

## Summary Response to Public Comment on:

*Draft Agreed Order*

*Draft SEPA Checklist and Mitigated Determination of  
Non-Significance*

**Kimberly-Clark Worldwide Site  
Everett, WA**

**Puget Sound Initiative:**  
*Reaching the goal of a healthy,  
Sustainable Puget Sound now and forever*

December 2012

*Focus*  
**Puget Sound**



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# Puget Sound Initiative

## Protecting and Restoring Puget Sound

The Puget Sound Initiative, established by Governor Gregoire and the Legislature, is a collaborative effort between local, tribal, state and federal governments, business, agricultural and environmental interests, and the public to restore and protect the Sound.

Contaminated sites around the shorelines are a leading source of pollution to the Sound. Ecology has accelerated its efforts to clean and restore these contaminated sites within identified priority bays. Within these bays, Ecology is cleaning up 50-60 sites within one-half mile of the Sound. Cleanup actions will help to reduce pollution and restore habitat and shorelines in Puget Sound, resulting in larger areas of usable shoreline habitat for fish, wildlife, and people.



**Puget Sound Initiative priority bays**

## Everett (Port Gardner) Baywide Cleanup

In Everett, local, state and federal agencies, local Native American tribes, businesses, and property owners are working to restore the waterfront – cleaning up several old industrial sites and restoring waterfront areas for fish, animals and people. This unique, baywide collaboration means cleanup and restoration are happening faster. Important waterfront uses – shipbuilding, parks, recreation, housing, fishing, cultural uses, and others – can thrive in a revitalized and healthy waterfront environment.

Sites in the Everett area include (see map on page 11):

- **Kimberly-Clark Worldwide**
- **Weyerhaeuser Mill A Former**
- **Baywood Products**
- **Everett Shipyard Inc.**
- **Jeld-Wen**
- **ExxonMobil ADC**
- **North Marina Ameron/Hulbert**
- **Everett Smelter Site (Lowland Area)**
- **North Marina West End**
- **East Waterway**
- **TC Systems**

*For more information on these sites visit:*

[http://www.ecy.wa.gov/programs/tcp/sites\\_brochure/psi/everett/psi\\_everett.html](http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html)

# Kimberly-Clark Worldwide, Inc. Site

## Site Background

The Kimberly-Clark Worldwide Site (Site) is one of several properties located on the Everett waterfront that have been identified for cleanup. The Site is located at 2600 Federal Avenue in Everett, WA. The area comprising the Site was first developed in the late 1800s/early 1900s and was primarily used for pulp and paper manufacturing from 1931 to 2012. Past uses also included bulk petroleum storage operations by several oil companies and sawmilling. While in operation, the pulp and paper mill produced bleached sulfite pulp and various tissue products including paper towels, bath tissue, napkins, and industrial wipers which are a heavier type of paper towel. Kimberly-Clark Worldwide (K-C) became the owner of the facility in 1995 when it merged with Scott Paper Company. The K-C property includes about 56 acres of uplands and 12 acres of adjacent tidelands.



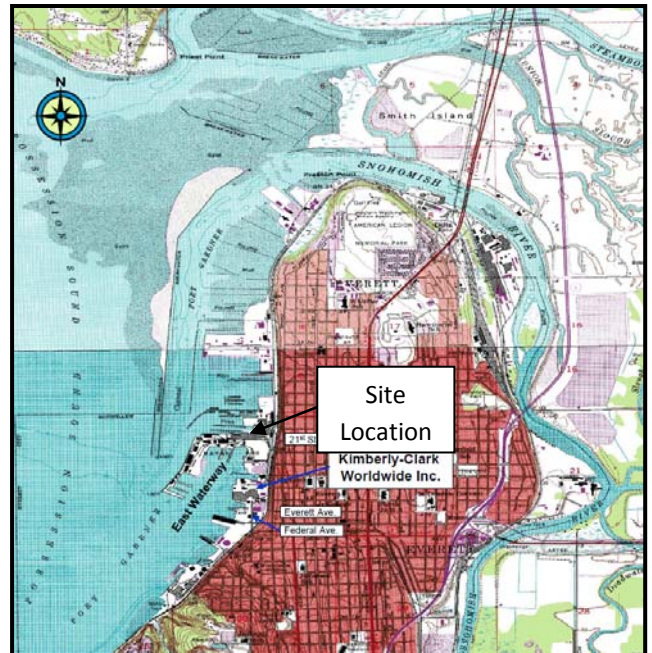
Historical sampling in the Site uplands has identified mostly petroleum and metals contamination in soil and groundwater. The in-water area of the Site is located within the East Waterway. Samples collected in the marine sediments from the East Waterway were found to contain wood waste, as well as contaminants including:

