



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 17, 2026

Erik Gerking
Port of Everett
PO Box 538
Everett, WA 98206

Re: Port of Everett Site Pause Request - 022626

Dear Erik Gerking:

The Washington State Department of Ecology (Ecology) has reviewed the letter; *Port of Everett Site Pause Request*, dated February 26, 2026. Ecology approves the site hold requests, with stipulations for the following sites:

- **Bay Wood Products**
 - Cleanup Site ID (CSID): 2581
 - Facility Site ID (FSID): 4438651
 - Agreed Order (AO): DE 5490

- **TC Systems**
 - CSID: 628
 - FSID: 10587741
 - AO: DE 7818

- **Kimberly Clark**
 - CSID: 2569
 - FSID: 9
 - AO: DE 9476

- **East Waterway**
 - CSID: 4297
 - FSID: 2733
 - AO: DE 11350

The site hold requests are approved until February 28, 2027. If Ecology does not receive a new site hold request by January 31, 2027, Ecology expects work to proceed on the sites according to the schedules outlined in the AOs. Three of the sites have been on hold since May 2024, and Ecology is not open to indefinite holds for these or any other sites.

Ecology requests the Port of Everett (Port) to schedule a meeting on continued site holds prior to the Port submitting any further requests in 2027.

Grant funding on cleanup sites is not a guarantee. The lack of grant funding, or a general lack of funding/staff, is not an acceptable reason to put sites on hold/continue site holds. This is explained in the Extension of Schedule section in all the AOs in place on the four sites. Ecology requests that the Port review each site's AO, specifically the Extension of Schedule section. The quote below from Bay Wood Products AO DE 5490 is the general language in all AOs.

K. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

a. The deadline that is sought to be extended.

b. The length of the extension sought.

c. The reason(s) for the extension.

d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the Port to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause includes, but may not be limited to:

a. Circumstances beyond the reasonable control and despite the due diligence of the Port including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the Port.

b. Acts of God, including fire, flood, blizzard, extreme temperatures, earthquake, storm, or other unavoidable casualty.

c. Endangerment as described in Section VIII.M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the Port.

3. Ecology shall act upon any written request for extension in a timely fashion.

Ecology shall give the Port written notification in a timely fashion of any extensions granted pursuant to the Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.L (Amendment of Order) when a schedule extension is granted.

4. An extension shall be granted only for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

a. Delays in the issuance of a necessary permit which was applied for in a timely manner.

b. Other circumstances deemed exceptional or extraordinary by Ecology.

c. Endangerment as described in Section VIII.M (Endangerment).

Future site hold requests need to clearly state the information required, as stated above in the Extension of Schedule of the AOs. The restart date and reasons for the site hold requests need to be clearly defined.

Ecology is requesting that the Port secure new consultants for all the sites in 2026. Ecology would also like to clarify some of the facts presented in the Site Pause Request.

Bay Wood Products

Formally On Hold Since: May 2024

Grant Status: Ecology did not retract funds from the site. It was mutually agreed upon as work was not progressing. As stated in the Port's letter dated May 16, 2024 "the Port agreed to release all of its grant funding for the Bay Wood project in early 2024.". In order to obtain new grant funding, the Port needs to reapply during the remedial action grant application period.

Stage of Work: It should be noted that the marine cleanup has not been addressed. Ecology agrees that the shoreline has been stabilized.

Consultant Status: Ecology's understanding is that the Port did not retain the site consultant on Bay Wood Products due to the Port changing consultants on a different project that had the same consulting firm managing the site. The port has yet to sign a contract with a new consulting firm on the project. At the November 2025 Annual Meeting between Ecology and the Port, Ecology requested the Port notify Ecology what they will be doing for a consultant at Bay Wood Products since there was uncertainty if they would be retaining the consultant. Ecology received the response from the Port, via the Site Pause Request letter.

2026 Activities: Along with the items stated by the Port, the Port needs to obtain a consultant for the site and be prepared to continue working on the site.

TC Systems

Formally On Hold Since: May 2024

Stage of Work: Ecology's expansion of the site was due to the presence of contamination extending beyond the previous site boundaries.

Kimberly-Clark Worldwide

Hold Requested: February 26, 2026. This hold request was approved due to ongoing City of Everett work along Marine View Drive, which borders the site.

Consultant Status: Ecology was not clearly notified at the time the port lost its consultant or why. Since then, no new consultant has been contracted for the site.

Notes: The site hold for Kimberly Clark will not be extended past February 28, 2027, to enable the Port to retain the current grant funding. The schedule from AO DE 9476 will restart on February 28, 2027, with the draft Cleanup Action plan due 120 days later.

East Waterway

Formally On Hold Since: May 2024

Stage of Work: Ecology has not received a workplan to start the remedial investigation yet. There have been discussions on options to work on the site in stages.

Consultant Status: The Port notified Ecology their consultant was retiring in 2024. Ecology requested the Port proceed to get a new consultant for the site in 2025, which did not occur.

Ecology looks forward to continuing the work on these sites with the Port. If you have any questions or concerns regarding this letter, please contact me at ryan.hardwick@ecy.wa.gov or at 360-280-3895.

Sincerely,



Ryan Hardwick
Toxics Cleanup Program
Headquarters Cleanup Section

cc: Jake Kirschner, Port of Everett
Steve Thiele, Port of Everett Legal Counsel
John Level, Office of the Attorney General
Amy Hargrove, Ecology
Erik Snyder, Ecology