

Shadow Development LLC

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Mukilteo, WA 98275

February 9, 2026

Tamara Welty, LHG
Periodic Reviewer
Toxics Cleanup Program, NWRO
Department of Ecology
PO Box 330316
Shoreline, WA 98133-9716
(tamara.welty@ecy.wa.gov)

Re: Shadow Development Response - Notice of Periodic Review Conducted at the following Cleanup Site:

- Name: Weyerhaeuser Everett West
- Address: 101 East Marine View Drive, Everett, WA
- Facility/ Site No.: 10
- Cleanup Site No.: 2902

Dear Tamara Welty,

This letter serves to inform you that Shadow Development LLC (Shadow Development) is in receipt of the Notice of Periodic Review letter sent November 7, 2025, regarding the Weyerhaeuser Everett West cleanup site (site). Additionally Shadow Development is in receipt of the Third Periodic Review Weyerhaeuser Everett West document dated June 2025.

After reviewing the Third Periodic Review for Weyerhaeuser Everett West document, it is understood that Washington State Department of Ecology has produced five conclusions regarding the Site. Shadow Development has reviewed each of these conclusions and has developed the following responses.

Department of Ecology Conclusion 1

“The Consent Decree required a land use restriction since MTCA Method A soil cleanup levels for industrial land use were selected at the Site. The existing Covenant does not restrict land use to industrial and should be amended or replaced.”

Shadow Development Response 1

Shadow Development is in concurrence with Department of Ecology Conclusion 1. As stated in the 1994 Cleanup Action Plan (CAP, p. B-16), “The site is considered an Industrial Site because it is zoned heavy industry currently and for the foreseeable future.” Shadow Development will consult with counsel to amend Section 1 of the restrictive covenant, affirming compliance with the Consent Decree, the Everett Municipal Code, and the Everett Comprehensive Plan that land use is restricted to Heavy Industrial. Exhibit A provides documentation of the land use designations.

Department of Ecology Conclusion 2

“The Consent Decree states that soil left in place that exceeds cleanup levels must be noted on the property deed. The existing Restrictive Covenant does not accurately describe these contaminated areas. The Covenant only references two sample locations in one area that exceeded remediation levels (which were used to determine at what point the remedial excavations were considered complete). Soils exceeding cleanup levels that were left in place throughout the Site require institutional controls in order for the remedy to be protective of human health and the environment. The Covenant should accurately notify future property owners of, and place restrictions on, all contaminated areas.”

Shadow Development Response 2

In reviewing the project file and the Emcon Completion Report, Shadow Development could only find a direct reference for “soils exceeding cleanup levels that were left in place” in Area 15. Oblique references were found to other areas for “excavating contamination until groundwater was encountered” or “excavation became unfeasible due to concrete footings.” The 3rd Period Report identifies samples CS-1513 and CS-1514 as exceeding the cleanup levels. Please refer to Exhibit B where Excavation 15 Soil Sample Results have been reproduced. Shadow Development concurs that CS-1514 exceeded the action level, but CS-1513 TPH-O is below the 2,500 mg/kg action level stipulated for the presence of organic materials. In that light, an amended Restrictive Covenant would only be accurate for CS-1514 located at N 373,876.5 and E 1,306,829.0.

Please note that in the 3rd Period Report describing cleanup action levels for Area 15 (page 6), “Weyerhaeuser was required to dismantle and scrap the 577,000-gallon fuel AST, remove the contaminated foundation located below the tank, and excavate soil to the cleanup action level (remediation level) of 1,000 mg/kg TPH, or to the surface of groundwater.” This conflicts with the actions reported by Emcon such that, “The tank concrete foundation was left in place and covered with clean sand. Following sampling, surface holes and cracks were sealed with grout, and the foundation was covered with clean sand.” A screenshot of this reference also appears in Exhibit B.

Finally, a recent aerial photograph of the heavily vegetated Area 15 is presented in Exhibit B. Shadow has never touched that area since acquiring the site, Shadow Development assumes the concrete foundation remains in-place as a de facto cap over the tank footprint. There are no plans to intervene with that area, should that change Shadow Development will follow the Restrictive Covenant protocol and notify Ecology.

Department of Ecology Conclusion 3

“It is unclear whether the areas with remaining contaminated soils were ever capped. Contaminated soils were identified during the remedial investigations between approximately the surface and 6 feet bgs. This is unlikely to be a concern in the remedial excavation areas (which were excavated to comply with remediation levels), since clean backfill was used, but may be a concern in the areas where contaminated soils were left in place above cleanup levels. There is a potential risk of exposure or release of Site contaminants in uncapped areas with shallow soil contamination.”

Shadow Development Response 3

Please refer to Exhibit C for documentation. The Consent Decree Directive is to, “Fill excavations with clean backfill (CD, p. 23).” The Cleanup Action Plan further notes that, “The clean backfill would serve as a surface cover and prevent direct contact with the material (CAP, p. B-22).” In the project files, Shadow Development found 39 references to ‘Excavate and fill with clean’ and only two references that refer to ‘capping,’ both of which seem out of context. Further clarification of what the Department of Ecology is requesting is needed.

Department of Ecology Conclusion 4

"Ecology observed grading activities during the Site visit. Ground disturbing activities could result in the release or exposure of contaminants contained as part of the cleanup action, which is restricted by the Covenant. Ecology's approval should be obtained in advance of below grade disturbing activities in the future."

Shadow Development Response 4

Shadow Development is in concurrence with the Department of Ecology. The grading activities that were observed were stock piling efforts, all of which were performed at higher elevation than existing grade. Due to the nature of the observed work the release or exposure of contaminants contained as part of the cleanup action was not possible as the work was constructed on top of the existing grade.

Moving forward Shadow Development will notify the Department of Ecology of any below grade ground disturbing activities prior to commencement.

Department of Ecology Conclusion 5

"Monitoring well MW-1203R is located at the north end of the Site, at the top of the Snohomish riverbank. Cracks were observed in the ground surface surrounding the well, and the slope appeared to be actively caving toward the river. This well should be repaired or replaced. Alternatively, if this well and the other 3 monitoring wells for the Site (MW-1202R, MW-1301R, and MW-1501R) are no longer being used for monitoring, they should be properly decommissioned."

Shadow Development Response 5

Noted in the second Periodic Review, "Groundwater sampling will no longer be required for the periodic review (Periodic Review, July 2014, p. 9)." As such, these three wells will be decommissioned. Documentation of ECY's conclusion reproduced in Exhibit D.

Shadow Development will notify the Department of Ecology after the decommissioning of the existing wells.

Shadow Development understands that it is Shadow Development's responsibility to continue to inspect the Site and maintain the Site's integrity in accordance with the covenant. To maintain a strong working relationship with the Department of Ecology, Shadow Development would like to meet in the near future to discuss the property in further depth to ensure that all parties are in understanding with each other moving forward.

If you have any questions, please contact both Corey Christensen and Terrence Seales by email at terrence@klbconstruction.com coreyc@klbconstruction.com , or by phone at (425) 582-1128.

Best Regards,



Terrence Seales
Shadow Development LLC.

Enclosures (2): Periodic Review Report (29pgs), "Exhibits Section" (14pgs)

cc: Sandra Matthews, Ecology Site Manager (Sandra.matthews@ecy.wa.gov)
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Third Periodic Review Weyerhaeuser Everett West

**101 East Marine View Drive, Everett, Washington
Facility Site ID: 10, Cleanup Site ID: 2902**

Toxics Cleanup Program, Northwest Region

Washington State Department of Ecology
Shoreline, Washington

June 2025

Document Information

This document is available on the Department of Ecology's [Weyerhaeuser Everett West cleanup site page](#).¹

Related Information

- Facility Site ID: 10
- Cleanup Site ID: 2902

Contact Information

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¹ <https://apps.ecology.wa.gov/cleanupsearch/site/2902>

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 Weyerhaeuser West cleanup site (Site, also referred to as the West 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 August 2009 and July 2014.

Cleanup activities at this Site were completed under Consent Decree No. 94 2 07559 2. Residual concentrations of arsenic that exceeded groundwater cleanup levels and total petroleum hydrocarbons (TPH) that exceeded soil cleanup levels remain on the property. Polychlorinated biphenyl compounds (PCBs) and mercury may also remain on the property at concentrations greater than soil cleanup levels beneath the water table and/or in areas where excavations were impeded by structural footings. The MTCA cleanup levels for soil and groundwater are established under WAC 173-340-740⁴ and WAC 173-340-720,⁵ respectively.

