008-5452

January 20, 2001

Re: SEPA #00-056 &
Clean Up Action Plan

The Lowell Civic Association respectfully submits these concerns and questions regarding the SEPA #00-056 and the attendant Clean Up Action Plan.

1. **Public Participation after adoption of the CAP.**

The SEPA and Clean Up Action Plan appear to eliminate further public participation at the project stage. That is unacceptable. There are several areas of disagreement on development, not the least of which is the Shoreline Permit component of future projects, and any proposed development needs to be held to the standards of application, regardless and independent of other covenants required by this plan.

2. Safety Guarantee.

While the draft plan acknowledges the extreme threat to public safety the Association did not feel the guarantees adequately meet the public need. The underlying instability of the site, in a floodplain, seismically vulnerable, and adjacent to the Snohomish River are not facts that can be mitigated. Acts of God will occur and a contamination and hazards created because we allowed development in an inappropriate setting.

3. Fallibility of mechanical systems and human error.

The Association recognizes the great lengths the consultants and engineers have gone to create systems that are designed to move gas, monitor air, water quality, and allow use of a Brownfield site. Catastrophic injury and harm may occur if those systems fail. Thoreau said "simplify, simplify," at this site we are being asked to allow complicated, entangled systems so that development can occur. Development that is only alluded to in these documents. The simplest development is no development. The systems are not necessary for open fallow land. We see plainly the highest end of systems required for development, however what are the low-end technologies required for open space, undisturbed development?

4. Enforcement.

Who will, and to what extent, enforce the covenant, guidelines and promises set out in these documents? Ecology? The City? Both of those entities have been unable to adequately enforce and protect the simplest of stream buffer zones in this area.

5. Prove it is safe, rather than prove it is unsafe.

It may seem a small distinction, but the process appears weighted in favor of development, and the burden is on the **public to prove it is unsafe** rather than the burden of proof resting with those wishing to develop the site to prove it is safe for the intended development.

What ever the eventual outcome, adoption of the Brownfields Study and the Clean Up Action Plan should in no way preclude public participation, scrutiny and involvement regarding any development plans.

Enforcement of violations should be swift, complete and public.

In closing, perhaps the most important and least recognized and understood piece is the 41st St Overcrossing project and the parallel course it takes through this process. The Floodplain and Shoreline impacts especially in regard to the cumulative effects of the projects proposed as well as the changes that have occurred since the project's inception have not been addressed.

The City of Everett intends a significant enhancement of the 'east and west ditches', a commendable upgrade of habitat, that will change a Category 3 wetland/stream environment to a Category 1. However the buffers for the 41st St Overcrossing in this area have not been upgraded to reflect this important change; and under the CAP plan there are no requirements to address any of these changes. The cumulative impacts and other projects in the 'pipeline' that affect this area deserve full consideration and acknowledgement.

Please consider these comments seriously and favorably, holding this project to the highest standards for public involvement, environmental and endangered species protection.

Thank you for your time, and continued attention to this matter.

Sincerely,

M. Michele Hoverter

M. Michele Hoverter
Chairperson, Lowell Civic Association

Janette Moore
5825 Lowell Lariner Rd.
Everett WA 98208

This clean-up plans sounds neccessary yet extremely dangerous. I ask the Dept. of Ecology to take the utmost precautions while finalizing this clean-up plan because the area is conciderably rich in wildlife. I hope the clean-up is a sucess, and has little enviromental impact and no accidents because, of course, pollution would seep through the ground into the river.

I am sensitive about this area because I used to enjoy it before the city of Everett put the paved path park & went out of their Ecology permits and cut down too many trees along the Snomish River. Three feet or so of the riverbank erroded in some places w/in a year. Also there are many less fish in the river now since the park. The trees helped hold oxygen in the water that the fish needed & with the new boat launch there are too many boats, polluting with their engines & taking away all my human enjoyment because I used to be →

cole to swim
across the river in the summer, but in the last couple of years I've almost been run over by those boats.

With this opinion in mind, please, do not concider granting permits for the city of Everett to develop after the clean. Rather, the Dept. of Ecology should conciderer preseaerving this area as a Greenbelt from the city which is neecessary to proteet the vast wild life near this area including deer, coyotes, Salmon, owls, eagles, and hawks.

