

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**Port of Everett,  
Ameron International,  
and the Hulberts**

AGREED ORDER for

**Remedial Investigation/Feasibility Study  
and Draft Cleanup Action Plan – North  
Marina Ameron/Hulbert Site**

No. DE **6677**

TO: Port of Everett  
Attention: Jerry W. Heller, Chief Administrative Officer  
2911 Bond Street  
Everett, WA 98206

and

Ameron International, Pole Products Division  
Attention: Paul Vannini, Plant Manager  
1130 W. Marine View Drive  
Everett, WA 98201-1500

and

The Hulberts  
Attention: William G. Hulbert III  
7803 60th St. SE  
Snohomish, WA 98290

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**EXHIBITS**

- EXHIBIT A: SITE LOCATION AND PROPERTY LOCATION INFORMATION
- EXHIBIT B: SCOPE OF WORK & SCHEDULE
- EXHIBIT C: ECOLOGY POLICY 840 – DATA SUBMITTAL REQUIREMENTS
- EXHIBIT D: PUBLIC PARTICIPATION PLAN

**ATTACHMENTS**

- ATTACHMENT A: PREVIOUS INVESTIGATION RESULTS (AREAS G, I, J, & M)

## **I. INTRODUCTION**

The mutual objective of the State of Washington, Department of Ecology (Ecology), Port of Everett (the Port), Ameron International Corporation (Ameron), and the Hulberts (the Hulberts is defined under Section IV.C) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the Port, Ameron, and the Hulberts (collectively the potentially liable persons [PLPs]) to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 addressing both potential upland and in-water (i.e., adjacent marine sediment) contamination for the Site. Ecology believes the actions required by this Order are in the public interest.

## **II. JURISDICTION**

This Agreed Order is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

## **III. PARTIES BOUND**

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each Party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such Party to comply with the Order. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLPs' responsibility under this Order. The PLPs shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

#### IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

A. Site: The Site (or Facility) is referred to as the North Marina Ameron/Hulbert Site (the Site) and is generally located between 11<sup>th</sup> and 13<sup>th</sup> Streets off West Marine View Drive, Everett, Snohomish County, Washington (located primarily within the northeast portion of the North Marina Redevelopment). The Site is owned by the Port and includes approximately 30 acres of upland and adjacent in-water areas (about 12 acres of in-water and 18 acres of upland). The final limits of the Site will be determined in the RI/FS. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site and is not limited by property boundaries. The Site includes areas where hazardous substances have been deposited, stored, disposed of, placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is more particularly described in **Exhibit A** to this Order, which includes site and tax parcel maps (**Exhibit A**, Figures 1 to 11), a site location description, and property information from the Snohomish County Assessor's Office. Based on the results of previous investigations (see **Attachment A** to this Order), the Site includes both upland and in-water areas (i.e., adjacent marine sediment) as defined below. The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology, the Port of Everett, Ameron, and the Hulberts (defined below).

C. Potentially Liable Persons (PLPs): Refers to the Port of Everett, Ameron International Corporation, and the Hulberts. The Hulberts include Mr. William G. Hulbert III, Mr. David F. Hulbert, Ms. Tanauan Hulbert Martin, The William G. Hulbert, Jr. and Claire Mumford Hulbert Revocable Living Trust, and the William Hulbert Mill Co. Ltd. Partnership.

D. Agreed Order or Order: Refers to this Order and each of the exhibits and attachments to the Order. All exhibits and attachments are integral parts of this Order. In

addition, **Exhibits A** through **D** are integral and enforceable parts of this Order. The terms “Agreed Order” or “Order” shall include all exhibits and attachments to the Order.

E. Upland Area: Refers to areas of the Site that fall outside the In-Water Area, as generally depicted in **Exhibit A**, Figures 2 and 3.

F. In-Water Area: Refers to the intertidal (areas exposed to air at low tide) and subtidal (areas always covered by water) parts of the Site associated with adjacent marine waters, as generally depicted in **Exhibit A**, Figures 2 and 3.

G. North Marina Area: Refers to the Port-owned property being redeveloped into a mixed residential/commercial use development. The Site is located within the northeastern end of the North Marina Area, as generally depicted in **Exhibit A**, Figure 3.

## V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

A. The Site is generally located between 11<sup>th</sup> and 13<sup>th</sup> Streets off West Marine View Drive, Everett, Snohomish County, Washington (located within the northeastern portion of the North Marina Redevelopment). The Site location is depicted in the diagrams attached to this Agreed Order as **Exhibit A**. The facility is depicted in **Exhibit A** (Figures 2 and 3). **Exhibit A** also contains a legal description of the property (located after Figure 11 of **Exhibit A**). The Site is listed on the Department of Ecology’s Hazardous Sites List as “North Marina Ameron/Hulbert” with the Facility Site ID No. 68853261.