- Metals (arsenic, mercury, zinc)
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Polychlorinated Biphenyls and Semivolatile Organic Compounds (PCBs and SVOCs)
- Dioxins / Furans

All manufacturing operations at the pulp and paper mill ceased in April 2012, and the Site is currently being prepared for a future use through a demolition process permitted by the City of Everett (City). Demolition activities at the Site will result in the removal of some or all of the structures associated with the former mill.

Due to the mill closure and potential conversion of this large waterfront industrial area to vacant land, the City is currently undertaking a planning process for the property and its immediate vicinity.

The planning process for the 92-acre “Central Waterfront Planning Area” will consider a range of land use alternatives.



# Status and Proposed Cleanup

## Site Status

Ecology and Kimberly-Clark Worldwide, Inc. (K-C) are negotiating an agreement for cleanup of the upland area which is about 56 acres. The Agreed Order covers the Remedial Investigation and Feasibility Study (RI/FS) and the draft Cleanup Action Plan (DCAP) for the upland area.

**April 2012** – Operations ceased at the Kimberly-Clark facility.

**October 2012** – Demolition of buildings began on the Site, expected to be complete by April 2013.

**October 15 – November 14, 2012** – Public comment period was held for the Agreed Order (AO), Public Participation Plan (PPP), and draft State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance.

### What's next?

According to the Agreed Order, K-C will:

- Develop a work plan for an RI/FS to fill any remaining data gaps identified based on a review of the previous site investigation. The RI/FS Work Plan under this Order shall address upland areas of the Site. The results of interim remedial actions conducted at the Site should be described in the RI/FS Work Plan along with identifying data gaps that need filled.
- Conduct opportunistic interim actions in the upland area of the Site.
- Perform an RI/FS study for the upland area.
- Complete an RI/FS report for the upland area.
- Develop a draft cleanup action plan (CAP) for the upland area of the Site.

## Proposed Cleanup

### Overview of the Agreed Order (AO)

The proposed agreement, called an Agreed Order (Order), is a legal document between Ecology and Kimberly-Clark Worldwide, the Potentially Liable Party, or PLP, at the Site. Due to the work the City is doing regarding the waterfront planning process, this Order only covers the upland area so that its cleanup may be expedited. The in-water area will be addressed under a separate Order.

### Interim Actions

Due to contamination identified in soil and groundwater, interim actions are anticipated on the Site upland area as building and other infrastructure are demolished under permits issued by the City. An Interim Action Plan identifying the approach and procedures for managing potentially contaminated soil or groundwater discovered during the demolition of the facility is provided in Exhibit C of the Agreed Order.

# Involving the Community in Cleanup

A significant milestone was reached recently with the issuance of the following documents at the Kimberly-Clark Worldwide, Inc. Site:

- **Draft Agreed Order**
- **Draft State Environmental Policy Act (SEPA) Checklist and Mitigated Determination of Non-Significance**

These draft documents were issued for public comment on October 15th, 2012, and the public comment period ran through November 14. During the public comment period, Ecology provided the following public involvement materials and opportunities:

1. Distributed a fact sheet describing the site and the documents through a mailing to addresses in the area and other interested parties.
2. Published a paid display ad in *The Daily Herald* and the *Snohomish County Tribune*.
3. Published a notice in the Toxics Cleanup Program Site Register.
4. Published a notice in the Ecology Public Involvement Calendar.
5. Posted draft documents on the Ecology website.
6. Provided copies of the documents through information repositories at Ecology's Headquarters Office and the Everett Public Library.
7. Issued a press release on October 15, 2012.

This Summary Response to Public Comment provides information about the Kimberly-Clark Worldwide Site and responds to public comments received during the public comment period. Ecology has reviewed all comments received on the draft documents and the SEPA determination. After careful consideration of comments received, Ecology determined that no significant changes to the documents issued for public review were needed. The Agreed Order was finalized and signed on December 20, 2012.



# Comments and Responses

The comments received were reviewed and evaluated by the Ecology cleanup team. Comments were categorized into 6 areas for response, though many comments touched on aspects of more than one comment category. The comment categories include:

**1. Contaminated materials handling**

Comments about the contaminated material that will be removed from the Site, including how it will be handled and disposed of, and how water quality will be assured.