Ecology determined institutional controls in the form of a restrictive covenant would be required as part of the cleanup action for the Site. WAC 173-340-420(2)⁶ requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because the cleanup activities were completed under a consent decree and institutional controls were required as part of the cleanup action.

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>

Ecology will publish a notice of this periodic review in the *Site Register* and provide an opportunity for public comment.

Summary of Site Conditions

Site description and history

The Site is located at 101 East Marine View Drive, Everett, Washington. The Site includes Snohomish County tax parcel numbers 29050800101900, 29050800102000, and 29050800102100. The current owner of these parcels is Shadow Development LLC according to Snohomish County Assessor records.

The Site consists of approximately 35 acres located on the western portion of the former Weyerhaeuser Everett property and is referred to as Weyerhaeuser West or the West Site. Weyerhaeuser Everett East (Facility Site ID 11) and Weyerhaeuser Everett Mill E (Facility Site ID 12) are separate sites. The West Site is relatively flat and is bordered on the north by the Snohomish River and on the east, west, and south by the Burlington Northern Railroad tracks.

Weyerhaeuser Company (Weyerhaeuser) and Ecology entered a Consent Decree, which outlined the actions necessary to remediate the Site, on October 21, 1994⁷.

Weyerhaeuser began operations in Everett in 1902. Weyerhaeuser West consists of the former Mill C, Mill D, and the Kraft Pulp Mill. The former Mill C, which manufactured wood boards, began operation in 1926 and closed in 1976. The Kraft Pulp Mill operations began in 1953 and closed in 1992. The former Mill D, which manufactured wood boards, began operation in 1963 and closed in 1971. Mills C and D are demolished. Wood waste landfills, aeration lagoons, and log sorting operations, which supported the West Site, are located north of the Site across the Snohomish River on Smith Island.

Known historical land uses near the Site include:

- A lead smelter and ore refinery operated by the Puget Sound Reduction Company and, subsequently, the American Smelting and Refining Company (ASARCO) from approximately 1893 to 1914 on the property immediately southeast of the West Site, near what is now the intersection of East Marine View Drive and State Route 529. The Puget Sound Reduction Company built and operated the smelter to refine the ore for lead, copper, gold, and silver. ASARCO bought the smelter in 1903. The lead smelter operated until 1907. An arsenic processing plant also operated at the smelter from approximately 1898 until 1913. The smelter and processing plant were dismantled in 1914.

⁷ <https://apps.ecology.wa.gov/cleanupsearch/document/156>

- Burlington Northern Railroad currently operates and maintains a railroad right-of-way immediately south and east of the West Site.
- There is a residential area located west of the Site and south of Marine View Drive at an elevation about 75 feet above and 1/8 mile south of the Weyerhaeuser West Site and is separated from the Site by the heavily used Burlington Northern Railroad right-of-way.

Weyerhaeuser West was divided into eight separate units, designated as Areas 11 through 18. These area designations were developed from previous investigations and were used for purposes of investigation and remediation, based on the location of former structures and past areas of activity. The following are brief summaries of the West Site Areas 11 through 18:

- Area 11 Sandblast Fill - Area 11 contained the cement foundations used to support a hog fuel burner, a former transformer, and an abandoned clarifier associated with Mill C. A fill area is also present along the eastern half of Area 11. The fill consists of soils, debris, and sandblast grit. The western boundary of area 11 is adjacent to Area 12.
- Area 12 Former Mill C - Mill C previously operated in this area as a lumber mill facility where logs were processed and cut into lumber. The area contained a structural sand/gravel fill, parking area, and adjacent areas of debris/fill including wood waste, buried dock pilings, and subdrains.
- Area 13 Powerhouse, Recovery and Causticizing - Area 13 was used for power generation and recovery, causticizing and sandblasting, and activities associated with the Kraft Mill. The area included the lime kiln and kiln trunions, the powerhouse, the portable compressor area, the main exhaust stack base, and a caustic lime pile. Two recovery boilers and the main stack were located adjacent to the powerhouse. A sandblast shed was located north of the powerhouse where equipment was sandblasted.
- Area 14 Northern Chip Storage - This area was created by sinking two wood barges onto a tidal flat and filling them with river sediment and wood chips.
- Area 15 Fuel Storage Tanks - Area 15 consisted of a bermed yard containing one 577,500-gallon Bunker C aboveground tank (AST). A former 1,000-gallon diesel AST was also located within the containment area.
- Area 16 Pulp Mill - Area 16 contained the Kraft pulp mill, warehouse, machine room, offices, maintenance building, chip silos, pulp processing storage tanks, bleach plant, and a lube-oil storage shed. Pulping operations, including storage of chips and paper products, occurred in this area. The lube oil shed was used for storage of petroleum products and solvents. Drums were also stored next to the storage shed.
- Area 17 Warehouse and Filter Plant - Area 17 contained a warehouse, the water filter plant, a bank of non-PCB-containing transformers, one underground gasoline storage tank (UST), and a former sandblast shed. The water filter plant processed incoming water for use in the pulping process. Sandblasting of equipment was done in the sandblast shed.

- Area 18 Former White Liquor Storage - White liquor was stored in temporary tanks as part of a short-term research and development project.

In June 2016, a large structure fire occurred at a compost recycling facility on the property, leading to the destruction of three buildings⁸. The buildings were located within Area 17 (described above).

Vicinity maps are in Appendix A, and Site plans are in Appendix B. A figure showing the locations of each cleanup area is also included with the Photo Log in Appendix C.

Site investigations

Total petroleum hydrocarbons (TPH) in the oil (TPH-O) and diesel (TPH-D) ranges were the primary contaminant of concern on the Site, but there were also arsenic, chromium, mercury, and polychlorinated biphenyls (PCBs) in some areas. A relatively small volume of soil containing these other contaminants exceeded Method A Industrial Soil Cleanup Levels. These areas are shown in the figure in Appendix B.

The following areas were identified where soil had been impacted by past operating practices⁹:

- Diesel and oil-range petroleum hydrocarbons were detected in samples collected from the upper 3 feet of soil within the Bunker C fuel tank containment berm in Area 15.
- Oil-range petroleum hydrocarbons and low concentrations of two volatile organic compounds were detected in samples collected from the upper 4 feet of soil adjacent to the lube-oil storage shack in Area 16.
- Oil-range petroleum hydrocarbons, PCBs, and chromium were detected in surface samples collected from the sand blast fill in Area 11.
- Oil-range petroleum hydrocarbons were detected in samples collected from various depths (6 feet maximum) in the vicinity of former Mill C in Area 12.
- Oil-range petroleum hydrocarbons were detected in samples collected from soil underlying 2 to 6 feet of wood chips in Area 14. Soil samples were collected from the upper 2 feet of soil. Mercury was detected at 4.0 milligram per kilogram (mg/kg) in one soil sample collected in Area 14.
- Oil-range petroleum hydrocarbons were detected in samples collected from soil beneath the concrete bases of three rotary lime kiln trunnions in Area 13.
- Total lead was detected at 1,000 mg/kg in one surface grab soil sample collected in the vicinity of the former sand blast shed in Area 17.

⁸ <https://myeverettnews.com/2016/06/04/3-alarm-fire-destroys-everett-recycling-center/>

⁹ <https://apps.ecology.wa.gov/cleanupsearch/document/7984>

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 Site.

WAC 173-340-704¹⁰ 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 industrial land use were determined to be appropriate for soil contaminants at this Site, and Method A cleanup levels for unrestricted use were selected for groundwater. Method A was selected because cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available 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 are for this Site, the point of compliance is established as all soils throughout the Site (standard point of compliance). The Site has a conditional point of compliance for groundwater, which was established at the property boundary.

Table 1. Cleanup levels for soil and groundwater contaminants

Contaminant	Soil cleanup level (mg/kg)	Groundwater cleanup level (µg/L)
Arsenic	--	5
TPH	200	1,000
PCBs	10	--
Chromium	500	--
Mercury	1.0	--
Ethylbenzene	20	--
Xylenes	20	--

PCBs = polychlorinated biphenyls

µg/L = micrograms per liter

mg/kg = milligrams per kilogram

TPH = total petroleum hydrocarbons

¹⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

Cleanup action levels

In addition to the cleanup standards, a “cleanup action level” (like a remediation level) was established for TPH. The cleanup action level was used to determine at what point active remediation would be considered complete in each of the cleanup areas, as described below.

