



Third Periodic Review Northpoint Apartments

**1001 East Marine View Drive, Everett, Snohomish County
Facility Site ID: 43112633, Cleanup Site ID: 432**

Toxics Cleanup Program, Northwest Region Office Region

Washington State Department of Ecology
Shoreline, Washington

August 2025

Document Information

This document is available on the Department of Ecology's [Northpoint Apartments webpage](#).¹

Related Information

- Facility Site ID: 43112633
- Cleanup Site ID: 432

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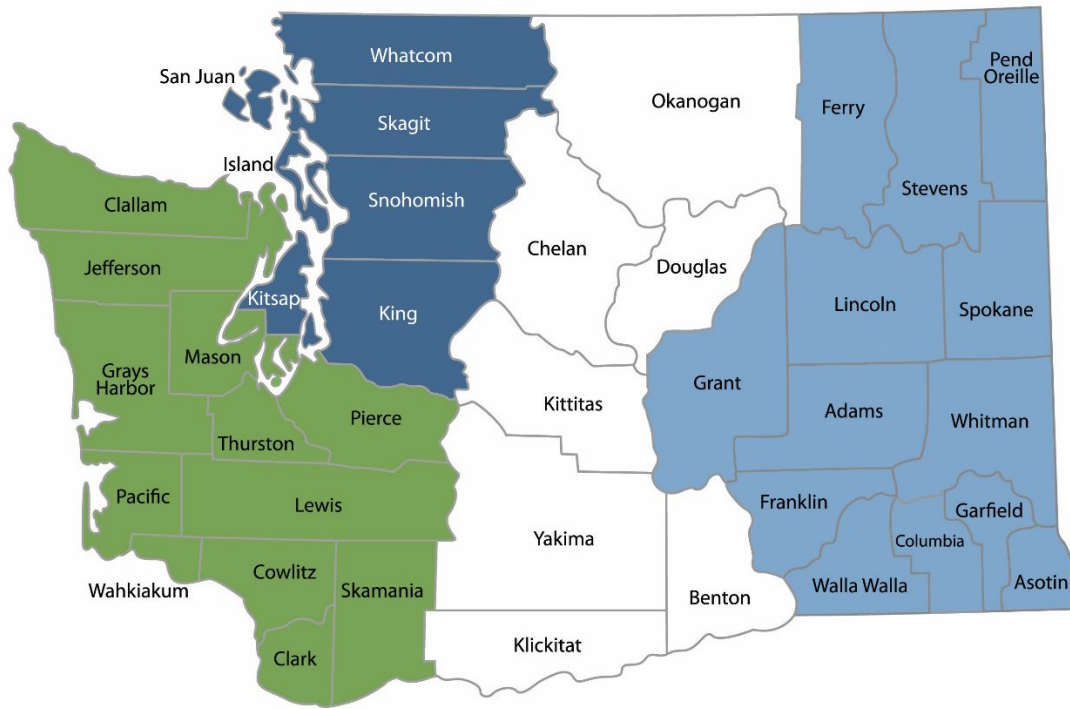
¹ <https://apps.ecology.wa.gov/cleanupsearch/site/432>

² <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup>

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

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

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Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Northpoint Apartments property (Property), which is associated with the Everett Smelter cleanup site (Site).

Cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the third periodic review conducted for this Site. Ecology completed the first and second periodic reviews in May 2010 and August 2016.

Cleanup activities were completed under the Voluntary Cleanup Program (VCP). Residual concentrations of arsenic that exceeded MTCA soil cleanup levels remain on the Property. The MTCA cleanup levels for soil and groundwater are established under [WAC 173-340-740](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740)⁴ and [WAC 173-340-720](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720),⁵ respectively.