**2. Cost and who pays for cleanup**

Comments about the cost of the cleanup and who is liable to pay for it.

**3. Environmental review, cleanup selection and design**

Comments about the process of evaluating environmental impacts, evaluating cleanup options, and preparing a cleanup design that is then described in the Cleanup Action Plan (CAP).

**4. Mitigation**

Comments about mitigation for impacts on natural resources.

**5. Scheduling**

Comments about the timing of the cleanup.

**6. Traffic impacts, movement of material and hours of operation**

Comments about potential traffic impacts on the nearby community and concern about anticipated work hours during cleanup activities. Responses in this category also address the risk of spillage during the transport of contaminated materials.

A total of four persons provided comments through letters and e-mail messages regarding the draft documents. In the comment table, each commenter is referenced by an assigned comment number.

List of Commenters:

- Phil Barberg, local resident, Comment 1
- Marion Swanson, local resident, Comment 2
- Cecil Baldwin, former Scott Paper Co. employee, Comment 3
- Peggy Toepel, Everett Shorelines Coalition, Comment 4

**1. Contaminated materials handling**

Responses included in this category relate to comments about the contaminated material that will be removed from the Site, including how it will be handled and disposed of, and how water quality will be assured.

Comment	Ecology's Response
<p>1.1 Thank you for sending out the flyer about the mill site in Everett. I have some concerns which were not addressed in the flyer: First – there is no mention of any special precautions for the tear down of the old brick power house. This building was built when asbestos was used in construction of furnaces and when taken down will release a great deal of asbestos dust into the surrounding community. I would think the building would be completely tarp-ed before the tear down. [Comment 1]</p>	<p>A hazardous materials survey was conducted of the site prior to any demolition occurring. The boilers/ buildings referenced above were thoroughly abated prior to demolition. The building was demolished the week of Oct. 7<sup>th</sup> and a dust suppression system was used to control air quality during the process.</p>

**2. Cost and who pays for cleanup**

Responses included in this category relate to comments about the cost of the cleanup and who is liable to pay for it.

Comment	Ecology's Response
<p>2.1 If it has to be "cleaned-up" then I suggest that the State or Federal government is responsible for the costs rather than the industries. Reasons. Industries have provided employment for those who have provided taxes and support for all the government entities support for commercial and civic activities. Everett water supply was originally supported by Soundview Pulp Co. PUD was supported by consumption and generation of electricity. County was supported by taxes for roads and other activities such as logging communities. Port of Everett was supported by all kinds of marine and land shipping. Schools, Fire and Police Depts. all supported by taxes. Transportation rail and trucking enjoyed benefits. [Comment 3]</p>	<p>In accordance with Ecology's state cleanup law (The Model Toxics Control Act), the potentially liable person (PLP) is responsible for cleaning up contaminated sites.</p>



**3. Environmental review, cleanup selection and design**

Responses included in this category relate to comments about the process of evaluating environmental impacts, evaluating cleanup options, and preparing a cleanup design that is then described in the Cleanup Action Plan (CAP).

Comment	Ecology's Response
<p>3.1 I am opposed to specific "clean-up" of supposed toxins for the following reasons: There has never been any report of adverse effects to any entity caused by any such materials, to my knowledge. In comparison, there are many other adverse effects on the populace reported daily. Alcohol is one of the most used poisons causing accidents, death, injuries, illnesses and high costs for insurance to repair and replace automobiles and related hospital costs. Automobile exhausts of carbon monoxide, though readily dispersed are extreme polluters and only sometimes are instrumental in causing adverse effects. Oil drippings on the roads and streets finally end up in the waters. Truck and other users of diesel on the roads and streets are guilty of belching fumes detrimental to most of us. Tobacco smoking is being prohibited for its known adverse effects. Prescription drugs are practically all poisons, but used in small concentrations. There are thousands if not millions used by doctors, hospitals and others daily. They all finally end up in the sewage system and transferred to the bay. Cleaning materials are essential poisons as are disinfectants. All ending up in the waters. Sewage treatment plants have usually added a chlorine based material to disinfect the effluent before discharging to the waters, either streams or the bay. This is the same material claimed for the Dioxin from the mill. B.O.D., Biochemical Oxygen demand is one of the things I worked on. Biodegradation, decomposition of organic material, rotting consumes Oxygen from the air or that is dissolved in water. This is the purpose of sewage treatment plants, supply oxygen from the air so that the rotting does not take Oxygen from marine life. The State of Washington has declared Puget Sound needs "cleaning -up", but it is looking at the wrong things. [Comment 3]</p>	<p>The K-C property has been an industrial site for over 80 years. Recent environmental studies including results from on-site sampling have identified contaminants in both soil and groundwater. Contaminants were found at levels that exceed Ecology's cleanup standards based on protection of human health and the environment. A remedial investigation/feasibility study (RI/FS) will be conducted on the site to determine cleanup needs for the protection of human health and the environment. The nature and extent of contamination on the property will be defined during the RI and how it will be cleaned up will be determined as part of the FS.</p>