- Area 11 Sandblast Fill Area - Weyerhaeuser was required to excavate soil to the cleanup level of 500 mg/kg for chromium and 10 mg/kg for PCBs, or to the surface of groundwater. Chromium and PCBs in soil were the constituents of potential concern (COPC)s in this area.
- Area 12 Old Mill C - Weyerhaeuser was required to excavate soil to the cleanup action level (remediation level) of 1,000 mg/kg TPH, or to the surface of groundwater. The TPH action level could be modified with Ecology approval to 2,500 mg/kg if visually observable amounts of organic material were found during excavation.
- Area 14 Wood Chip Pile - Weyerhaeuser was required to excavate soil to the cleanup action level (remediation level) of 1,000 mg/kg TPH and cleanup level of 1.0 mg/kg mercury, or to the surface of groundwater. The TPH action level could be modified with Ecology approval to 2,500 mg/kg if visually observable amounts of organic material were found during excavation. TPH and mercury in soil were the COPCs in this area.
- Area 15 Fuel Tank Area - Weyerhaeuser was required to dismantle and scrap the 577,000-gallon fuel AST, remove the contaminated foundation located below the tank, and excavate soil to the cleanup action level (remediation level) of 1,000 mg/kg TPH, or to the surface of groundwater. TPH in soil was the COPC in this area.
- Area 16 Pulp Mill - Weyerhaeuser was required to excavate soil around the old lube oil shed to the cleanup action level (remediation level) of 1,000 mg/kg TPH, or to the surface of groundwater. TPH in soil was the COPC in this area.

Cleanup actions

Six of the 8 areas were selected for cleanup. These were: Areas 11, 12, 13, 14, 15, and 16. Cleanup methodologies used on the Site were soil excavation with off-site disposal and institutional controls (for the contamination left in place that exceeds cleanup levels). Cleanup of the Site was accomplished under a Consent Decree recorded in 1994.

Remediation at the Site was completed in 1995. Weyerhaeuser was required to backfill each excavation with clean fill. This was done during each of the listed efforts, with the findings documented by EMCON Consultants (EMCON) in a *Soil Remediation Completion Report*, dated February, 1995¹¹. EMCON concluded in this report that all soil remediation work required by

¹¹ February 1995, *Soil Remediation Completion Report for Weyerhaeuser Everett West Site*, prepared by EMCON Consultants.

the Consent Decree had been completed. Ecology concurred with EMCON's conclusions in a July 25, 1995 Memorandum.

Groundwater monitoring

Under the Consent Decree, Weyerhaeuser was required to perform groundwater monitoring quarterly for three years (1994, 1995, and 1996) and annually for two years (1997 and 1998). After the fifth year, the Decree required that Ecology and Weyerhaeuser exchange proposals to decide whether continued groundwater monitoring would be necessary to protect public health and the environment. This decision did not occur on schedule and instead, annual monitoring continued until 2009, with gaps from 2000 to 2003, and between 2004 and 2008.

In 2009, Weyerhaeuser submitted proposals to modify and/or end annual groundwater monitoring^{12,13}. Ecology responded that annual monitoring should continue, or Weyerhaeuser should conduct a study to demonstrate that remaining groundwater CUL exceedances were attributable to an off-property source.

A *Groundwater Compliance Monitoring Plan Addendum* was prepared in 2011 by Floyd Snider¹⁴ and approved by Ecology. The scope of work presented in the *Addendum* included restoration of the monitoring well network, annual groundwater sampling, and reporting requirements. Floyd Snider subsequently prepared and submitted a *Groundwater Compliance Monitoring Reporting Clarification* memorandum, dated February 13, 2012¹⁵, to document Weyerhaeuser's intent to conduct quarterly monitoring and reporting at the Site.

Quarterly groundwater monitoring of four monitoring wells (MW-1202R, MW-1203R, MW-1301R, and MW-1501R) was conducted in 2012 and 2013. With the exception of one arsenic exceedance in September 2012 (well MW-1301R), groundwater samples collected during this period were found to be compliant with cleanup levels at the conditional point of compliance established at the property boundary¹⁶. With Ecology's approval, Weyerhaeuser ceased groundwater sampling at the Site after July 2013.

Groundwater sampling has continued to be conducted at varying frequency as part of the Everett Smelter cleanup project¹⁷, which may have impacted the West Site. The Everett Smelter Project has only monitored one monitoring well located at the West Site and only for arsenic

¹² <https://apps.ecology.wa.gov/cleanupsearch/document/141459>

¹³ <https://apps.ecology.wa.gov/cleanupsearch/document/141460>

¹⁴ <https://apps.ecology.wa.gov/cleanupsearch/document/5713>

¹⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/141461>

¹⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/47280>

¹⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/4298>

(LLMW-01D, installed in 2013). The well is a “deep well”, installed at a total depth of 37 ft bgs. This well was sampled for four consecutive quarterly monitoring events in 2013, once in 2023, and once in 2024. Groundwater samples collected from well LLMW-01D have contained total and dissolved arsenic at concentrations up to 38 µg/L, which exceeds the MTCA cleanup level.

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 June 1, 1995, institutional controls in the form of an restrictive covenant¹⁸ (Covenant) were recorded for the Site. .

The Covenant recorded for the Site imposes the following limitations:

Section 1. No groundwater may be taken for domestic purposes from any well at the West Site. No residential development may take place on the Site.

Section 2. Any activity on the West Site that may interfere with the Cleanup Action is prohibited. Any activity on the West Site that may result in the release of a hazardous substance that was contained as part of the Cleanup or Interim Cleanup Action(s) is prohibited; provided, however, if future activity on the West Site disturbs or otherwise releases hazardous substances remaining on-site, such substances shall be either (a) removed from the Site and disposed of in accordance with the terms and conditions of the Consent Decree or (b) re-contained on the Site in accordance with the terms and conditions of the Consent Decree. In accordance with the terms and conditions of the Consent Decree, a final report titled Soils Remediation Completion Report for Weyerhaeuser Everett West Site was prepared and identified two locations (CS-1513 and CS-1514) that have contained residual concentrations of petroleum substances that exceed cleanup action levels. CS-1513 is located at N 373,867.1 and E 1,306,845.3. CS-1514 is located at N 373,876.5 and E 1,306,829.0.

Section 3. The owner of the West Site must give written notice to the Department of Ecology, or to a successor agency, of the owner’s intent to convey any interest in the West Site. No conveyance of Title, easement, lease or other interest in the West Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action.

Section 4. The owner must notify and obtain approval from the Department of Ecology, or from a successor agency, prior to any use of the West Site that is inconsistent with the terms of this Restrictive Covenant. The Department of Ecology or its successor agency may approve such a use only after public notice and comment.

Section 5. The owner shall allow authorized representatives of the Department of Ecology, or of a successor agency, the right to enter the West Site at reasonable times for the purpose of evaluation compliance with the Cleanup Action Plan and the Consent Decree, to take samples,

¹⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/29692>

to inspect Cleanup Actions conducted at the West Site, and to inspect records that are related to the Cleanup Action.

Section 6. The owner of the West Site and the owner's assigns and successors in interest reserve the right under WAG 173-340-740 and WAC 173-340-440 (1991 ed.) to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the West Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or successor agency. The Department of Ecology or a successor agency may consent to the recording of such an instrument only after public notice and comment.

Removal from the Hazardous Sites List

In March 2015 the Weyerhaeuser Everett West Site was proposed for removal from the Hazardous Sites List pursuant to WAC 173-340-330(7). A public comment period regarding the proposal was held from March 6th to April 6th, 2015. No comments were received. The Site has been removed from the Hazardous Sites List.

Periodic Review

Effectiveness of completed cleanup actions

During the Site visit Ecology conducted on November 2, 2023, Ecology was able to visually assess and document the integrity of containment at the Site. Ecology also verified the location and condition of several monitoring wells. A photo log is in Appendix C.

The Site currently has several commercial/industrial tenants, including Everett Engineering, Inc. (machine shop), SP Systems LLC (boat repair), Ace Metals, and Cadman. In 2020, Cadman installed and began operation of a thermal desorption unit to treat contaminated soil imported to the facility.

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 1995. 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.