Institutional controls in the form of a restrictive covenant were required as part of the cleanup action for the Property because soils below a fabric barrier contain arsenic that exceed 500 milligrams/kilogram (mg/kg), which is above the MTCA Method A cleanup level. [WAC 173-340-420\(2\)](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420(2))⁶ requires Ecology to conduct a periodic review of certain sites every five years. For this Property, a periodic review is required because Ecology issued a No Further Action (NFA) opinion for the Property, and institutional controls were required.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (WAC 173-340-420(4)):

- a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site
- b) New scientific information for individual hazardous substances or mixtures present at the site
- c) New applicable state and federal laws for hazardous substances present at the site
- d) Current and projected site and resource uses
- e) The availability and practicability of more permanent remedies
- f) The availability of improved analytical techniques to evaluate compliance with cleanup levels

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-420>

Summary of Site Conditions

Property description and history

This Periodic Review pertains to independent remedial actions conducted at the Northpoint Apartment Property, located at 1001 East Marine View Drive in Everett, Washington. The Snohomish County tax identification number of the Property is 2905-1700-100500.

The Property is approximately 4.22 acres in size. From East Marine View Drive on the west side of the Property, the land is flat in an eastward direction for 30 to 40 feet, then drops steeply. The Property slopes from this point downward to the eastern property line. The western border of the Property is at an approximate elevation of 90 feet above sea level. The eastern boundary of the Property is approximately 30 feet above sea level.

The existing apartment building was constructed in 2006 and is currently used as a retirement community for seniors. The property owner is Vintage at Everett 2, LP.

The Property is bordered on the west by East Marine View Drive, on the south by 11th Street, on the North by an apartment complex, and on the east by a rail yard.

Prior to remediation, the Property was vacant and vegetated with trees and dense underbrush. GeoTech Consultants Incorporated dug test pits at the Property in July 1998 as part of a geotechnical engineering study on subsurface conditions to determine the suitability of constructing a multi-residential development.

During the remedial actions it was discovered that the western portion of the Property had a deep layer of imported fill material, consisting mostly of loose silty sand with some concrete and asphalt debris. The depth of the fill layer ranged from 6-10 feet below ground surface (bgs) with most areas reaching native glacial till by 10 feet bgs.

Groundwater was not encountered on-Property during any test pitting, boring, or excavation activities. A Phase I Environmental Site Assessment by GeoTech Consultants noted that the native till exhibits low vertical hydraulic conductivity, which frequently results in a perched water table along its upper contact. The perched water table would be seasonal and derive recharge primarily from infiltration of precipitation through more permeable overlying soils. The inferred groundwater flow direction was eastward to the Snohomish River.

A vicinity map is in Appendix A, a sample location map from the remedial investigations is in Appendix B, and a confirmation sampling map from the cleanup report is in Appendix C.

Investigations

The Property is located within the southeastern portion of the area designated as the Everett Smelter cleanup site (Cleanup Site ID 4298). A smelter processing lead, gold, silver, and arsenic ore operated in the area from 1894 to 1912. It was discovered in 1990 that many of the properties surrounding the smelter were impacted by air emissions from the smelter stacks and had elevated levels of arsenic in soils.

GeoTech Consultants performed a Phase I Site Assessment in November 1997 on the Property and a Phase II Site Assessment in March 1998 to determine the extent of arsenic contamination from the Everett Smelter. The Phase II Site Assessment consisted of 41 soil samples from the Property collected from 12 locations. No samples were taken in the sloped area in the western portion of the property. Sample depth varied from the surface to 30 inches bgs. Samples were analyzed for total arsenic. Based on the sampling results, GeoTech Consultants concluded that arsenic concentrations exceeded the MTCA Method A cleanup level (20 mg/kg) in shallow surface soils above 24 inches bgs throughout the Property. With the exception of the western slope, this material was removed during the first phase of remediation.

During the first phase of remediation, Envirocon obtained samples from the steeply sloped area on the western side of the Property. Sample analysis showed arsenic concentrations in the slope area were considerably higher than other parts of the Property, with levels ranging from 28 mg/kg to 2,600 mg/kg. The second phase of remediation later confirmed that the elevated arsenic levels in the western portion of the Property were associated with imported fill material. Most of this fill material was removed during the second phase of remediation.