4100 South Third Ave.
Everett, Washington 98203
Sunday Jan. 21, 2001

Ms. Sunny Lin
Site Manager
Department of Ecology
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Dear Ms. Sunny Lin,

I find it most difficult to find the energy, let alone the time, to comment on this clean-up. Hence, a few hasty and quick comments. Has it almost been twenty years since the first tire fire?

Citizens have watched as the city largely dilly dally for 15 years in the aftermath of the original 1983 tire fire, but now suffer seeing this administration openly misrepresent the past. Bad history usually leads to bad policy, and I see little reason why it won't in this case too. I note that as part of this effort, the Hansen administration has been running all over town presenting a garbled "history of the riverfront," which is full of inaccuracies and misstatements.

Staff argued in its application for a Brownsfield grant that redeveloping this site had always been the City's intent, ignoring the fact that the area where the transfer station and tire fire site was located had been designated Parks & Open Space in the city's 1987 comp plan. That was entirely consistent with the articles published at the time showing that late 1980's CIP funds would be utilized to put soccer fields there in the future. Zoning was only changed to C-2 in 1994, shortly after the Hansen administration took office. I can assure, there was little citizen discussion at that time. Despite the rhetoric, I have seen no evidence produced by the city that this zone was what citizens were clamoring for during the development of the comp plan during the Growth Management process, or since... Indeed, the reality is quite different. I'd like to see the city forced to back up its claim...

The Herald had a recent article that high tech firms where looking at Everett, then quickly bypassing the city and heading for Skagit County, becomes Everett's image was so crummy. None the less, the Hansen administration has used this process to site two lulu's which no one else wanted at the site; first the construction of the new dog pound, then ensured that the transfer station would remain there for some time by the recent installation of the super compactor, which Ecology did seemingly nothing to stop. While the City argues there had been much citizen input, I think the contrary is true; in neither instance here, was there any significant citizen input. It is of special interest to note that the Brownsfield document itself notes in Appendix E, on p. 8, that "Because potential future redevelopment will not include new or modified solid waste facilities, [solid waste] regulation[s are] not applicable for the Landfill Tire Fire Site." Why in the hell was this recent modification allowed then, when it is direct conflict with the city's own report? It makes a mockery of the process. I note for years the City's own solid waste plan called for the removal of the transfer station on December 31, 1994, when the lease expired with the county, and indeed, that Snohomish County and Everett citizens spend over a million and a half dollars in the early 1990's to site a new station elsewhere.

Other comments.

I note the shoreline plan is slated to go to council is the following few weeks. Hence, shouldn't conclusions about the Brownsfield study await their review of the work?

I still don't understand why the city, as a potential PLP, has been granted lead SEPA authority at this site. Moreover, there has been quite a bit of clamor about the need to develop this site in an effort to raise moneys to pay for the cleanup. What action has the city and/or Ecology taken to explore having other PLP's contributing to funding this clean-up?

When discussing future development, the documents note that "Excavated refuse may be relocated on-site in pre-approved locations and quantities." From this, it wasn't clear to me whether this material was limited from that moved on the site itself, or could it be brought in from off site? Are we to assume that this is already pre approved, or will DOE be required to thoroughly look at what is being relocated where? Why should off site material be allowed?

It seems that much work remains to be done. While documents suggest in the future, "the shallow aquifer will have to be studied more to see if building on site should be allowed... and steps must be taken to prevent contaminants present in the leachate water from migrating to the deep aquifer at levels of concern", I'm not sure the public can be assured that this will be done if the city is in charge.

Obviously, the average citizen doesn't have the time, funding or expertise to thoroughly review many of the issues involved here. Yet I note that the Heartland Study, entitled "City of Everett Riverfront Study Area, Redevelopment Analysis" (November 1997.) is cited in several places (see for example, Appendix A p. 3, but my attempts to obtain a copy from the city have been unsuccessful. Why isn't the public allowed to obtain and review this document? Has Ecology looked at it? My understanding is that the Heartland Group was most skeptical over developing this area. Since the study is cited as part of the rationale for the city's position, why is it not available for review?