**4. Mitigation**

Responses included in this category relate to comments about mitigation for impacts on natural resources.

Comment	Ecology's Response
<p>4.1 The demolition/salvage/removal process currently in progress on this site will expose additional contaminants beneath, and in the vicinity of, the structures, materials, and equipment now being removed, but the proposed initial Cleanup Plan clearly warrants prompt implementation as specified in the Agreed Order. The sooner the first phase of planned cleanup is carried out, the sooner planning for cleanup of residual upland contaminants can be negotiated and requirements for remediation of toxins in the adjacent East Waterway sediments resolved. Both are important to realistic evaluation, community-wide, of potential opportunities for, and constraints upon, eventual constructive re-use(s) at the site. Thank you for the opportunity to comment. [Comment 4]</p>	<p>Opportunistic interim actions during the demolition phase will be allowed to expedite the upland cleanup. Conducting interim actions during the demolition of the mill offers the opportunity to address known environmental conditions efficiently and cost-effectively.</p> <p>Investigation and cleanup of the adjacent in-water area (East Waterway) will be addressed under a separate Agreed Order.</p>

**5. Scheduling**

Responses included in this category relate to comments about the timing of the cleanup.

Comment	Ecology's Response
<p>5.1 The newspaper state that the mill site would be taken down last September. Not much has been taken down and at the present rate it should be completed in a couple years. [Comment 1]</p>	<p>The demolition project is currently on schedule to meet the mutually agreed upon completion date of 4/1/2013. K-C is unaware of any particular demolition milestones that were to occur last September.</p>
<p>5.2 I have looked at the documents at Everett Library and my question is: what is the timeline for the demolition of buildings. [Comment 2]</p>	<p>The current schedule for the site has demolition of all buildings being completed by 4/1/2013 except the warehouse building (at the south end of the site) and the waste water treatment complex (at the very north end of the site). Those structures are expected to remain until further notice but both structures have had the necessary demolition permits issued by the City of Everett should it be</p>

Comment	Ecology's Response
	decided later to take them down.

**6. Traffic impacts, movement of material and hours of operation**

Responses included in this category relate to comments about potential traffic impacts on the nearby community and concern about anticipated work hours during cleanup activities. Responses in this category also address the risk of spillage during the transport of contaminated materials.

Comment	Ecology's Response
<p>6.1 I am concerned about the qualification of the tear down contractor. They work odd hours into the evening and on Sunday. ... It seems only a few workers are on the job and do not have the right equipment to take apart much of the large metal pipes etc.. I watched a front end loader "picking" at a group of metal storage tanks and trying to drag them down. Having myself been a heavy equipment operator I must really wonder if they know what they are doing. What happens when they crack open the old toxic chemical tanks?? You really need to do some spot inspections. I fear that there are going to be some serious problems very soon. [Comment 1]</p>	<p>The demolition contractor was selected after a lengthy screening process. They are a national contractor with extensive experience in the demolition industry and spill response. The abatement contractor is a subcontractor of the demolition contractor and is also a national company that has extensive experience in the field of asbestos abatement. Both contractors have been inspected by the Washington State Department of Labor and Industries while working on this project. Furthermore, prior to demolition, all process chemical lines and tanks were cleared, flushed and cleaned to prepare for demolition and prevent accidental release of hazardous chemicals.</p>