To confirm whether MTCA cleanup levels were met, soil samples were taken from the bottoms of the excavations. Three samples were taken within each 86-by-86-foot grid area with a maximum spacing of 50-foot intervals and analyzed for total arsenic. Across most of the Property, areas exceeding the cleanup level for arsenic (20 mg/kg) were excavated and re-sampled until cleanup standards were met. Within the 20-foot-wide landscape strip along East Marine View Drive, the cleanup goal was established at 500 mg/kg for arsenic at soil depths of 4 feet bgs and below (further discussed below under the cleanup standards section). Within this landscape strip, a demarcation fabric was placed at the excavation bottom to delineate contaminant removal boundaries for future construction personnel.

Approximately 10% of confirmation soil samples from the second phase of remediation were also analyzed for total lead content. None of the lead samples exceeded the MCTA Method A cleanup level of 250 mg/kg.

A groundwater investigation was not conducted nor deemed necessary, according to Envirocon, Inc. as discussed in the Independent Remedial Action Program Report dated April 30, 2001. Groundwater was not encountered during any of the boring, test pitting, or excavation activities conducted at the Property.

Cleanup actions

The selected remedy included off-site disposal with a smaller area of containment and institutional controls. Factors that contributed to this selection included the planned development of the Property into multi-unit residential dwellings, the shallow depth and ease of excavation of most of the contamination, the accelerated time frame in which the cleanup needed to be completed, and the costs of off-site disposal in comparison to other feasible options, such as on-Property containment.

Excavation of the contaminated soils was conducted in two phases. A total of approximately 16,400 cubic yards (25,500 tons) of arsenic-contaminated soils above the MTCA Method A cleanup level (20 mg/kg) were disposed of off-site. Confirmation sampling was conducted to verify that cleanup levels had been met.

In the first phase, Envirocon excavated and transported off-site approximately 5,100 cubic yards (8,000 tons) of impacted soils in August 2000. These soils were removed based on the Phase II Site Assessment performed by GeoTech Consultants in 1998. Most initial excavations were 6-12 inches deep. Confirmation samples were taken after initial soil removal. In areas not meeting the cleanup goals, additional soil was excavated to a depth of 6-12 inches (dependent on arsenic concentration) and resampled.

Envirocon remobilized to the Property in early 2001 to conduct a second phase of remediation to remove the impacted fill material in the sloped area within the western portion of the property and remaining hot spots in the original excavation footprint. From mid-February to mid-April, Envirocon excavated and transported off-Site most of the fill material to meet the cleanup goals of 20 mg/kg total arsenic for surface soils and 500 mg/kg for soils four feet and deeper bgs (further discussed below under the cleanup standards section).

Areas within the future building foundations were excavated to depths of 9-11 feet bgs. A 20-foot-wide strip on the western side of the slope was excavated to 4-6 feet bgs for a landscape strip. A demarcation fabric consisting of 4-ounce non-woven geotextile was placed at the excavation bottom in the landscape area to delineate contaminant removal boundaries for future construction personnel. In addition to the western slope removal, several areas in the Phase I removal area were re-excavated to address hot spots that remained above the cleanup level of 20 mg/kg total arsenic. Approximately 11,300 cubic yards (17,500 tons) of contaminated soil was removed during Phase II remediation.

Site and Property Status

Ecology issued a Site No Further Action (NFA) opinion for the Northpoint Apartments in a letter dated August 20, 2001, with the condition that a restrictive covenant be recorded on the Property. A restrictive covenant was recorded on the Property with Snohomish County on August 14, 2001.

Ecology's 2010 Periodic Review concluded that the 2001 Site NFA for Northpoint Apartments was inappropriate since the Site as defined by MTCA consisted of the larger Everett Smelter cleanup site. The 2001 Site NFA was then rescinded on April 26, 2011 since only the Property was cleaned up, and further action was required at the larger Everett Smelter site.