Obviously, one of the city's main objectives is to ensure that if there is any future development shoreline jurisdiction is removed from this area. (See for example, Appendix E p. 3) While FEMA (until recently?) designated a portion of landfill as part of Snohomish River Floodplain (See Appendix E p. 5.), the city has used the clean-up as an opportunity to ensure that it will more difficult to raise shoreline issues, including massive amounts of fill in an obvious attempt to get the area above the 100 year flood level with no citizen comment solicited. Moreover, in Appendix U, Map 2-1 shows the Shoreline Designation Boundary along the east ditch, but shouldn't this be challenged? It is certainly much closer than 200 feet in places.

Contrary to the SEPA checklist, many of the adjacent properties are vacant and almost natural, not light industrial and industrial.

In general, the public must be assured of more outreach and timely and meaningful access to information about future actions. Although the Consent Decree states that "at a minimum, remedial action plans, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Decree shall be promptly placed in these repositories...", there must be guarantees of timely notification as well.

Terry Slatten

Terry Slatten

To Sunny Lin

From Karen Williams

Total 3 Pages including

This Cover sheet

Department of Ecology
Attention Sunny Lynn

Re: Tire/fire

The bottom line to me is that Methane gas is still a problem, and will always be a problem because it is a former land fill. I know that the City is trying to make the property ready for development, but at what expense? In the early eighties the Lowell Neighborhood on more than one occasion requested that the City not renew the lease to the person who was stock piling the tires, but they did and we subsequently had a tremendous fire and we are now left to deal with both a landfill and a tire fire. I would request that the Department of Ecology remain the lead agency over this site to ensure human health is the front runner and driving force and not economic of development. It worries me a great deal that The City would be the lead agency if the department signed off. The City in their rush to get the tire/fire site out of the floodplaine put 210,000 cubic yards of fill over their permit for 90,000 cubic yards for a total of 300,000. If the City will be this blatant, with the Department of Ecology still involved with the site, I would say that anything could happen if you sign off. We may will never know to what the extent the problem methane will be. The weight of the extra fill has got to be causing problems not to mention the proposed 41st overpass which will penetrate not only the cap, but through the land fill into the aquifer. The cap was installed to keep contaminants in and people away from. In the eighties we were told that once it was cleaned up and capped that the only use for the property was ball fields and a parking lot, now we have went from passive use to a multitude of uses, except residential housing because of the landscape restrictions.(They may dig in the dirt) Not only will the overpass penetrate the cap but the added weight has to cause the methane to migrate. It also brings many, many more people through the area on a continuous basis and bring them into contact with a possible methane problem. Who can guarantee the public that they will be safe. Why has there not been tests done on the Simpson Site to see if the gas has migrated to that area? During the flood in 1990 after the water had receded we found a hole in the road(that the trucks are using to haul fill onto the middle wetland) which it was big enough for someone to look in, which of course I did and I could see all these underground canals which disbursed the flood water. Which leads me to believe that methane could travel all over. Two and a half years ago during the summer, Myrna Williams and I were walking on this same road when toward the Southern end of the fill site there was a tremendous explosion, the dirt flew up as high as the trees. No one was around the area, at first we thought that kids had set off M80's but we could see the entire area, and saw no one around. Myrna went home and called the police(which they never showed up) I told our neighborhood representative to neighborhood policing, which he talked about at there next meeting and they suggested it was kids with fireworks but they would have had to detonate it from another location and have to be pretty sophisticated. I feel and have for a long time that it was probably a methane gas explosion. The area today, after almost three years, is still black from the explosion. I feel that the City is in such a hurry to get this property sold and developed at any cost that those of us who live around here will pay for this rush to develop one way or another. I would also like to comment on The Endangered Species Act. We were told that the ESA would be addressed in the Brownsfield Feasibility Study. The only place I saw it mentioned was in the sepa

checklist . Under the question were any endangered species found on or near the site, it stated none known. We have Chinook Salmon and the Bull Trout in the Snohomish River which is near the site. I again urge you to keep DOE the lead agency and not leave the fox guarding the hen house. Thank-you.

