



Response to Comments

Consent Decree Amendment #3

Everett Landfill Tire Fire Cleanup Site Everett, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

September 2021

Publication Information

This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3862>

Cover photo credit

- Looking east, the former Everett Landfill site is seen in the lower half of this photo, between the railway tracks at the bottom, below I-5, and the Snohomish River, across the center, with the Snohomish River Delta in the background.

Related Information

- Clean-up site ID: 3862
- Facility site ID: 2696

Contact Information

Toxics Cleanup Program

Ian Fawley
Public Involvement Coordinator
360-255-4382, Ian.Fawley@ecy.wa.gov
913 Squalicum Way, Unit 101, Bellingham, WA 98225

Sunny Becker
Site Manager
425-457-3842, Sunny.Becker@ecy.wa.gov
Physical: 15700 Dayton Ave N, Shoreline, WA 98133
Mailing: P.O. Box 330316, Shoreline, WA 98133-9716

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
---	---	---------------------------------------	---------------------------------------

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

Response to Comments

Consent Decree Amendment #3

Everett Landfill Tire Fire Cleanup Site Everett, WA

Toxics Cleanup Program
Washington State Department of Ecology
Northwest Regional Office
Shoreline, WA

September 2021



DEPARTMENT OF
ECOLOGY
State of Washington

Table of Contents

- List of Figures and Tables 5**
 - Figures.....5
 - Tables.....5
- Public Outreach Summary 6**
- Comment Summary 7**
- Next Steps 8**
- Comments and Responses 8**
 - Comment from: Dustin Roberts.....8
 - Comment from: Edward Glasser.....9
- Appendices 11**

List of Figures and Tables

Figures

Figure 1: Washington's formal cleanup process (download a text explanation¹⁵) 8

Tables

Table 1: List of Commenters 8

Public Outreach Summary

The Everett Landfill Tire Fire cleanup site (Site) located in Everett between Interstate 5 and the Snohomish River is continuing Washington State's [formal cleanup process](#)² as directed under the Model Toxics Control Act ([MTCA](#))³.

Ecology is amending a legal agreement, called a Consent Decree (CD), for Site. Ecology and the potentially liable person (PLP), the City of Everett, agreed to the CD in 2001. (Riverfront Commercial Investment was added as a PLP at a later date.) It defined cleanup requirements for the Site when it remained an open area, and cleanup requirements when it would be developed with roads and buildings. This amendment now specifies additional cleanup requirements and safeguards based on new proposed developments at the Site.

The Department of Ecology's public involvement activities related to this Site's 30-day comment period (July 19 – August 17, 2021) included:

- **Postcard and Fact Sheet:**
 - US mail distribution of a postcard providing information about the cleanup documents, the public comment period, and public meeting to approximately 1,900 addresses including neighboring businesses and other interested parties.
 - Email distribution of the postcard and a fact sheet to 13 people, including interested individuals, neighborhood associations, and interested community groups.
 - The postcard and fact sheet were available digitally through Ecology's [cleanup site webpage](#)⁴.
- **Legal Notices:**
 - Publication of one paid display ad in *The Everett Herald*, dated Friday, July 16, 2021.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - July 15, 2021
 - July 29, 2021
 - August 12, 2021
 - Response Summary Notice:
 - September 23, 2021
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

³ <https://ecology.wa.gov/mtca>

⁴ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3862>

⁵ <https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

- **Media Notification:**
 - Ecology sent a notice to local media on Friday, July 16, with information about the public comment period, public meeting, and the blog.
- **Social Media:**
 - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet](#)⁶ on Friday, July 16, 2021 connecting readers to the comment period including the cleanup site webpage, the online public meeting, blog, and how to submit comments.
 - **Blog:** On Friday, July 16, 2021, Ecology’s Northwest Regional Office posted an Everett Landfill cleanup plan story on [Ecology’s blog](#)⁷, which has approximately 1,200 email subscribers.
- **Online Public Meeting**
 - Ecology hosted an online meeting Wednesday, July 28, 2021 at 6 p.m. Ecology and PLP staff and engineering consultants presented details on the additional safeguards required in the Consent Decree Amendment #3 and answered questions about the Site.
- **Websites:**
 - Ecology announced the public comment period and public meeting, posted the fact sheet and postcard, and made the review documents available on Ecology’s [Everett Landfill Tire Fire webpage](#)⁸ and Ecology’s [Public Inputs & Events webpage](#)⁹.
- **Document Repositories:**
 - In consideration of public health and safety, Ecology could offer only coordinated in-person review options during the 30-day comment period. Outreach materials and websites directed the public to contact Ian Fawley, Outreach Specialist, for document review assistance.

Comment Summary

From July 19 – August 17, 2021, Ecology solicited public comments on a Consent Decree Amendment #3 (legal agreement) for the Everett Landfill Tire Fire cleanup site. This amendment will maintain the existing requirements of the CD. Additionally, it will clarify that street-level residential use, such as the proposed Work/Live Units, utilize a separation space between residential space and the ground, with monitoring and ventilation and additional landfill gas sensors and alarms.

Ecology received two comments during the 30-day comment period.

⁶ <https://twitter.com/ecyseattle/status/1416124543999959040>

⁷ <https://ecology.wa.gov/Blog/Posts/July-2021/Cleaning-up-An-update-will-help-Everett%E2%80%99s-Riverfro>

⁸ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3862>

⁹ <https://10ecology.wa.gov/Events/Search/Listing>

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Dustin	Roberts		Individual
2	Edward	Glasser		Individual

Next Steps

Ecology has reviewed and considered the public comments received on the Consent Decree Amendment #3. Based on Ecology’s evaluation of the comments, no changes were necessary in the legal document, and it is being finalized.