Ecology issued a Property-specific NFA opinion letter for the cleanup conducted at the Northpoint Apartments Property on April 26, 2011.

Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Property.

[WAC 173-340-704](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704)⁷ states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Property. The cleanup actions conducted at the Property were determined to be routine, few hazardous substances were found at the Property, and numerical standards were available in the MTCA Method A table for each hazardous substance.

The point of compliance is the area where the cleanup levels must be attained. For soil cleanup levels based on the protection of groundwater, as they were for this Property, the point of compliance was established as soils throughout the Property (standard point of compliance).

Across most of the Property, excavation was performed until the soil cleanup level of 20 mg/kg for arsenic was met. Within the 20-foot-wide landscape strip along East Marine View Drive, a remediation level was selected of 500 mg/kg for arsenic at soil depths of 4 feet bgs and below.

It should be noted that the consultant referred to this 500 mg/kg value as a “cleanup standard”, but it is more appropriate to refer to it as a “remediation level” as described in MTCA. A cleanup level defines the concentration of a hazardous substance above which a contaminated environmental medium must be remediated in some manner (such as treatment, containment, or institutional controls). A remediation level, on the other hand, defines the concentration at which a particular cleanup action component (such as soil treatment versus containment) will be used.

Restrictive Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On August 14, 2001, institutional controls in the form of a [restrictive covenant](https://apps.ecology.wa.gov/cleanupsearch/document/82936)⁸ (Covenant) were recorded for the Site.

The Covenant recorded for the Property imposes the following limitations:

Section 1. A 20 foot wide strip on the western side of the slope along East Marine View Drive was excavated to 4-6 feet below ground surface for a landscape strip. A

⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/82936>

demarcation fabric consisting of 4 oz. nonwoven geotextile was placed at the bottom of the excavation in the landscape area to delineate contaminant removal boundaries for future construction personnel. Soils below this fabric contain arsenic that exceeds 500 mg/kg (parts per million). This area of arsenic contaminated soils is covered with a minimum of four feet of clean fill material and serves to prevent direct contact with the contaminated soil. In addition, the demarcation fabric serves to delineate the boundaries for future development.

Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued maintenance of the soil cover.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Periodic Review

Effectiveness of completed cleanup actions

During the site visit Ecology conducted on February 20, 2024, the Property was found to be well-maintained and in active use. The Property is currently operating as a multi-unit residential dwelling complex for seniors called Vintage at Everett. A photo log is in Appendix D.

Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Property. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by a surface cover/cap of buildings, pavement, and landscaping. The surface cover/cap appears to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Property in 2001. The Covenant remains active and discoverable through the Snohomish County Recording Office. Ecology found no evidence a new instrument has been recorded that limits the effectiveness or applicability of the Covenant. This Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup action and prohibits any use of the property that is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant ensures the long-term integrity of the cleanup action will be protected.

New scientific information for individual hazardous substances or mixtures present at the Site

There is no new relevant scientific information for the hazardous substances remaining at the Property.

New applicable state and federal laws for hazardous substances present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Property.

Current and projected Site and resource uses

The Property is used for residential purposes. There have been no changes in current or projected future Property or resource uses. The current Property use is not likely to have a negative impact on the protectiveness of the cleanup action.

Availability and practicability of more permanent remedies

The remedy implemented included containing hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies may be available, they may not be practicable at this Property.

Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the cleanup action were capable of detection below the selected MTCA cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Property.

Conclusions

The periodic review concluded that the cleanup actions completed at the Property appear to be protective of human health and the environment at the Property. No additional cleanup actions are required at the Property at this time, but further remedial action is still necessary elsewhere at the Site. The findings include:

- The 2011 Property NFA letter determined that no further remedial action was necessary at the Property (the Northpoint Apartments) to clean up contamination associated with the Site (the Everett Smelter cleanup site). Further remedial action is still necessary elsewhere at the Site, as referenced in the 2011 Property NFA letter.
- Soil cleanup levels have not been met at the Property; however, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The Covenant for the Property is in place and is effective in protecting human health and the environment from exposure to hazardous substances and the integrity of the cleanup action. Based on this periodic review, the requirements of the Covenant are being followed.