The Consent Decree states that soils left in place that exceed cleanup levels must be noted on the property deed (Consent Decree 94 2 07559 2, Exhibit B, page B-18). Ecology communicated this requirement to Weyerhaeuser via electronic communication on September 23, 2016. However, the Covenant has not yet been amended or superseded with a new Covenant.

The existing Covenant does not appear to accurately reflect the contaminated soils that were left in place that exceed cleanup levels (see figure in Appendix B, which shows the contaminated areas as compared to the remedial excavations). The Covenant references two locations (samples CS-1513 and CS-1514) that exceed “cleanup action levels”. As previously described in this report, cleanup action levels (like remediation levels) were used to determine at what point “active remediation” (excavation) was considered complete. These levels are different than cleanup levels. Soils exceeding cleanup levels require institutional controls in order for the cleanup action to be protective of human health and the environment. The Covenant should accurately notify future property owners of, and place restrictions on, all contaminated areas.

In addition, MTCA Method A soil cleanup levels for industrial land use were selected at the Site. However, the Covenant does not restrict land use to industrial, which is required when using cleanup levels for industrial land use. This requirement is also noted in the Consent Decree (Consent Decree 94 2 07559 2, Exhibit B, page B-22).

Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil and groundwater at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by excavation, off-site disposal, and the use of clean backfill in the remedial excavations.

However, it is unclear whether the areas with remaining contaminated soils were capped, since it was not referenced in the 1994 Cleanup Action Plan or 1995 Soil Remediation Completion Report. Contaminated soils were identified during the remedial investigations between approximately the surface and 6 feet bgs¹⁹. This is likely not a concern in the remedial excavation areas (which were excavated to comply with remediation levels), since clean backfill was used. But may be a concern in the areas where contaminated soils were left in place above cleanup levels (see figure in Appendix B). There is a potential risk of exposure or release of Site contaminants in uncapped areas.

In addition, Ecology observed a portion of the Site being graded during the Site visit (in Area 17, where there was a structure fire in 2016). Ecology was not contacted regarding this work. However, this area does not appear to contain contaminated soils left in place as part of the cleanup action. Additionally, the grading may have been fill that was brought to the Site, based on the elevation of the ground surface (several feet above the surrounding surface), material characteristics (Type 17 fill), and satellite imagery of what appeared to be stockpiles of imported material in that area.

Ground disturbing activities at the Site could result in the release or exposure of contaminants contained as part of the cleanup action. Ecology’s approval should be obtained in advance of

¹⁹ <https://apps.ecology.wa.gov/cleanupsearch/document/7984>

ground disturbing activities in the future, and the Covenant should accurately reflect the contaminated areas.

Protection of groundwater

Soils with TPH at concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, most of the contaminated soil source material has been removed. Groundwater concentrations of Site contaminants of concern were confirmed to be below the Method A cleanup levels as of July 2013, and Ecology has since approved the cessation of groundwater monitoring.

Well MW-1203R was identified during Ecology's October 2023 site visit. The well is located at the north end of the property, at the top of the Snohomish riverbank. Cracks were observed in the ground surface surrounding the well, and the slope appeared to be actively caving toward the river (see photograph 6 in Appendix C).

Protection of surface water

Protection of stormwater discharge to surface water bodies was not specifically discussed in the consent decree or environmental covenant. However, large areas of standing stormwater were observed in the northern paved portion of the property (particularly in cleanup area 12, see photograph 3).

Some areas of the Site are unpaved, and it is unknown whether remaining contaminated soils were capped, as previously discussed. This could be a potential concern with regards to stormwater runoff to the Snohomish River.

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 Site.

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

Stormwater discharge permit

The Cadman facility, located in the western portion of the Site, has permit coverage under Ecology's Industrial Stormwater General Permit (ISGP), managed by Ecology's Water Quality Program (WQP). This permit is required because an industrial facility is discharging stormwater to the Snohomish River and is unrelated to the cleanup site or consent decree managed by Ecology's Toxics Cleanup Program (TCP).

The permit number is ISGP #WAR307781 and the facility name on the permit is Delta Site Soil Thermal Desorption Unit. Permit violations were identified during the February 16, 2023, inspection by the WQP. The permittee worked with the WQP to address the violations.

Climate change resiliency

Since completion of the Site cleanup, Ecology has issued guidance for increasing the resiliency of cleanups to climate change impacts (*Sustainable Remediation: Climate Change Resiliency and Green Remediation*²⁰). The current guidance provides evaluation criteria for five site-specific risk categories:

- Sea level rise and coastal inundation
- Flooding
- Wildfire
- Landslide and erosion
- Drought

Since a climate vulnerability assessment has not previously been conducted for the Site, the TCP Maps Climate Change analytical tool was used to assess potential vulnerabilities, per the guidance.

The TCP Maps Climate Change analytical tool indicates that portions of the Site are in a 500-year storm historic flooding area, which may be at increased risk due to sea level rise. The TCP analytical tool also indicates that portions of the Site may be at greater risk if sea level were to rise approximately 4 feet.

To evaluate the likelihood of that increment of sea level rise, the UW Climate Impacts Group tool was used²¹. The UW tool indicates that the probability of a 4-foot rise in sea level is very unlikely in the next 60 years. In approximately 100 years, the probability increases to 5 to 10%. A climate change vulnerability assessment does not appear to be warranted at this time, but may be in the future.

Current and projected Site and resource uses

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

²⁰ <https://apps.ecology.wa.gov/publications/documents/1709052.pdf>

²¹ [Interactive SLR Projection Tools | Washington Coastal Hazards Resilience Network \(wacoastalnetwork.com\)](#)

Availability and practicability of more permanent remedies

The remedy implemented included containing hazardous substances. While more permanent remedies may be available, they may not be practicable at this Site.

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 Site.

Conclusions

The periodic review concluded that the remedy may not be adequately protective of human health and the environment. The findings include:

- The Consent Decree required a land use restriction since MTCA Method A soil cleanup levels for industrial land use were selected at the Site. The existing Covenant does not restrict land use to industrial and should be amended or replaced.
- The Consent Decree states that soil left in place that exceeds cleanup levels must be noted on the property deed. The existing Restrictive Covenant does not accurately describe these contaminated areas. The Covenant only references two sample locations in one area that exceeded remediation levels (which were used to determine at what point the remedial excavations were considered complete). Soils exceeding cleanup levels that were left in place throughout the Site require institutional controls in order for the remedy to be protective of human health and the environment. The Covenant should accurately notify future property owners of, and place restrictions on, all contaminated areas.
- It is unclear whether the areas with remaining contaminated soils were ever capped. Contaminated soils were identified during the remedial investigations between approximately the surface and 6 feet bgs. This is unlikely to be a concern in the remedial excavation areas (which were excavated to comply with remediation levels), since clean backfill was used, but may be a concern in the areas where contaminated soils were left in place above cleanup levels. There is a potential risk of exposure or release of Site contaminants in uncapped areas with shallow soil contamination.
- Ecology observed grading activities during the Site visit. Ground disturbing activities could result in the release or exposure of contaminants contained as part of the cleanup action, which is restricted by the Covenant. Ecology's approval should be obtained in advance of ground disturbing activities in the future.

- Monitoring well MW-1203R is located at the north end of the Site, at the top of the Snohomish riverbank. Cracks were observed in the ground surface surrounding the well, and the slope appeared to be actively caving toward the river. This well should be repaired or replaced. Alternatively, if this well and the other 3 monitoring wells for the Site (MW-1202R, MW-1301R, and MW-1501R) are no longer being used for monitoring, they should be properly decommissioned.