Sincerely,

Karen Williams

Karen Williams
2118 46th St. SE
Everett, WA 98203

January 19, 2001

Sunny Lin, Site Manager
Department of Ecology
3190-160th Ave S.E.
Belleview, WA 98008-5452

RE: SEPA #00-056 Everett Landfill Tire Fire Clean-Up Plan Draft

Attention : Sunny Lin,

I would like to comment on the following section: Consent Decree 1: Introduction, Line 11-19, Section D, In Nov. 1995 the "Dangerous Waste Regulation" was a amended to make the criteria less stringent for zinc, the principle constituent of the tire fire ash. Re-evaluation of the site under the new criteria concluded that the ash was a solid, not a dangerous waste. Just because the tire fire ash is now described as a solid, rather than its original description of "Dangerous Waste" does not alter the fact that the main constituent is zinc. "Zinc is a readily soluble element."

In a previous DOE fact sheet regarding Everett Land Fill Tire Fire Site dated Feb. 1989, under environmental concerns it was stated "the ash contains a significant heavy metal concentration, 99% of which is due to zinc and zinc compounds." Zinc is of concern because it is a known fish toxin and the tire fire site is very close to the Snohomish River.

The Snohomish River has several species of fish which are now listed by National Marine Fisheries as threatened, and are protected under the ESA "4d Rule." Water quality is a very important factor. Yet, in the Brownfield Feasibility Study-Final Draft-11/20/2000, section 9.3.3 **Surface Water Compliance Monitoring and Contingency Plan Objective**

"Currently available data is not sufficient to determine whether landfill runoff is causing a water quality violation or not, nor determine the extent of such a potential violation. If additional monitoring determines that landfill runoff is affecting ditch surface water quality above cleanup levels, contingency measures can be implemented to remedy this problem." Who will monitor the water quality issue?

In the State of Washington, Department of Ecology, Enforcement Order No. DE 94TC-N258, Exhibit B EVERETT LANDFILL/TIRE FIRE SITE, DRAFT INTERIM ACTIONS SCOPE OF WORK, page 9: "Water Quality Standards for Surface Waters of the State of Washington (Chapter 173-203 WAC). These regulations establish water quality standards for the state of Washington consistent with public health and enjoyment thereof, and for the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of Chapter 90.48. RCW and the policies thereof."

"Water Quality Standards for Ground Waters of the State of Washington (Chapter 173-200 WAS). This chapter implements Chapter 90.48. RCW, the Water Pollution Control Act and Chapter 90.54 RCW, the Water Resources Act of 1971. This chapter establishes ground quality WATER standards, which provide for the protection of the environment, human health, and protection of existing and future beneficial uses of ground waters."

"The laws and regulations will be reviewed to ensure that cleanup standards and remedial technologies/process options meet regulatory requirements."

It appears to me, that with all the laws and regulations pertaining to water quality, the above issue isn't being properly addressed.

Another concern is the Contingency Monitoring and Contingency Plan-Final Draft-11/20/2000, Page 4.4.1.1 **Monitoring Well Network Improvements**

"The existing groundwater monitoring well network does not adequately monitor the deep aquifer point of compliance. Additionally, several existing wells are redundant, improperly installed, or do not provide useful water quality or water elevation data for groundwater pathway monitoring. Therefore, new wells and wells to be abandoned are included as a component of Evaluation Monitoring."

Wells for Abandonment

"Existing wells identified for immediate abandonment are either redundant or improperly installed."

State of Washington, Department of Ecology, Enforcement Order No. DE 94TC-N258, Exhibit B EVERETT LANDFILL/TIRE FIRE SITE, DRAFT INTERIM ACTIONS SCOPE OF WORK, Everett Landfill/Tire Fire Site, page 8, "Minimum Standards for Construction and Maintenance of Wells (Chapter 173-160 WAC), Rules and Regulations Governing the Regulation and Licensing of Well Contractors and Operators (Chapter 173-162 WAC), and the Water Well Construction Act (1971) (Chapter 18.104 RCW). These laws and regulations establish the minimum requirements for the construction of well contractors and operators."

In my opinion, rules and regulation pertaining to the installation of wells were not properly monitored. How was it that this problem not detected at an earlier date? Whose responsibility is it to monitor and regulate the installation of the wells?