The property owner is responsible for continuing to inspect the Property to ensure the integrity of the cleanup action is maintained (for example, the surface cover/cap).

Next review

Ecology will schedule the next review for the Property five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years after those activities are completed.

References

Geotech Consultants, Inc. *Phase 1 Environmental Site Assessment, Undeveloped Land, East Marine View Drive Everett, Washington*. November 10, 1997.

Geotech Consultants, Inc. *Phase 2 Environmental Site Assessment, Undeveloped Land, East Marine View Drive Everett, Washington*. March 20, 1998.

Geotech Consultants, Inc. *Geotechnical Engineering Study, Proposed North Point Apartments, East Marine View Drive Everett, Washington*. August 17, 1998.

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Envirocon, Inc. *Final Independent Remedial Action Program Report, North Point Apartments Site, Everett, Washington*. April 30, 2001.

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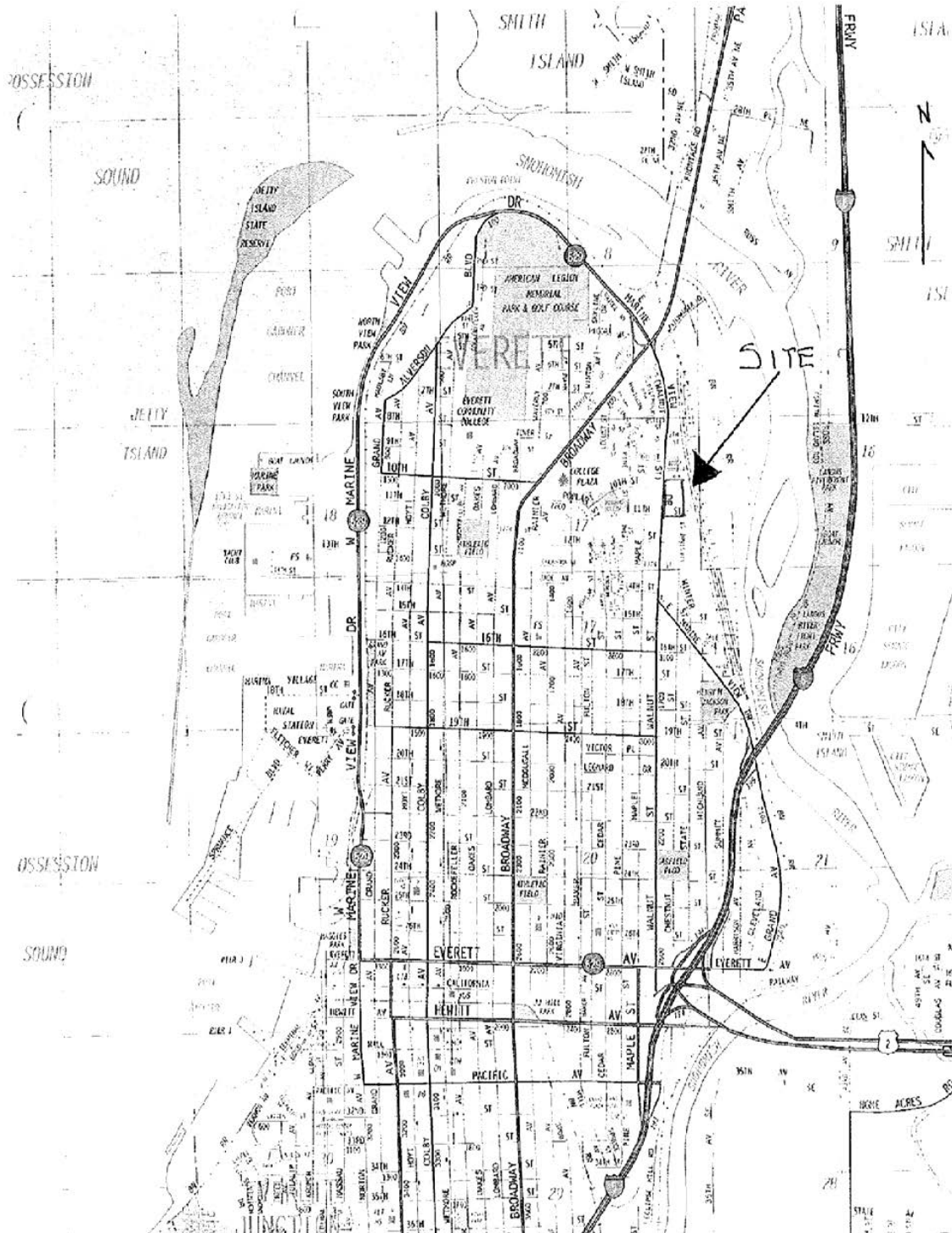
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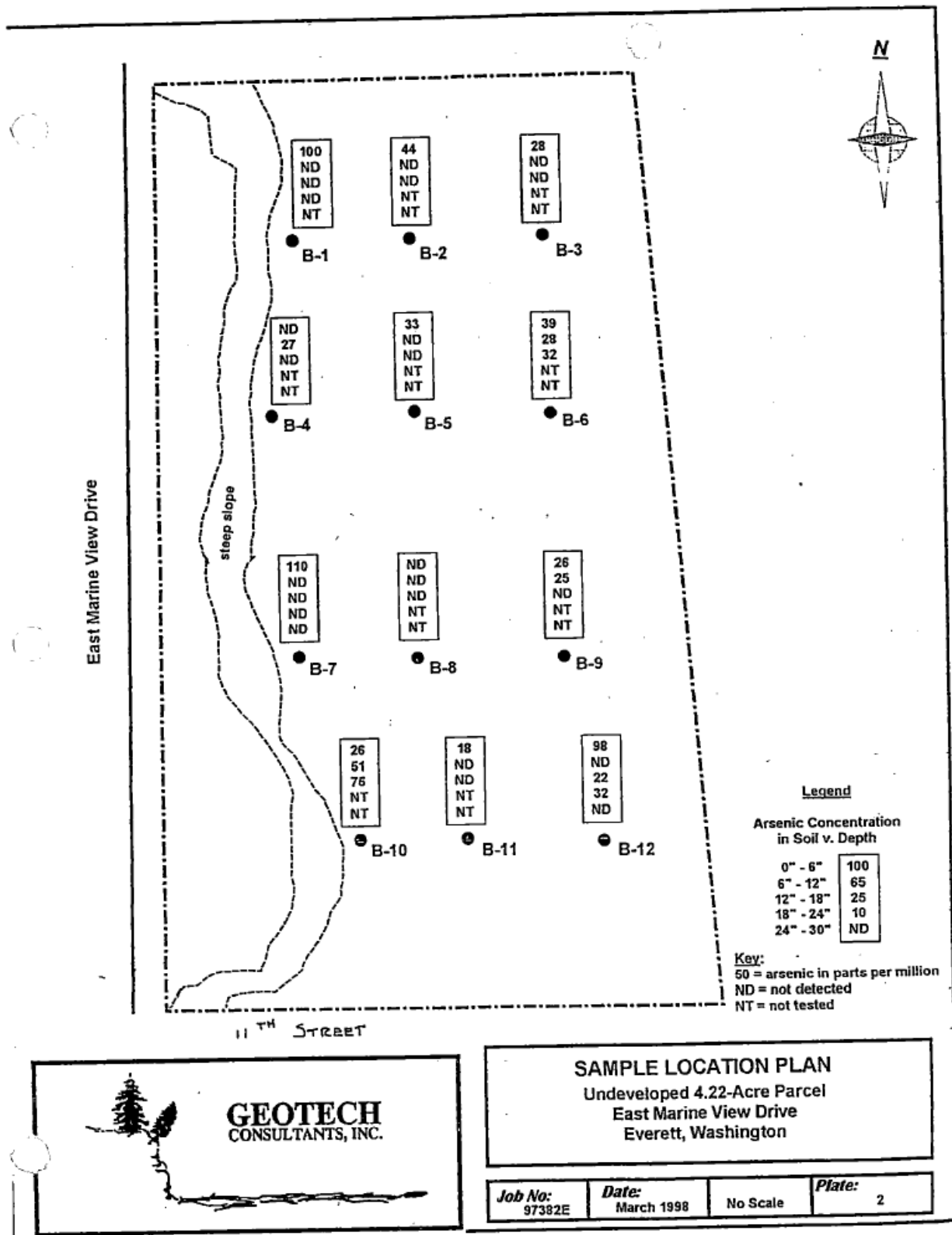
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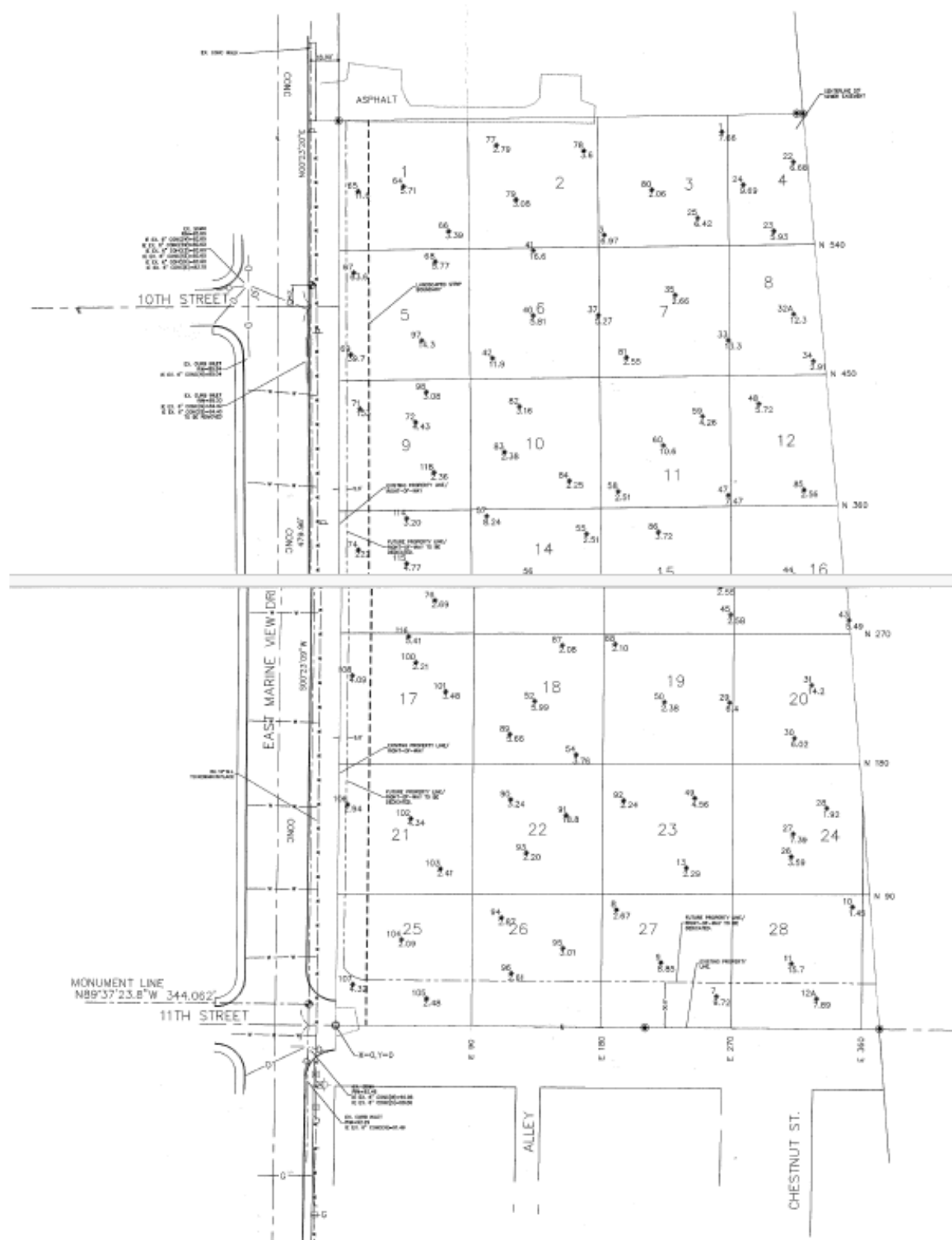
Appendix A. Vicinity Map