Next steps

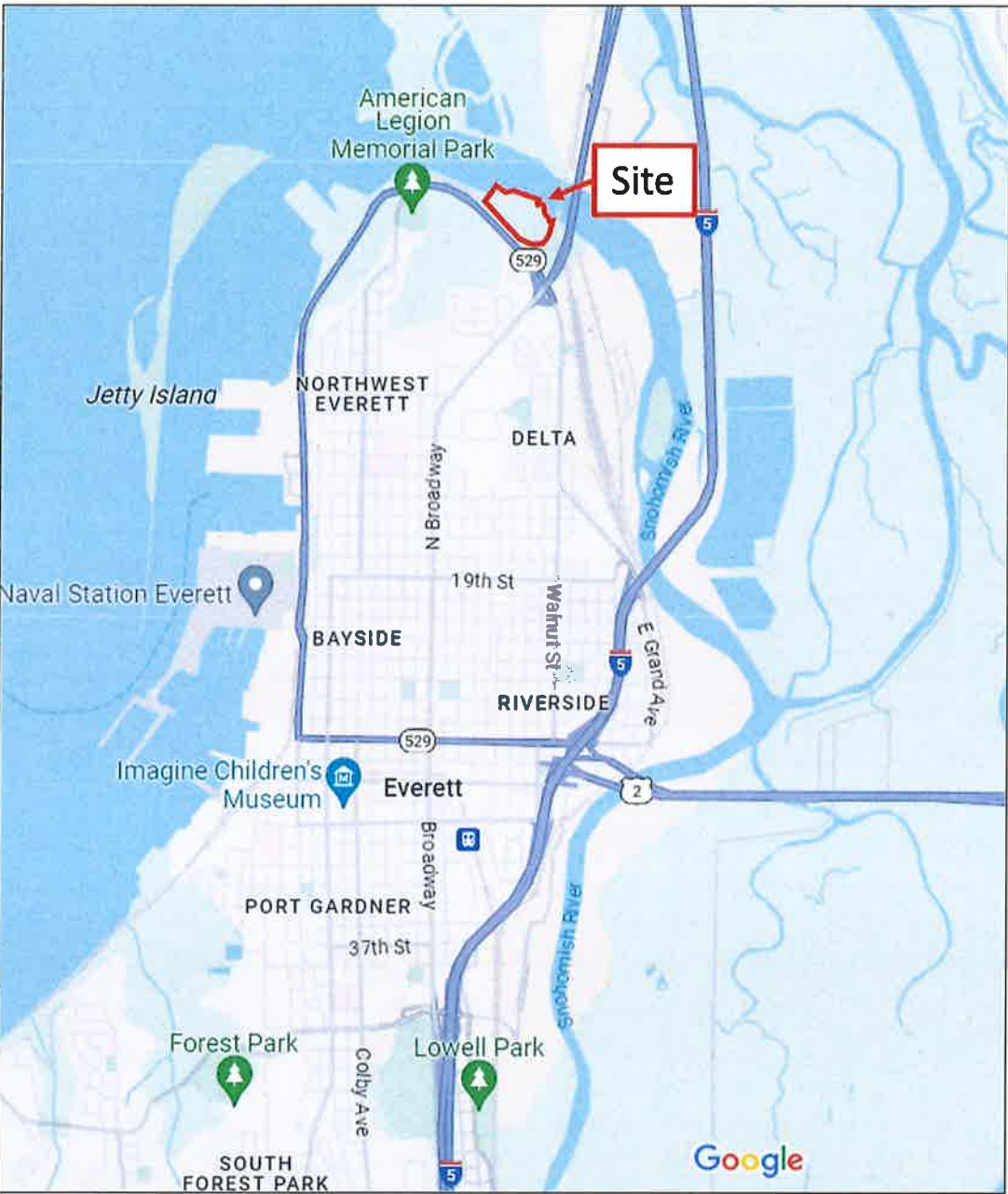
Ecology will work with the PLP and/or property owner to address these concerns.

The PLP and/or property owner is responsible for continuing to inspect the Site to ensure the integrity of the cleanup action is maintained, including preventing the exposure or release of Site contaminants.

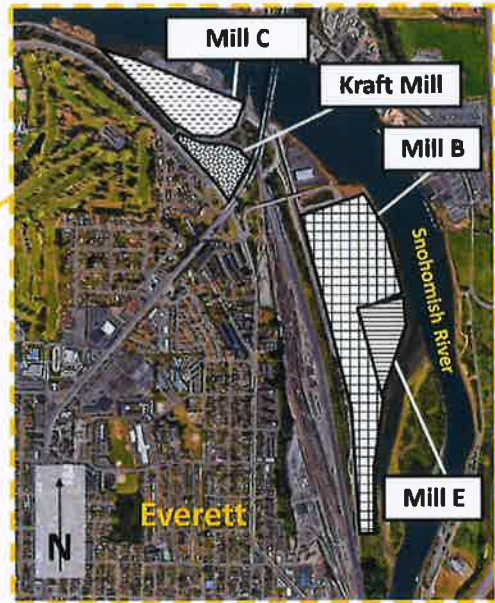
Next review

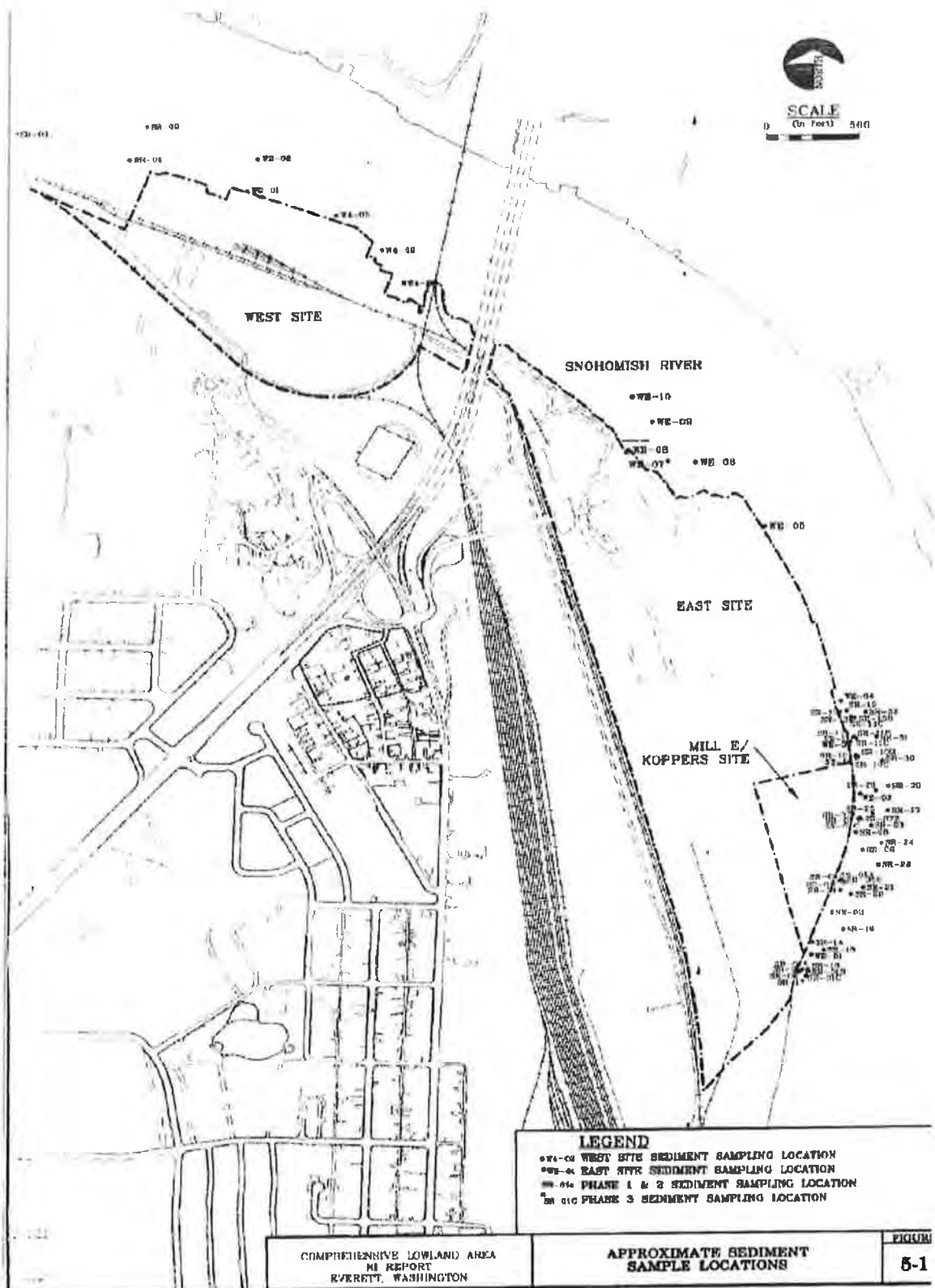
Ecology will schedule the next review for the Site five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years after those activities are completed.