My last concern is that according to the information given to me, January 22, 2001 is the cutoff date for all citizens input regarding the Everett Landfill Tire Fire Cleanup Action Plan. Of concern to me is the possibility of a major catastrophe (or even a minor one) occurring.

My question is: Are there any special circumstances which would allow additional citizens input after the January 22, 2001 cutoff date?

Sincerely,

Myrna Williams
5018 South 2nd Ave.
Everett, WA 98203
(425) 259-1432

Lin, Hao (Sunny)

From: David Townsend [DaveT@pioneernet.net]
Sent: Monday, January 22, 2001 10:36 PM
To: Lin, Hao (Sunny)
Subject: SEPA #00-056 & Cleanup Action Plan Comments


sepa.doc

Please see the attached document for my comments regarding the SEPA #00-056 & Cleanup Action Plan. Thank you for taking the time to read my comments.

Sincerely,
Slater Williams
5018 South Second Avenue
Everett, WA 98203
425.259.1432

January 22, 2001

Sunny Lin, Site Manager
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452
FAX: 425.649.7098
Email: hlin461@ecy.wa.gov

RE: SEPA #00-056 &
Cleanup Action Plan

Over 100 years ago, as white settlers started moving into this area, they must have been awe-struck by the abundance they encountered – millions of acres of trees stretching beyond what their eyes could see; fresh, clear water available wherever they might want to go; abundant wildlife outside their door; salmon in such quantity that it possible to walk across streams on their bodies.

It is easy to see why they would become complacent and carelessly ignore judicious environmental husbandry practices. Cut down some trees and new ones would grow in their place; catch some fish and new ones would take their place. The rain and snow in the mountains would replenish the streams and rivers while washing "waste" into the limitless ocean. Nature provided and we could take. In the name of progress, it was inevitable that industry would develop and grow as the population increased and as demands from the resource-reduced eastern areas grew. Since profit was (and still is) the prime motivator, industrial and residential development -- and their attendant need for labor -- grew.

Development started at, and grew from, the waterways, which provided a cheap and easily accessible means of transporting raw resources in and finished products out. The "non-usable" portion of the raw resources – waste – piled up on "valuable" property, reducing efficiency of operation, and ultimately, reducing profits.

Through shortsightedness and narrow-mindedness this refuse was dumped into areas deemed of "no value" -- areas too expensive to develop (wetlands, tidal flats, ravines, and peat bogs) or just dumped into rivers and streams.

This mentality did not evolve just a hundred years ago. It has existed for *thousands* of years, and if humans manage to exist for more thousands of years, will continue for more thousands of years. Because of that mentality, forests are now hundreds of miles away, salmon and other sensitive wildlife are on the brink of extinction, we cannot drink from streams and rivers without courting death or incurring debilitating illness, if not instantly then ten or fifty years later. Is there concern? Is the concern growing? Yes!

Government, at all its levels, has been forced to take action. To shift accountability and appease the electorate, agencies (DOE, EPA, NMFS, DFW, etc.) have been established and rules, regulations and laws have been written. Unfortunately, most of these agencies have been under-funded, understaffed, and overloaded with work. Often, the rules, regulations and laws are

weakly written and full of loopholes. Sometimes they allow past and potential violators to be self-monitoring.

Violators often flagrantly ignore the rules, regulations and laws, knowing they won't be caught, or if caught, will receive a light slap on the wrist. Violators have the financial resources to recruit consultants and researchers who will generate results favorable to the violators' intents.

If the violating entity is a government entity, the citizens are penalized in several ways: their taxes fund the agency, cover the governmental operating costs, pay any fines levied, legal costs, and fund the (sometimes flawed) studies. Governments may establish departments staffed predominantly by personnel amenable to violators' interests. Citizens normally do not have the time or resources to mount in-depth studies to produce accurate and relevant data.

In reviewing the data presented in the 20 Nov 2000 Brownfield Feasibility Study, it appears that development of this site is being considered based on inadequate, and possibly inaccurate data.