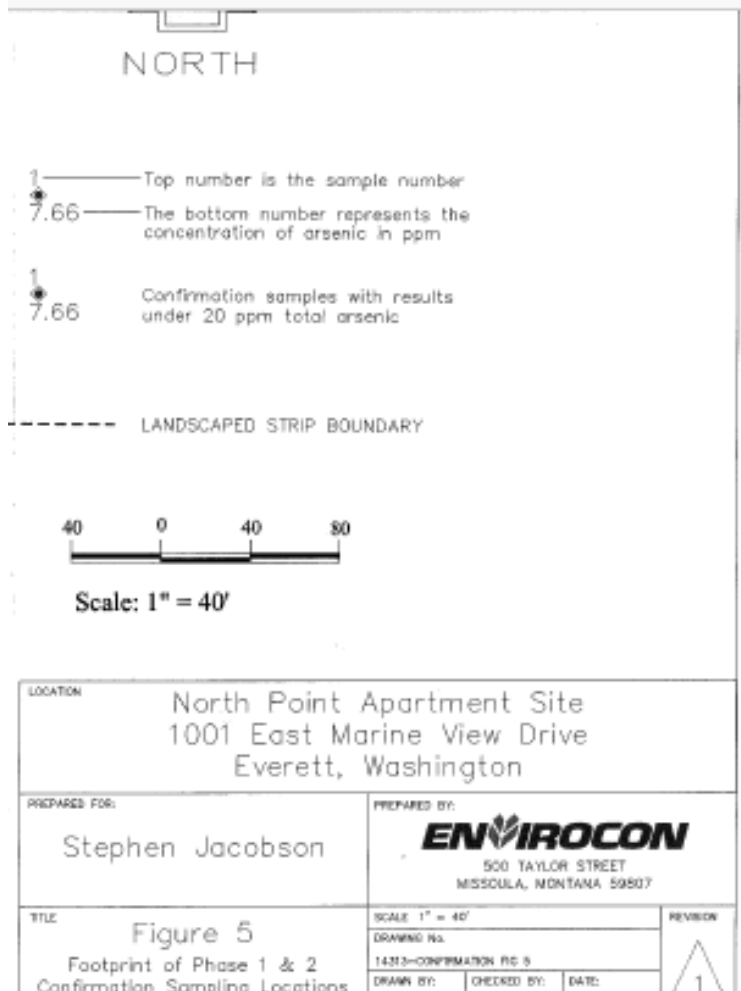


Appendix B. 1998 Sample Locations



Appendix C. 2001 Confirmation Sampling Locations





Appendix D. Photo Log

Photo 1: Landscaped area from north entrance of the Property



Photo 2: Driveway along north end of Property from north entrance



Photo 3: Landscaped area and south entrance from E Marine View Dr



Photo 4: Landscaped area from the southwest corner of Property



Photo 5: Driveway along the eastern portion of the Property from the southeast entrance on 11th Street