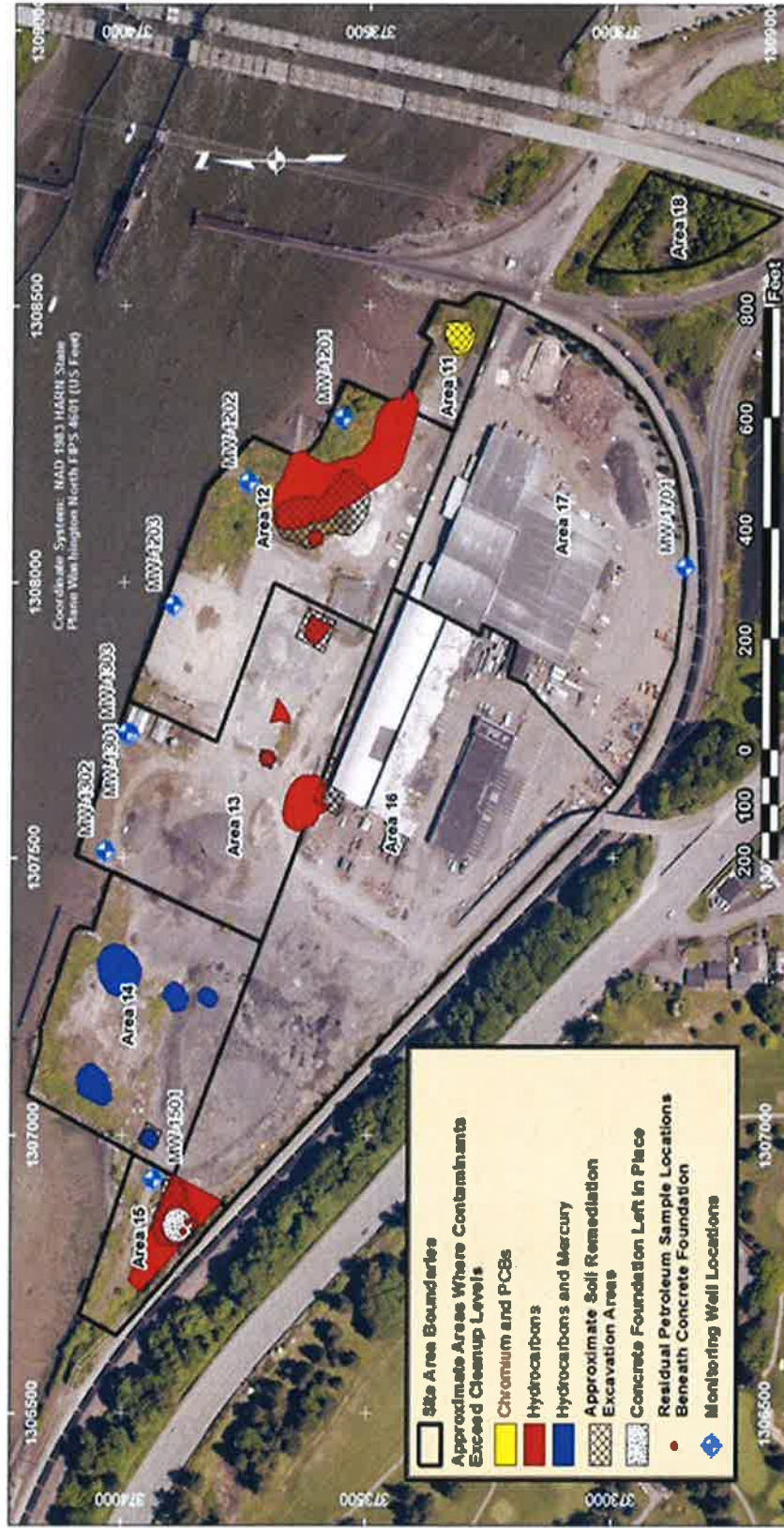
Appendix A. Vicinity Maps



Historic Weyerhaeuser Mills | Everett, WA







Soil remediation excavation areas and areas where contaminants exceed cleanup levels. Contamination limits from Exhibit B, Figure 2, of the 1994 Prospective Purchaser Consent Decree. Approximate excavation areas from EMCON, 1995, Figure 2-1.

Appendix C. Photo Log

Photo 1: Soil Thermal Desorption Facility operated by Cadman.



Photo 2: Northwest corner of the property (Cleanup Area 15 located in the forested area beyond gravel road).



Photo 3: Flooded ground surface, looking east toward former Mill C (Cleanup Area 12).



Photo 4: Looking south, footprint of former building, demolished following a 2016 structure fire. Area was being graded during Site visit.



Photo 5: Graveled material/equipment storage area, looking northwest, toward Cleanup Area 12 (vegetated area in background).



Photo 6: Well MW-1203R looking northwest, toward the Snohomish River. Slope failure can be seen adjacent to the well.



Photo 7: Photograph locations



EXHIBITS

Section

EXHIBIT A

Land Use

Area 13 Powerhouse, Recovery, and Causticizing	TPH-O(extended)
Area 14 Northern Chip Storage	TPH-O(extended), & Mercury
Area 15 Fuel Tank Area	TPH-O(extended)
Area 16 Pulp Mill	TPH-O(extended), ethylbenzene, & total xylenes

4.0 MEDIA CLEANUP LEVELS

4.1 Selection of Method for Establishing Cleanup Levels

The Model Toxics Control Act Cleanup Regulation provides three methods for determining cleanup levels at a contaminated site. The methods are known as Method A, Method B, and Method C. Method A applies to relatively straight forward sites that involve only a few hazardous substances. The method defines cleanup levels for 25 of the most common hazardous substances. The method also requires that the cleanup meet promulgated federal and state regulations such as the maximum contaminant levels established by the clean water act. Method B is a standard method that can be used at all sites. The clean up levels are set using a site risk assessment which focuses on site characteristics or concentrations of individual hazardous substances established under applicable state and federal laws. Method C is similar to Method B. The main difference in the two methods is that the life time cancer risk is set at a lower number. The method can be only used when either Method A or Method B are technically impossible, the site is defined as an industrial site, or where is attainment of Method A or Method B cleanup levels has the potential for creating a significantly greater overall threat to human health and the environment. In addition, Method C also requires that the person undertaking the action comply with all applicable state and federal laws.

In addition to a cleanup standard, the Weyerhaeuser Everett site will have a cleanup action level established for total petroleum hydrocarbons. The cleanup action level determines at what point the remediation is considered complete. The action level will determine the amount of soil remediated at the site.

The Weyerhaeuser West Site is considered a routine site where Method A industrial soil standards can be used along with Method A ground water standards. The site is considered an Industrial site because it is zoned heavy industry currently and for the foreseeable future. The individual cleanup standards set for