Maximum effort has been directed at establishing the production and migration of methane as the greatest hazard at this site (Fire!! Explosion!!). Extensive data was collected, risk analysis and assessment was made. Elaborate designs were developed to allow the construction of buildings, parking areas and landscaped areas without impacting the presently-used procedures for mitigating methane dangers.

A passable effort was directed at the leachate generation, collection, and removal from the site. Even settling of the refuse was considered and presented.

It is my contention that the emphasis on methane fire/explosion hazards was a ploy to direct attention away from the seismic weakness of the underlying strata and the susceptibility to flood ravaging.

Neither seismic studies data, nor risk assessment, nor impact of development on the stability of the site was presented. Considerations for river flooding, erosion and washout due to seismic or flood action were not addressed at all. Could a portion of this site slip away, allowing the pollutants to migrate into the adjacent wetlands or to downriver wetlands? *Yes, it could.*

Due to construction activities during development, could the seismic weakness be exacerbated, allowing this site or a portion of it to slip and allow the contaminants to migrate to environmentally sensitive areas? *Yes, it could.*

Will this site or any portion thereof slip away due to seismic or flood activity? *No one knows.*

About 100 years ago, our predecessors instituted a legacy which has come home to haunt us. A day spent at any dump or transfer station will show that we continue this legacy of our forebears. At this time, we have the choice to leave either a positive or a negative legacy for our descendants. 100 years from now, will they praise or curse us for the decisions we made today?

Accessable in-city open space, universally considered essential for quality of life, is almost nonexistent in our area. Keeping this site as open space is a low cost, low maintenance means to improve the quality of life for Everett residents and visitors to our area. It can serve as a sterling example to others, showing that it is possible to convert a negative into a positive.

Conclusion

It is my contention that the site should be left as it currently exists, with the existing methane and leachate systems left in place. Additional construction or development should be forbidden because their impact on seismic and flood concerns is unknown. Any future feasibility studies directed toward seismic and flood concerns would not be acceptable criteria for re-opening development proposals; rather, they would only be used to evaluate risks to human and environmental health and safety.

I find the SEPA #00-056 & Cleanup Action Plan documents to be flawed and inadequate to justify pursuing construction on and development of this site.

Everett Landfill/Tire Fire Site
Public Hearing
1/11/01

Hearings Officer: For the record, I am Susan Lee, Hearings Officer for tonight's hearing for the Department of Ecology. Tonight we are taking comment on the documents that describe the proposed cleanup actions for the Everett Landfill/Tire Fire Site, located in Everett, Washington.

Tonight's meeting has had three main parts:

- Ecology staff has given an overview of the cleanup proposal.
- You have had a chance to have some of your questions answered regarding the proposal.
- And now we are starting the formal part of the meeting when we record your comments for the record.

Let the record show that it is 8:00 p.m. on Thursday, January 11, 2001. This hearing is being held in the Everett Senior Center in Everett, Washington.

Notice of this hearing was given by display ads published in the Everett Herald and the Everett Tribune and in Ecology's Site Register. In addition, fact sheets were mailed to about 750 people.

As tonight's hearings officer, my job is to make sure that everyone who wants has the opportunity to come up and make a formal comment, and to make sure that Ecology obtains a clear record of the comments.

To do that we will proceed in the following way. I will call you by name in the order that you signed up on the list to comment, and then we will ask if there is anyone else who wishes to speak in addition. Please come to the front of the room and speak into the tape recorder, and give your name and address before you give your comment.

You have had an opportunity to ask questions earlier. During this hearing you may ask questions, surely, but they will not be answered here. They will be answered in the Responsiveness Summary. If you do have more questions, we will be glad to talk to you after the hearing part.

Try to be aware that the tape recorder is on and if there is some noise here, we are trying to get a good record. Be aware of that, everybody else in the room. And please keep your comments pertinent to the cleanup actions that are proposed for the Everett Landfill/Tire Fire Site.

Are there any comments? Is this a reasonable way to proceed? Are there any questions about it?

OK, let's begin with Slater Williams.

Slater Williams: My name is Slater Williams. My address is 5018 South 2nd Avenue, Everett, WA. Phone number 425-259-1432.