B. The Port is the owner and an operator at the Site, and has owned the Site continuously since 1991. Ameron currently operates on a portion of the Site. Prior to the Port’s ownership, a majority of the parcels making up the Site were owned by the William Hulbert Mill Company, related Hulbert family business entities, and individual Hulbert family members. The ownership of certain parcels within the Site boundaries during the 1960s and 1970s is still under review. The ownership history of the entire Site will be developed during the cleanup process.

C. The Site has been used for commercial and industrial purposes (shingle/saw mills, marine support services, etc.) since at least the early 1900's. The first milling operations on the Site appear to have started when Fred K. Baker first purchased a portion of the Site in 1913. The William Hulbert Mill began operations at the Site in the early 1920's, was partly destroyed in a fire in 1956, and ended operations around 1960. Following cessation of mill operations, the Hulberts leased their 35-acre property to various industrial entities until they sold it to the Port in March of 1991. A large portion of the Site has been used for pole and piling manufacturing since 1972. Centrecon—which was purchased by Utility Vault Company (UVC) sometime around 1978—operated in the same general area as the current Ameron leasehold from 1972 until 1988. Primary operations associated with Centrecon/UVC included the manufacturing of concrete poles and pilings. Oldcastle Precast, Inc. acquired UVC in 1981. In 1988, Ameron entered into an asset purchase agreement with UVC, whereby it purchased substantially all of the assets, properties, and business of UVC's Centrecon division and entered into a sublease agreement at the Site with UVC. Like Centrecon/UVC, primary operations associated with Ameron also included concrete pole and piling manufacturing. Ameron continues to operate at the Site under a lease agreement with the Port. Ameron's leased area is generally shown in **Exhibit A**, Figure 2.

D. Several environmental investigations have been conducted at the Site since the late 1980's. Earth Consultants Inc. (ECI) conducted investigations in 1987, 1988, and 1990 on behalf of the William Hulbert Mill Company to explore environmental conditions associated with an area leased to and occupied by the Jenson Reynolds Company. The Jenson Reynolds Company operated in the south central portion of the Site (**Exhibit A**, Figure 10 – see Building 19). Kleinfelder conducted a Phase I Environmental Site Assessment (ESA) on behalf of the Port in 1991 prior to the Port's purchase of the William Hulbert Mill Company property. ECI conducted a Phase II ESA on behalf of the William Hulbert Mill Company in 1991 to 1992 after the sale of the property to evaluate soil, groundwater, and sediment for the presence of contamination. An independent cleanup action was completed by Kleinfelder on behalf of the

Port in 1993 to remove material impacted by petroleum hydrocarbons and potentially other hazardous substances adjacent to, and west of, a parcel that was then leased and occupied by the Marine Spill Response Corporation (MSRC). Landau Associates conducted a number of environmental investigations on behalf of the Port between 2001 and 2005 to determine the extent and magnitude of soil and groundwater contamination in the uplands portion of the Site. The following is a listing of primary environmental characterization investigations that have been conducted at the Site:

1. ECI Preliminary (Phase I) Environmental Site Assessment of the Jensen Reynolds Property conducted for the Hulbert Mill Company in 1987.
2. ECI Supplemental Site Investigation, Jensen Reynolds Property, conducted for the Hulbert Mill Company in 1988.
3. *Supplemental Environmental Review, Hulbert Mill Company Property, 1105 13th Street, Everett, WA.* Prepared by Earth Consultants Inc. (ECI) for Mr. William Hulbert (January 17, 1990).
4. *Phase I ESA and Phase I Environmental Audit, Business on Thirty Acres, Northwest Corner of 13th Street and Marine View Drive, Everett, Washington.* Prepared by Kleinfelder, Inc. (Kleinfelder) for Anderson Hunter, a law firm representing the Port of Everett (May 29, 1991).
5. *Phase 2 ESA, Hulbert Mill Property, Everett, WA.* Prepared by ECI for Mr. William Hulbert (February 7, 1992).
6. *Independent Cleanup Action Report, Area West of MSRC Warehouse Building, Port of Everett Property, Everett, Washington.* Prepared by Kleinfelder. December 7, 1993.
7. *Phase I Environmental Site Assessment (ESA). North Marina Redevelopment Project.* Prepared by Landau Associates for the Port of Everett (November 28, 2001).
8. *Ecology Review Draft Phase II Environmental Site Assessment (ESA). North Marina Area. Port of Everett. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (April 13, 2004).
9. *Ecology Review Draft Data Gaps Investigation. North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (May 13, 2005).
10. *Ameron International Leasehold Environmental Investigation of Oil Affected Area, Port of Everett, Washington.* Prepared by Landau Associates for the Port of Everett (June 20, 2005).
11. *Ecology Review Draft Report Supplemental Data Gaps Investigation. North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (February 28, 2006).

