



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

*STATE ENVIRONMENTAL POLICY ACT*

**Mitigated Determination of Nonsignificance**

**Date of Issuance:** June 15, 2023

**Lead Agency:** Department of Ecology, Toxics Cleanup Program, Headquarters Cleanup Section

**Agency Contact:** Mahbub Alam, (360) 280-6274, [mahbub.alam@ecy.wa.gov](mailto:mahbub.alam@ecy.wa.gov)

**Permit Number:** Not Applicable

**Description of Proposal:**

The project proposal is to cleanup a contaminated site (cleanup site name Jeld Wen, FSID 2757) under Model Toxics Control Act (MTCA) and Sediment Management Standards (SMS) regulations. The Jeld Wen site (Site) is located at 300 West Marine View Drive, Everett, Washington, 98201. Historical operations at the Site resulted in contamination of upland soil, soil gas, groundwater and marine sediment.

The cleanup action for the Site is composed of multiple remedial technologies to address the contamination. The remedial action selected for upland soil and groundwater include the following:

- Creosote/Fuel Oil Area: Excavation and off-site disposal of impacted upland soil; enhanced in situ bioremediation treatment for impacted groundwater.
- Woodlife Area: Excavation and off-site disposal of impacted upland soil.

Sediment remediation including a remedial technology combination of monitored natural recovery, enhanced monitored natural recovery, which includes placement of a six inch layer of clean sand on the sediment surface, full contaminant removal (excavation followed by placement of clean backfill material), and removal with engineered capping in three defined Sediment Management Areas within the marine site boundary; and source control including the removal of creosote-treated piles, bulkhead, and remnant barge structures.

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Placement of institutional controls and engineering controls on the property where contaminants remain on Site at concentrations greater than cleanup levels, to control potential future exposure to contaminants. This includes placing a deed restriction on the property and placing a restriction on soil digging and the placement of drinking water wells. Engineering controls will include maintaining paved areas or clean soil caps. Restrictions for disturbance will also be placed on tideland parcels where contaminants remain above cleanup levels.

There is no proposal for redevelopment of the Site after cleanup. Future development activities may be subject to additional environmental review under the State Environmental Policy Act (SEPA), as necessary.

### **Location of Proposal:**

The Project is located at 300 West Marine View Drive in the City of Everett, Washington, in Section 7, Township 29 North, and Range 5 East (Figure 5). The parcel numbers are 29050700100300, 29050700100500, 29050700101200, 29050700100400, 29050700100800, 29050700400100, 29050700100900, 29050700401900, 29050700402000, 29050700401100, 29050700401200, 29050700401300.

### **Applicant/Proponent:**

Eric Rapp (JELD-WEN, Inc.), 304-742-5180, ext. 16; [erapp@jeldwen.com](mailto:erapp@jeldwen.com)

### **Determination:**

Ecology has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. We have reviewed the attached Environmental Checklist, Final Remedial Investigation/Feasibility Study Report and Draft Cleanup Action Plan to make this determination.

This information is available at: <https://apps.ecology.wa.gov/cleanupsearch/site/4402#site-documents>.

Ecology is issuing a Mitigated Determination of NonSignificance (MDNS) for this proposal. This determination is based on the following findings and conclusions:

### **General Conditions:**

- The project proponent (proponent) must comply with all permit conditions issued by regulatory agencies, including the U.S. Army Corps of Engineers, for the upland and in-water remedial actions.

- The proponent will meet additional avoidance and minimization measures and/or mitigation requirements identified prior to or during construction.
- A pre-application meeting for the Joint Aquatic Resource Permit Application (JARPA) shall be scheduled by the proponent with attendance from Ecology, applicable regulatory agencies and local governments, and applicable tribes.

**Earth:**

- Erosion could occur during grading, excavation, and fill activities in the uplands. The project proponent must prepare a temporary erosion and sediment control (TESC) plan and/or a Stormwater Pollution Prevention Plan (SWPPP), in coordination with Ecology and other applicable agencies, and implement BMPs before, during, and after construction activities to avoid and minimize potential erosion from stockpiling and grading/filling activities.
- Imported fill material necessary to complete the Project shall be clean and obtained from an approved source. The proponent must characterize and test material in accordance with Ecology protocols to determine whether it is suitable for its intended use.
- The proponent shall stabilize shoreline following removal of creosote pilings, debris, and remnant structures.

**Plants:**

- The project proponent shall delineate and identify upland, marine, and freshwater vegetation in the Engineering Design Report and plans and specification documents.
- The proponent shall avoid impacts to upland, marine, and freshwater vegetation to the extent practicable. The proponent shall minimize unavoidable impacts and compensate for, in accordance with applicable permits and laws, including the substantive requirements of the Shoreline Management Act and City of Everett Shoreline Master Program and local ordinances.
- The project proponent shall develop and implement maintenance and monitoring plans for native vegetation, including the freshwater and estuarine wetlands known to occur in the Site vicinity, in accordance with applicable permits and laws.