In reviewing the documents referring to the cleanup actions, it appears that there are two cleanup actions involved. One as the present site and one cleanup action based upon possible future development. Now I can see the benefits of cleaning up the site. My questions regard the cleanup activities based upon future development. I don't know if this is relevant to the issue, but in 1999, June 10th, there was an explosion in Bellingham that killed three people. Two kids were burned - about 10 years old, second and third degree burns over 90% of their body. They died about 2 years later. Now, I have no idea what pain they went through, but it bothers me. Now at the time, that pipeline was monitored by sensors, devises that went through the pipeline to detect any flaws. Now what was the cause of it? After a year and half nobody really knew why the leak in the gas line occurred. Yet there were all these safety devises.

Now in reading through the additional literature submitted in the documents here. A report was file by Exponent Failure Analysis Associates, prepared, I believe, for Floyd & Snider of Seattle, WA, who must have been working as consultants for the City. Page 4, second line... page iv, by the way, excuse me. The statement is made, "This assumes that in the absence of equipment failures, human error, or construction errors, the system has been designed to enable the safe operation of the development facility." And that regards the site cleanup with future development. On the same page, at the bottom of the page, conclusion #4, the 4th sentence, "While Exponent," the company that provided this analysis, "concludes that while the risk of fires or explosions is low, this should not be interpreted as a guarantee that no fire or explosion would occur at this site." Now in the first statement that I read, it assumes that in the absence of equipment failures, human error, or construction errors, the system has been designed to enable the safe operation of the development facility. In the Bellingham fire that occurred on June 10, 1999, the final conclusion - they never knew what actually caused the whole thing. The general conclusion after approximately a year and a half was equipment malfunction, computers, safety valves and sensors, human error, outside contractors coming in, putting in pipes within certain distances of this gas line, possibly contributing to a flaw in the pipe. Besides human error, the people working for the pipeline in the control room, Mother

Nature. But the thing is, those are the same factors that this company, Exponent Failure Analysis Associates, states that these are the factors that would make this dangerous.

Now I have a couple of questions with regard to how safe this situation is. A question I would have is what constitutes safety. When a site or a system is said to provide public safety, human safety, environmental safety, I'd like to know what criteria determines what is safe? Is it based upon an acceptable number of deaths, disabling injuries, monetary loss? That's what I would like to know, because personally I worked in electronics for 45 years. The majority of that time I was working in corrective and preventive maintenance on automated equipment. And I can tell you, there is no guarantee that sensors are going to work and necessarily work correctly. You can fix a problem now with a brand new part. Five minutes later from now, that brand new part is defective and giving the wrong results. I know that. I have experienced it. So, what is the criteria basically for determining safety?

Secondly, if construction were to occur on this site, obviously weight would be added to the site. What effect does compression have on methane production, since that is one of the techniques used to generate methane industrially? To use pressure as part of the production. What effect will a vacuum or evacuating system have on the production of methane, since once again a vacuum is one of the ways of producing methane commercially? If this system is so safe, why is ground level residential not allowed?

A couple of comments regarding monitoring and maintenance of a system. Once construction occurs, apparently a geomembrane is used. Now my question is if the geomembrane becomes damaged, how does it get repaired without impacting the refuse which is buried there? Secondly, there was comment made that if the rate of migration of the methane increases into a building, it would be possible for the maintenance worker to readjust the positioning of the pipes under the buildings. Now how does that maintenance worker have access to the pipes under the buildings without impacting the ceiling of the area with these geomembranes?

Now I do not know if those questions are relevant to this, but those are concerns that I have. I thank you.

Hearings Officer: Thank you. Next commentor – Myrna Williams.

Myrna Williams: I'm not sure I'm going to say anything after that. I'll put mine in writing.

Hearings Officer: OK. Thank you. Myrna will put hers in writing. Anybody else who'd wish to come up and make a comment orally at this time?

Ok, remember you may still send your comments to Ecology by January 22nd. Send them to the address that's listed on your agenda that we've passed out. And all comments at this hearing as well as those received by the close of the comment period will become part of this official record. So on behalf of the Department of Ecology, thank you very much for coming tonight. And I appreciate your cooperation and courtesy. This hearing is adjourned at 8:10 p.m.