12. *Cleanup Action Plan North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (September 25, 2006).
13. *Cleanup Action Plan Addendum, Port of Everett, Washington.* Prepared by Landau Associates for Port of Everett (September 25, 2006).
14. *Cleanup Action Compliance Monitoring Results, Future Bayside Marine Leasehold, Everett, Washington.* Prepared by Landau Associates for the Port of Everett (February 14, 2007).

E. As reported in the 2001 Landau Associates Phase I ESA, the Port leased approximately 30 parcels of land in the entire North Marina Area. The tenants utilized the parcels for a variety of business ventures including marine support services and light industrial manufacturing. In addition to Ameron, the lessees at the Site at the time of the 2001 Landau Associates Phase I ESA included:

- Marine Spill Response Corporation
- Sunset Body Works.
- Sandy's Boathouse
- Washington Belt and Drive
- Churchill Marine Canvas
- Dunlop Industrial Hardware

In addition to the parcels leased to tenants, the Port owned and operated the Port of Everett Marina Maintenance Facility within the Site at the time of the 2001 Phase I ESA. The Port also reportedly used a portion of the undeveloped upland in the northeast portion of the Site for stockpiling of soil and debris originating from other locations within the North Marina Area, and land farmed petroleum hydrocarbon contaminated soil excavated during underground storage tank (UST) removal activities conducted in the early 1990's. Lessee information is also provided in Exhibit A, Figures 6 through 11.

F. Because of its large size (approximately 65 acres designated as upland), the North Marina Area was divided into 13 areas (A through M) for investigation and data management purposes. The investigation areas were originally defined for the Phase II ESA, but were

expanded for the Data Gaps Investigation to encompass Site areas not characterized during the Phase II ESA. These investigation areas are depicted in Figure 3 of **Exhibit A**. Investigation areas associated with the Site include G, I, J, and M. Information related to Investigation Areas G, I, J, and M is presented in **Attachment A**.

G. Environmental investigations at the Site have documented the presence of hazardous substances in various media including soil, groundwater, and marine sediments. Compounds identified in these investigations as exceeding published MTCA cleanup levels and/or Sediment Management Standards (SMS) for Puget Sound Marine sediments (WAC chapter 173-204) include (see **Attachment A** for more details):

- **Soil** – Metals, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), polychlorinated biphenyls, and petroleum hydrocarbons.
- **Groundwater** – Arsenic, bis(2-ethylhexyl)phthalate, and vinyl chloride (a chlorinated solvent).
- **Sediment** – Zinc exceeded its respective Sediment Quality Standard (SQS).

H. The Port has conducted interim actions at the Site to address soil contamination. Although these interim actions have not achieved final Site cleanup, they have significantly reduced the magnitude of contamination present at portions of the Site. Ecology is working with the PLPs to complete the investigation and cleanup.

## VI. ECOLOGY DETERMINATIONS

A. The Port and Ameron are “owners or operators” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

B. The Hulberts are a former “owner or operator” RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

C. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

D. Based upon credible evidence, Ecology issued a PLP status letter to the Port, Ameron, and the Hulberts dated November 26, 2008, pursuant to RCW 70.105D.040, RCW 70.105D.020(21), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that the Port, Ameron, and the Hulberts are PLPs under RCW 70.105D.040. Ecology notified the Port and the Hulberts of this determination by letters dated January 6, 2009, and Ameron by letter dated February 2, 2009.

E. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050(1), Ecology may require the PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

F. Ecology hereby incorporates into this Order the previous Port-conducted remedial actions (beginning with the 2003 Phase II ESA) described in Section V, Subsection D, numbers 8 to 14 and Section V, Subsection H. Reimbursement for specific project tasks under a grant agreement with Ecology is contingent upon the determination by Ecology's Toxic Cleanup Program that the work performed complies with the substantive requirements of Chapter 173-340 WAC and is consistent with the remedial action required under this Order.

## VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs take the following remedial actions at the Site, as more fully described in the Scope of Work & Schedule attached to this Order as **Exhibit B**, and that these actions be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

A. The PLPs shall conduct the remedial actions fully described in **Exhibit B** to this Order. Generally, the PLPs shall perform the following:

- Prepare an Interim Remedial Action Report that details cleanup activities performed to date associated with the North Marina Ameron/Hulbert Site.
- Develop a work plan for an RI/FS to fill any remaining data gaps identified based on a review of the previous site investigations. The results of past interim remedial actions should be described in the RI/FS Work Plan along with identifying data gaps that need filled. The results of past interim remedial actions may be described in less detail than that presented in the separate Interim Remedial Action Report.
- Perform an RI/FS study.
- Prepare an RI/FS report.
- Develop a draft cleanup action plan (CAP) for the Site.

B. The PLPs shall perform the remedial actions required by this Order according to the work schedule set forth in **Exhibit B**.