**Animals:**

- The project proponent shall perform in-water construction within approved work windows to prevent impacts to threatened and endangered species, and Washington State priority species.
- The project proponent shall develop maintenance and monitoring plans and specific measures to protect existing freshwater and marine resources, such as shellfish beds and critical habitat for threatened, endangered, and Washington State priority species.

**Water:**

- The cleanup action involves construction work within and/or immediately uplands of the Maulsby Marsh, Maulsby Mudflats, Snohomish River Estuary and Port Gardner Bay. Potential discharges to surface water during upland and in-water cleanup include leakage of petroleum products, such as fuel, oil, grease, hydraulic fluid and lubricants, from equipment, and discharge of dredged sediments during construction. The project proponent will implement Best Management Practices (BMPs), consistent with Ecology's 2019 or the most recent Stormwater Management Manual for Western Washington, to reduce and control potential surface water discharges during construction in addition to creating a Spill Prevention, Control and Countermeasures (SPCC) plan to be used for the duration of the project.
- Dredging/in-water excavation activities may release contaminated sediment into Port Gardner Bay. The project proponent shall follow BMPs to minimize releases, including dredging/excavating sediments during low tide ("in the dry"), limiting dredging/excavation grabs (e.g., no multiple bites, no overfilling of the bucket, no dragging of bucket), and water quality monitoring.
- The project proponent shall comply with Ecology's water quality requirements and standards, as well as follow all conditions of the Site's National Pollution Discharge Elimination System (NPDES) construction stormwater general permit during construction.
- The project proponent shall follow all conditions issued as part of local, state and/or federal laws when removing creosote-treated piles. The contractor shall implement BMPs identified in *Wood Waste Cleanup – Identifying, Assessing, and Remediating Wood Waste in Marine and Freshwater Environments* (Ecology 2013). Pile removal shall occur using vibratory extraction or the direct pull method. If these methods are not possible the contractor shall consult Ecology before other methods are used. Piles shall be disposed of at an approved off-site disposal facility.

**Air:**

- The project proponent shall maintain construction equipment in good working condition to minimize airborne emissions.
- The proponent shall control dust using BMPs (e.g., application of water as necessary) during construction.
- The proponent shall cover and secure temporary stockpiles of contaminated soil and/or sediment during construction.
- The proponent shall require contractors to cover loads during transport.
- The proponent shall require contractors to use wheel washes at the construction entrance to minimize tracking of dirt off-site.

**Environmental Health:**

- The project proponent shall ensure that workers are properly trained for the work at the Site and are using proper construction methods, personal protective equipment and safety equipment.
- Environmental health hazards could result from a spill of fuel and/or oil from operating equipment. The proponent shall prepare spill prevention, control and countermeasures (SPCC) plan and health and safety plan (HASP) to address environmental health and safety.
- The proponent shall require contractors to follow the SPCC and possess appropriate materials necessary to contain and clean up an accidental spill at the Site. Construction BMPs will comply with the requirements for the Construction Stormwater General Permit and Stormwater Manual for Western Washington.
- The proponent shall dispose all creosote-treated wood removed from the Site in accordance with Washington's Dangerous Waste Regulations (WAC 173-303), including regulations pertaining to excluded categories of waste (WAC 173-303-071).
- The project proponent shall dispose of all excavated contaminated soil generated by the Project at an approved off-Site upland disposal facility.
- The project proponent will temporarily stockpile all excavated sediment in an upland area that is constructed to contain water generated while dewatering sediment. The proponent will discharge the water generated from the temporary stockpile as required by permits. After dewatering and discharging the generated water the project proponent will dispose of the excavated sediment at an approved disposal facility.

- Temporary restrictions to beach and sidewalk access may be necessary during or following the cleanup action to protect human health and safety due to the presence of heavy equipment and disturbance of contaminated sediment, groundwater, and soil.
- There could be strong odor and harmful vapor generated from upland excavated soil and dredged sediment. The HASP will address the worker's safety from contaminated vapor.

**Noise:**

- The project proponent shall follow local noise control regulations during all construction activities.
- All project proponent's equipment shall comply with pertinent U.S. Environmental Protection Agency equipment noise standards.

**Historical and Cultural Preservation:**

- To avoid affecting potential prehistoric and historic resources, if any, JELD-WEN will prepare an Archeological Monitoring and Inadvertent Discovery Plan (IDP). The IDP will be used for the duration of ground disturbing activities.

The comment period for this MDNS corresponds with the comment period for draft cleanup action plan which will end on July 15, 2023.

To submit comments on this MDNS and the corresponding draft cleanup action plan, visit the webpage and submit comment to: <https://tcp.ecology.commentinput.com/?id=sPrWmTpaee>.

**Responsible Official:**

Erik Snyder  
Section Manager  
Headquarters Cleanup Section, Toxics Cleanup Program  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
(425) 466-6398

Signature  \_\_\_\_\_

Date 6/02/2023 \_\_\_\_\_