Work will proceed with development and the additional requirements.

See graphic below and visit Ecology’s [cleanup process webpage](#)¹⁰ to learn more about Washington’s formal cleanup process.

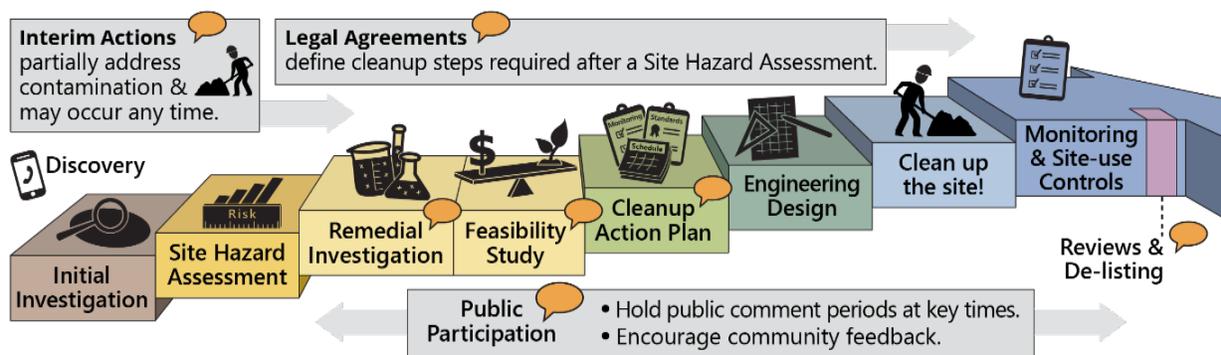


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁵)

Comments and Responses

The public comments are presented below, along with Ecology’s responses. Appendix A, page 11 contains the comments in their original format.

Comment from: Dustin Roberts

What are the current gas measurements and projections? If the expected levels are minimal (i.e. not enough to meet LEL volumes) or declining, are the additional requirements necessary?

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

If they are deemed necessary, are there additional considerations to reutilize these gasses in ways described here? <https://www.epa.gov/lmop/basic-information-about-landfill-gas>

Response:

Thank you for submitting comments to Ecology regarding proposed cleanup requirements for work live units to be built at the street level at Everett Landfill.

The methane gas has been monitored and measured at the perimeter of the landfill since 2000 when the Consent Decree was signed between Ecology and the City of Everett. Most of the measurements showed that the methane gas concentrations are less than LEL, but some measurements showed methane gas concentrations are exceeding LEL. The City of Everett is required to continue monitoring the methane gas at the perimeter of the landfill, and if necessary, conduct active cleanup action to prevent any methane gas from migrating off the landfill.

Methane gas was not monitored and measured at the interior of the landfill when the landfill was an open space in the last twenty years. Methane gas is currently being monitored and measured, now that developments, such as road and buildings, are being built on top of the landfill. Methane gas concentrations are expected to be more than LEL at places at the interior of the landfill, but the landfill gas production rate is expected to continue to decline over time.

The City of Everett and Department of Ecology have determined and documented in the Consent Decree that active gas collection will be installed and operated as part of the development. Active landfill gas controls will be designed and constructed such that, in the future when landfill gas generation rates have dropped to a level that renders the active system unnecessary, the landfill gas controls may be operated as a passive venting system, without vacuum extraction.

Although current conditions require active gas collection, the collected gas is not high enough in methane concentration to enable its use for any of the beneficial energy alternatives described in the EPA publication that you cited.

Comment from: Edward Glasser

My question is in regards to the change in the consent decree pertaining to the work / live units at the Riverfront development. Putting aside the safety of these units with an added subfloor space that is monitored and designed with exhaust fans, it is assumed to be safe from a personal health perspective. My question is how many work /live units will be permitted? With mixed use, commercial on ground floor and residential above, the city of Everett has a vested interest in the number of these type of units. With each work / live unit the expected commercial square footage drops as does potential tax revenue the city would be in the position to loose.

What will be the maximum number of work / live units? What is the corresponding loss of commercial square footage? What is the cost to the city in potential loss of revenue?

Thank you,
Ed Glasser

Response:

Thank you for submitting comments to Ecology regarding the work/live units to be built at the street level at Everett Landfill. Ecology acknowledges your questions, but they relate to land use aspects that are outside the cleanup regulatory authority of Ecology.

Ecology will share this Response to Comments Summary with the City of Everett, and Ecology will work to finalize the Consent Decree Amendment #3.

Appendices

Appendix A. Public comments in original format

Dustin Roberts

What are the current gas measurements and projections? If the expected levels are minimal (i.e. not enough to meet LEL volumes) or declining, are the additional requirements necessary?

If they are deemed necessary, are there additional considerations to reutilize these gasses in ways described here? <https://www.epa.gov/lmop/basic-information-about-landfill-gas>

Edward Glasser

My question is in regards to the change in the consent decree pertaining to the work / live units at the Riverfront development. Putting aside the safety of these units with an added subfloor space that is monitored and designed with exhaust fans, it is assumed to be safe from a personal health perspective. My question is how many work /live units will be permitted? With mixed use, commercial on ground floor and residential above, the city of Everett has a vested interest in the number of these type of units. With each work / live unit the expected commercial square footage drops as does potential tax revenue the city would be in the position to loose.

What will be the maximum number of work / live units? What is the corresponding loss of commercial square footage? What is the cost to the city in potential loss of revenue?

Thank you,
Ed Glasser