Exhibit A Zoning and Land Use

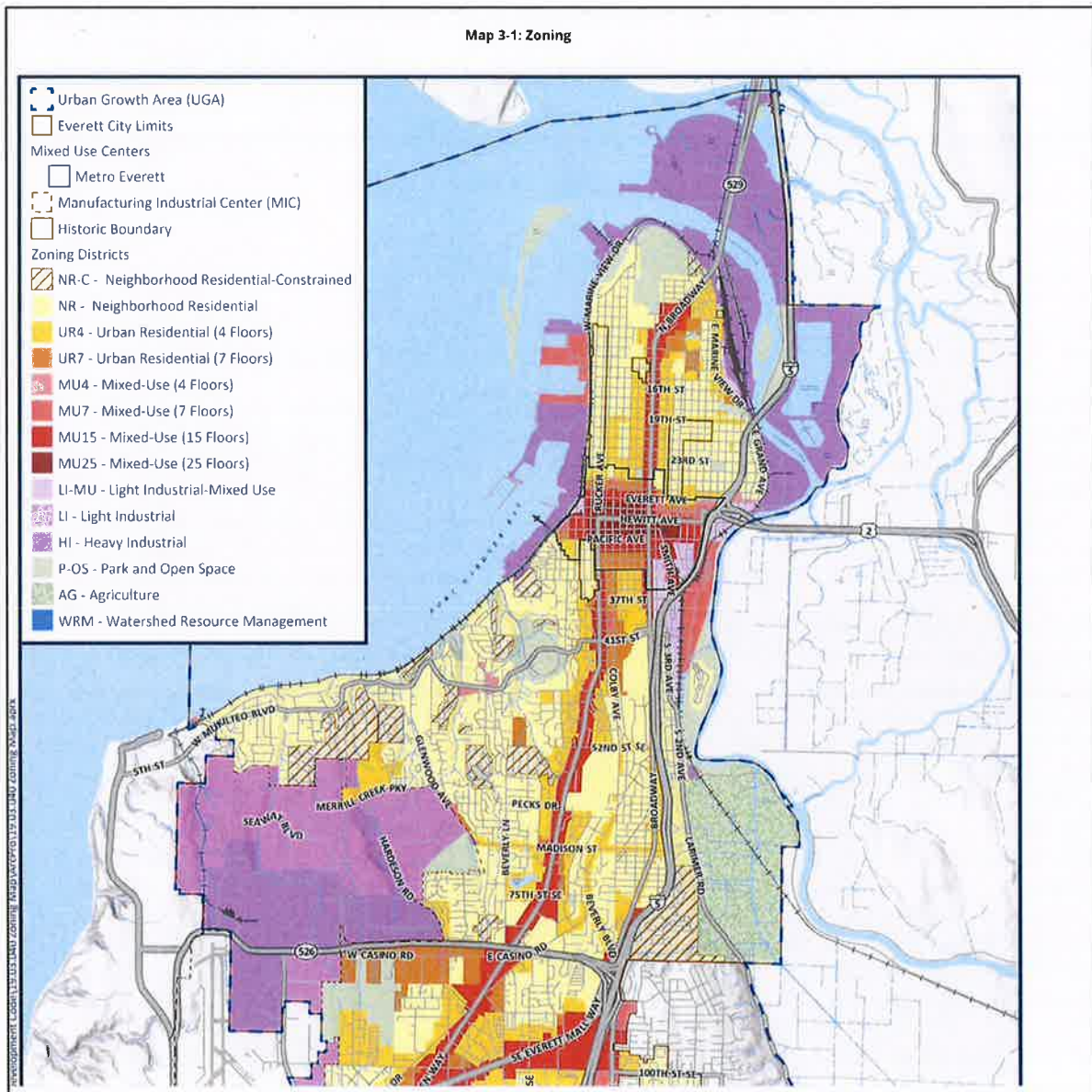


Figure A1. Everett Municipal Code Zoning Designations

Exhibit A Zoning and Land Use

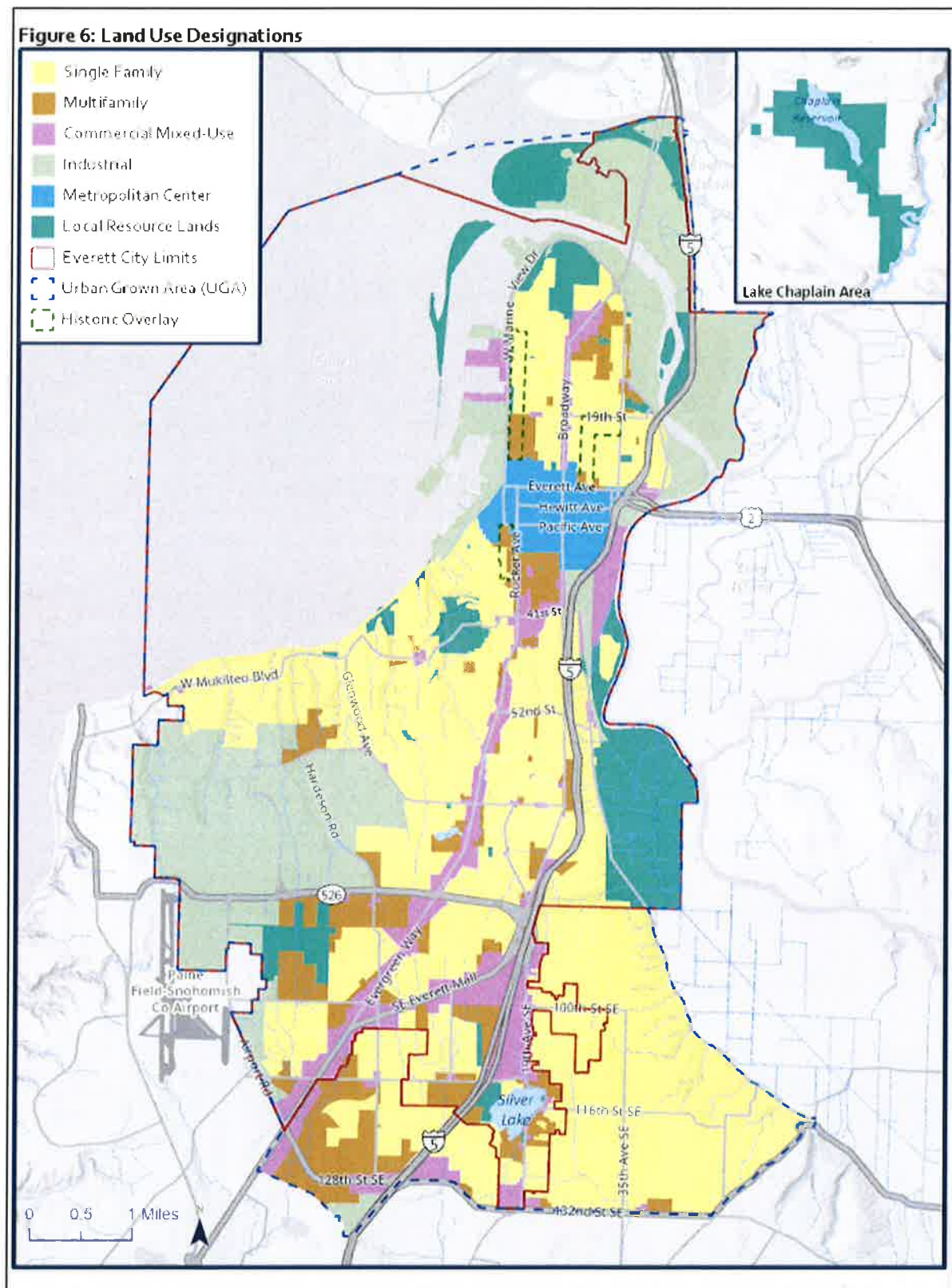


Figure A2. Everett Comprehensive Plan Land Use Designations

Exhibit A Zoning and Land Use

 EVERETT 2044 DEVELOPMENT REGULATIONS CHAPTER 19.05 – USES (COMPARISON FORMAT)		
CHAPTER 19.05 EMC – ZONING DISTRICTS AND MAPS		
Note: For easier comparison and review, proposed amendments to the use matrices of EMC 19.05 are provided along with definitions from EMC 19.04 and existing use classifications, and proposed changes alongside existing classifications. Proposed changes to special regulations are indicated in track changes. Not all zones are shown for readability. Consult everett.municipal.codes/EMC/19.05 for full details on existing zoning. Proposed zones are explained below based on the proposed purpose statements in Chapter 19.03 EMC.		
Zoning Districts (from Chapter 19.03)		
Abbr.	Name	Definition
HI	Heavy Industry	The purpose of the heavy industry zone is to provide for and protect certain areas of the city for heavy manufacturing uses. This zone is also intended to: a. Provide and protect areas of the city for marine-related commerce, while striking a balance with the need for limited commercial uses; b. Preserve Everett's "working waterfront" character; and c. Further the goals of the Everett comprehensive plan and shoreline master program relating to public access to and enjoyment of the shoreline
LI	Light Industry	The purpose of the Light Industry (LI) zone is to support industrial development and uses and those that are highly complementary, prohibit incompatible uses, concentrate employment, and mitigate adverse impacts on adjacent residential zones.
LI-MU	Light Industry-Mixed Use	The purpose of the Light Industry-Mixed Use (LI-MU) zone is to accommodate a diverse range of uses, including support existing light industrial and manufacturing uses while providing opportunities for the addition of commercial, with additional opportunities for and residential uses.
MU-XX	Mixed Urban	The purpose of the Mixed Urban zones are to provide for medium-scale residential and commercial development.
UR-XX	Urban Residential	The purpose of the Urban Residential zones are to permit low- to moderate-scale residential development along with limited opportunities for neighborhood commercial development
NR	Neighborhood Residential	The purpose of the Neighborhood Residential is to provide for a variety of housing opportunities while limiting the scale of buildings to three floors or less to be complimentary to existing neighborhood scale and bulk.
NR-C	Neighborhood Residential - Constrained	The purpose of the Neighborhood Residential-Constrained zone is to reduce risk from hazards in areas with limited access by providing for a continuation of established development patterns and limiting growth potential.

