



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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CERTIFIED MAIL

December 16, 2013

Les Reardanz, Chief Administrative Officer
Port of Everett
1205 Craftsman Way
Everett, Washington 98201-1588

- Name: North Marina West End Site
- Location: Between 11th and 14th Streets off West Marine View Drive, Everett, WA
- Facility Site No: #3306834

RE: North Marina West Ends Site – Completion of Cleanup Action Tasks; Consent Decree, Snohomish County Superior Court No. 11-2-10367-4

Dear Mr. Reardanz:

On December 9, 2011, the Washington State Department of Ecology (Ecology) and the Port of Everett (Port) and American Construction Co. (ACC) entered a Consent Decree for the North Marina West End Site (Site) in Snohomish County Superior Court. The Consent Decree's Cleanup Action Plan (CAP) required the Port and ACC to conduct compliance monitoring along the shoreline, and monitoring the sediment at one location in the southeast corner of the in-water area of the Site. The CAP also required the Port to place a restrictive covenant on the Site.

The Port and ACC have completed the long-term compliance sampling identified in the CAP. Long-term compliance sampling included groundwater monitoring from eight existing wells along the shoreline on a quarterly basis for one year to demonstrate compliance with arsenic, copper, and vinyl chloride groundwater cleanup standards. In addition, sediment compliance monitoring was conducted from one location in the in-water area adjacent to the 14th Street bulkhead to demonstrate compliance with the sediment cleanup standard for fluoranthene. All long-term compliance monitoring results are presented in the December 6, 2013, fourth quarter compliance monitoring report for the Site.¹

¹ Landau Associates, 2013. *Report 4Q12 Compliance Monitoring, North Marina West End Site, Everett, Washington*. Prepared for Port of Everett, Washington. December 6, 2013.



The results of sediment compliance monitoring indicated that the concentration of fluoranthene is below its sediment cleanup level. As a result, further sediment compliance monitoring at the Site for fluoranthene by the Port and ACC is not required.

The results of the long-term groundwater compliance monitoring indicate that vinyl chloride and dissolved copper concentrations in groundwater were below the cleanup levels at the groundwater conditional point of compliance during all groundwater compliance monitoring events. As a result, further groundwater compliance monitoring at the Site is not required for vinyl chloride and dissolved copper. Concentrations of dissolved arsenic exceeded its cleanup level of 5 micrograms per liter ($\mu\text{g/L}$) at the conditional point of compliance at monitoring wells RI-MW-4, RI-MW-11, and RI-MW-11A during all four quarterly monitoring events. The concentration of dissolved arsenic exceeded its cleanup level at the conditional point of compliance at monitoring well RI-MW-13 during the fourth quarter of groundwater monitoring.

Although the arsenic cleanup level in groundwater was not met at the point of compliance at all wells as required by the CAP, no active remedial actions are required based on the following considerations:

- Over 43 thousand tons of contaminated soil was removed from the Site. Arsenic in soil was cleaned up to the unrestricted cleanup level of 20 milligrams per kilogram (mg/kg).
- Dissolved arsenic is below laboratory reporting limits in surface water measured directly adjacent to the RI-MW-11 area.
- Sediment samples collected as part of the remedial investigation (RI) showed that arsenic concentrations were significantly below Ecology's Sediment Management Standard cleanup levels.

Since arsenic in groundwater is still in place above its cleanup level at the Site, Ecology, the Port, and ACC must satisfy the requirements of the Consent Decree's Periodic Review section. That section of the Consent Decree states:

As remedial action, including groundwater monitoring, continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of cleanup action at the Site the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Decree.

See Consent Decree at page 24.

Les Reardanz
December 16, 2013
Page 3

Based on the above requirement from the Consent Decree, Ecology and the potentially liable person's (PLPs) will meet in 2018 to discuss the status of the Site including sampling requirements for periodic review.

Ecology appreciates your continued efforts towards environmental cleanup at the Site. If you have any questions regarding this notification, please contact me at (360) 407-7226 or Andy Kallus at (360) 407-7259.

Sincerely,


Barry Rogowski, Manager
Land and Aquatic Lands Cleanup Section
Toxics Cleanup Program

By certified mail 7011 3500 0003 5817 9374

cc: Andy Kallus, Ecology
John Level, Office of the Attorney General