# Explanatory Figures

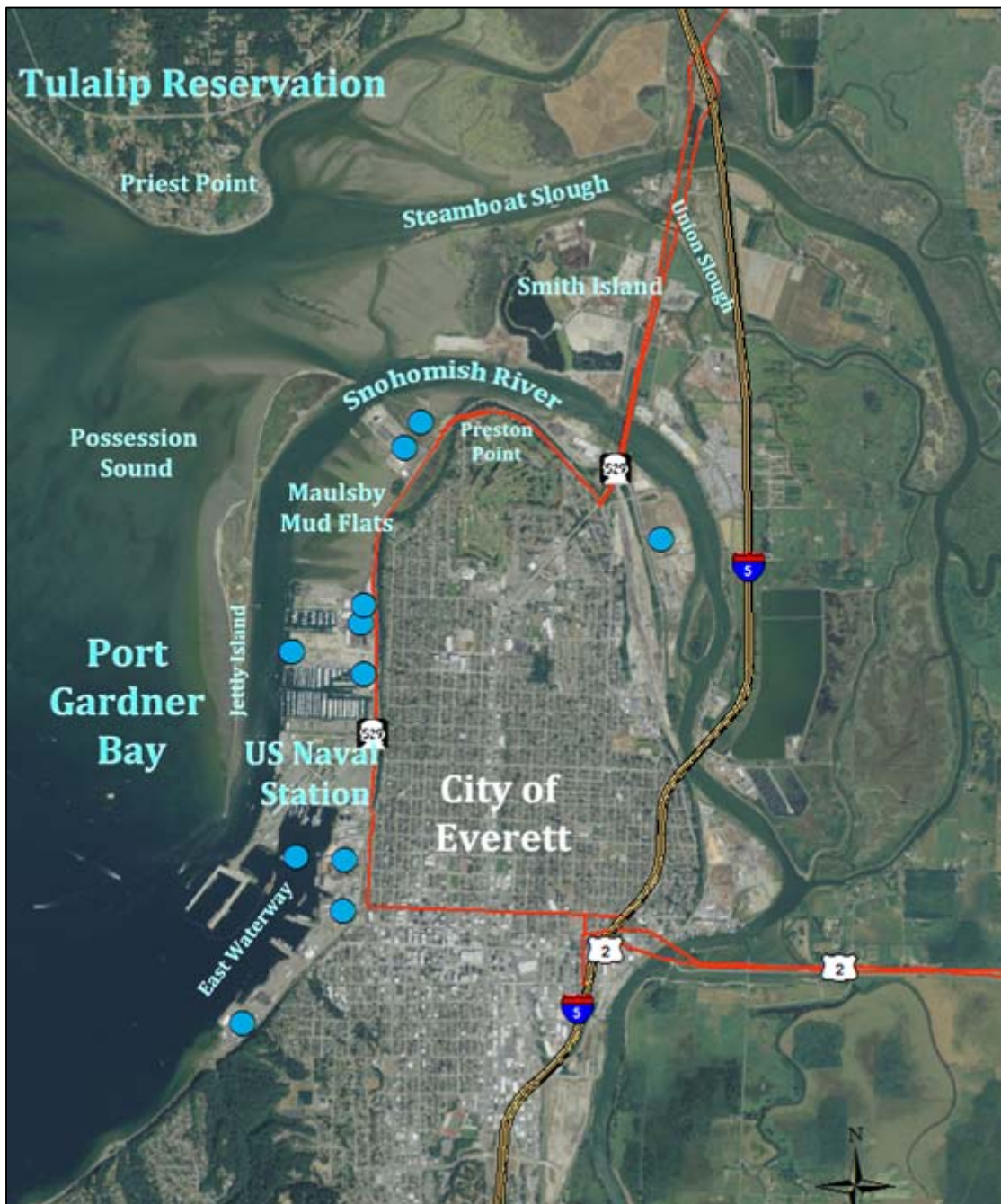


Figure 1. Everett (Port Gardner) baywide area cleanup sites under the Puget Sound Initiative. Blue dots indicate separate cleanup sites.

# Ecology Contact Information

**For more information on the Kimberly-Clark Worldwide Site, contact:**

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Olympia, WA 98504-7600  
Phone: (360) 407-7259  
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**To review documents:**

**Everett Public Library**  
2702 Hoyt Avenue  
Everett, WA 98201  
Phone: (425) 257-8000  
Hours: Mon-Wed 10am - 9 pm  
Thurs – Sat 10am-6pm, Sun 1-5pm

**WA Department of Ecology Headquarters**  
300 Desmond Drive SE  
Lacey, WA 98503  
By appointment only:  
Contact Carol Dorn, [Carol.Dorn@ecy.wa.gov](mailto:Carol.Dorn@ecy.wa.gov)  
or (360) 407-7224

**Ecology's Website**

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569>