Figure A3. Everett Municipal; Code Zoning Definitions

EXHIBIT B

Excavation 15

Soil Sample Results

Exhibit B

Excavation 15 Soil Sample Results

Table 3-8

Excavation 15 Soil Sample Results
Weyerhaeuser Everett West Site

Sample Number	Date Collected	Sample Location (see figure)	Sample depth (feet)	TPH-D (mg/kg)	TPH-O (mg/kg)	Extract color		Woodwaste (%)
						Before cleanup	After cleanup	
CS-1501	11/15/94	Perimeter (1)	0-3.5	380	320	Light brown	Clear	33
CS-1502	11/15/94	Perimeter (2)	0-3.5	150	220	Dark brown	Yellow	50
CS-1503	11/15/94	Perimeter (3)	0-3.5	150	130	Light brown	Yellow tint	68
CS-1504	11/15/94	Perimeter (4)	0-3.5	300	440	Medium brown	Clear	50
CS-1505	11/15/94	Perimeter (5)	0-3.5	55	92	light brown	Clear	68
CS-1506	11/15/94	Perimeter (6)	0-3.5	58	88	Dark brown	Yellow tint	50
CS-1507	11/15/94	Perimeter (7) x	0-3.5	10,000	5,400	Black	Yellow	33
CS-1508	11/16/94	Perimeter (8)	0-3.5	85	170	Medium brown	Clear	99
CS-1509	11/16/94	Perimeter (9)	0-3.5	68	130	Medium yellow	Clear	99
CS-1510	11/16/94	Perimeter (10)	0-3.5	180	120	Medium yellow	Clear	25
CS-1511	11/16/94	Perimeter (11)	0-3.5	250	330	Medium yellow	Clear	99
CS-1512	11/16/94	Perimeter (12)	0-3.5	120	210	Medium yellow	Clear	95
CS-1513	11/16/94	Beneath Foundation (13)	2	1,000 y	2,200 y	Medium brown	Pale Yellow	68
CS-1514	11/16/94	Beneath Foundation (14)	2.5	1,000 z	3,400 z	Medium yellow	Pale Yellow	90
CS-1515	11/23/94	Near Perimeter (7)	0-3	320	1,100	Dark brown	Light brown	10
CS-1516	11/23/94	Beneath Foundation (14)	3	200 z	830 z	Dark brown	Yellow	10
Weyerhaeuser West Site Consent Decree Cleanup Action Level (mg/kg):				1,000/2,500	1,000/2,500			

Note: Woodwaste content (%) were visual estimates.
 x = sample location was over excavated and resampled, data were not used in statistical analysis.
 y = initial results were above the normal calibration range. The sample was diluted and reanalyzed.
 z = sample location was resampled, average result was used in the statistical analysis.

Figure B1. Excavation 15 Soil Sample Results

Two of the soil samples, one from the excavation (CS-1507), and one from beneath the tank concrete foundation (CS-1514), exceeded the action level of 2,500 mg/kg for either TPH-D and TPH-O. Additional soil was excavated from the CS-1507 location, and sample CS-1515 was collected from the over excavated area. In hand-auger boring CS-1514, sample CS-1516 was collected from a deeper interval to evaluate soil quality immediately above the groundwater interface beneath the concrete tank foundation. Both these soil samples were below the TPH-D and TPH-O action level of 2,500 mg/kg. The tank concrete foundation was left in place and covered with clean sand. Following sampling, surface holes and cracks were sealed with grout and the foundation was covered with clean sand. An estimated 322 cy of soil were excavated from Area 15.

Figure B2. Tank Concrete Foundation Abandonment

Exhibit B
Excavation 15 Soil Sample Results



Figure B3. Area 15 Aerial Photograph Taken July 07, 2024

EXHIBIT C

Clean Backfill Citations

1 and 14. Continue to excavate contaminated soil until soil
2 action levels have been attained or until the surface of ground
3 water is reached. All soil and water sampling performed
4 pursuant to this Decree shall be conducted by a laboratory
5 accredited under chapter 173-50 WAC.

6 7. Transport contaminated soil by rail or tractor-trailer truck to
7 appropriate off-site landfill that has been approved by Ecology
8 for the specific type of waste being disposed. Tractor-trailer
9 trucks shall use only arterial streets when transporting
10 contaminated soil and clean fill.

11 8. Fill excavations with clean backfill.

12 9. Prepare and submit ground water compliance monitoring plan that
13 meets the requirements of WAC 173-340-410 and 173-340-720.

14 Implement monitoring plan after approval of Ecology. Ground
15 water cleanup standards for the site shall be MTCA method A
16 ground water standard of 5.0 ug/l As and 1000 ug/l TPH-D.
17 Ground water shall be monitored quarterly for years one through
18 three and annually for years four and five starting January 1,
19 1994. Ground water shall be analyzed for TPH, and dissolved As.
20 At the end of the five year period, Ecology and Weyerhaeuser
21 shall exchange proposals to amend this Consent Decree (pursuant
22 to Section XV AMENDMENT OF CONSENT DECREE) with regard to
23 whether continued ground water monitoring is necessary to
24 protect public health or the environment, and if so, what would
25 constitute an appropriate monitoring regime. If the two parties
26 can not agree to amend the ground water monitoring plan, then

Deed restrictions on ground water would be necessary at the site. Monitoring of ground water would not be necessary.

Costs for this alternative consist of capital costs only. No ongoing operational or maintenance costs have been included. The estimated total cost is \$1,900,000.

Alternative 4 - Excavation to a Set Action Level and Landfill Disposal

This alternative would consist of excavation of contaminated soils which exceeds a action level of 2,500 mg/kg TPH-O(extended). The alternative would leave contaminated material on site that exceeds the cleanup standard of 200 mg/kg TPH-O(extended). After excavation the resulting pit would be filled with clean imported backfill. The contaminated soils would be shipped by rail or truck to an approved landfill. The clean back fill would serve as a surface cover and prevent direct contact with the material.

Institutional controls would be required in the form of a deed restriction limiting further site use to industrial activities and preventing shallow ground water withdrawal for drinking purposes. The remedy would also require a ground water monitoring program to determine the effectiveness of the removal of the contaminated source material.

Costs for this alternative consist of capital costs of \$1,220,000 with a cleanup action level of 200 mg/kg TPH. This cost is dependent on the cleanup action level chosen for the site. At 2,500 mg/kg TPH action level the capital costs drop to \$216,000. Annual ground water compliance monitoring is estimated to cost \$7,000 per year and would be reduced at year four.

SELECTION OF CLEANUP ALTERNATIVE

6.0 INTRODUCTION

The cleanup strategy proposed by Ecology is similar to alternative 4 proposed by Weyerhaeuser. This strategy assumes that the area around the site will be used for industrial purposes for the foreseeable future. Ecology used remedy 4 proposed by Weyerhaeuser with a cleanup action level of 1,000 mg/kg TPH-O(extended). Weyerhaeuser proposes a cleanup action level of 2,500 mg/kg TPH-O(extended). The rationale for Ecology cleanup action level 1,000 mg/kg TPH-O(extended) is given below along with a more detailed description of the remedy.

The Weyerhaeuser site is located bordering the Snohomish River. Data from a closed landfill off site indicate that the upper aquifer of the site may be partially connected to the Snohomish

EXHIBIT D

Monitoring Wells

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions for the soil contamination completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site as two areas have TPH remaining (CS-1513 and CS-1514) according to Section 2 of the covenant; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met. The covenant may be amended if warranted, after concurrence by Ecology.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action. There is also a Consent Decree and Cleanup Action Plan (Exhibit B of the Consent Decree) in effect.
- Groundwater monitoring conducted between December 2011 and July 2013 demonstrated that groundwater meets cleanup levels at the conditional point of compliance established at the property boundary (Floyd/Snider, 2013). Groundwater sampling will no longer be required for the periodic review.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions for the soil contamination are required by the property owner. Groundwater has met cleanup levels.

Ecology has determined that the Weyerhaeuser Everett West Site meets the requirements for removal from the Hazardous Sites List (WAC 173-340-330(7)). Ecology proposes to remove the Site from the Hazardous Sites List subsequent to, and after consideration of, public comment.

It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the remedy is maintained.

4.1 Next Review

The next review for the site will be scheduled five years from the date of this periodic review. The minimum scope of the review will be to assess whether the requirements of the Restrictive Covenant continue to be met. Additional review elements may be included if identified. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.