C. If at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required under the Scope of Work & Schedule (**Exhibit B**), Ecology may complete and issue the final deliverable.

## **VIII. TERMS AND CONDITIONS OF ORDER**

### **A. Public Notices**

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations that indicate to Ecology that the Order is inadequate or improper in any respect.

### **B. Remedial Action Costs**

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall

include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The PLPs shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

Pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

**C. Implementation of Remedial Action**

If Ecology determines that the PLPs have failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to the PLPs, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of the PLPs' failure to comply with their obligations under this Order, the PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that the PLPs are not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs in writing with such additional remedial actions.

**D. Designated Project Coordinators**

The project coordinator for Ecology is:

Andy Kallus  
Toxics Cleanup Program  
PO Box 47600, Olympia, WA 98504

Phone: 360-407-7259  
E-Mail: akal461@ecy.wa.gov

The project coordinator for the PLPs is:

Lawrence Beard  
Landau Associates  
130 2<sup>nd</sup> South, Edmonds, WA 98020  
Phone: 425-778-0907  
E-mail: LBeard@landauinc.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working-level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Ecology and the PLPs may change their respective project coordinators. Written notification shall be given to other party at least ten (10) days prior to the change.

#### **E. Performance**

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a

professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted that contain geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

The PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s), and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

**F. Access**

Ecology or any Ecology-authorized representative shall have the full authority to enter and freely move about all property at the Site that the PLPs either own or control, and have access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLPs unless an emergency prevents such notice. All persons who access the Site pursuant to this paragraph shall comply with the approved Health and Safety Plan(s), if any. Ecology employees and their representative shall not be required to sign any liability release or waiver as a condition of Site property access.

### **G. Sampling, Data Submittal, and Availability**

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal. Attached as **Exhibit C** is Ecology Policy 840, Data submittal Requirements.

If requested by Ecology, the PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. However, Ecology may waive this notification requirement and accept samples when they were collected during construction projects or other circumstances where sampling was prudent or necessary but unplanned. Ecology shall upon request, allow the PLPs and/or their authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.F (Access) of this Order, Ecology shall notify the PLPs at least seven (7) days prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved in writing by Ecology.

### **H. Public Participation**

A Public Participation Plan (see WAC 173-340-600) that is required for this Site, has been developed and is included as **Exhibit D**. Ecology shall maintain the responsibility for public participation at the Site. However, the PLPs shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, draft cleanup action plan, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, and subject to the availability of the PLPs or their representatives, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Everett Public Library  
2702 Hoyt Ave  
Everett, WA 98201
- b. Department of Ecology  
Toxics Cleanup Program  
Headquarters Office  
300 Desmond Drive SE  
Olympia, Washington 98504-7600

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents,

and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

**I. Retention of Records**

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

**J. Resolution of Disputes**

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator or an itemized billing statement under Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, the PLPs have fourteen (14) days within which to notify Ecology's project coordinator of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. The PLPs may then request regional management review of the decision. This request shall be submitted in writing to the Headquarters Land and Aquatic Lands Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of the

PLPs' request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to utilize the dispute resolution process only in good faith and agree to expedite to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

#### **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; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLPs 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 PLPs 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 PLPs;

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

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the PLPs written notification 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 (including delays caused by Ecology); or
- c. Endangerment as described in Section VIII.M (Endangerment).

5. Ecology may extend the period for reviewing and commenting on a document (as specified in Exhibit B) by providing oral or written notification to the PLPs, prior to expiration of the comment period. Ecology will provide an estimate of the time required for completion of its review.

#### **L. Amendment of Order**

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within fourteen (14) days of verbal agreement.

Except as provided in Section VIII.N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may be formally amended only by the written consent of both Ecology and the PLPs. The PLPs shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to the Order represents a substantial change, Ecology will provide additional public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.J (Resolution of Disputes) of this Order.

#### **M. Endangerment**

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

**N. Reservation of Rights**

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology's rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

**O. Transfer of Interest in Property**

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the PLPs' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLPs shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the PLPs shall notify Ecology of said transfer. Upon transfer of any interest, the PLPs shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

**P. Compliance with Applicable Laws**

1. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), the PLPs are exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the

remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

**Q. Land use Restrictions**

In the event that a restrictive covenant or other land use restriction will be required under WAC 173-340-440(4), the PLPs shall record a Restrictive Covenant with the office of the Snohomish County Auditor within ten (10) days of the completion of the remedial action. The Restrictive Covenant shall restrict future uses of the Site. The PLPs shall provide Ecology with a copy of the recorded Restrictive Covenant within thirty (30) days of the recording date.

**R. Indemnification**

The PLPs agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of the PLPs, their officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its

employees and agents harmless from any claims or causes of action to the extent arising out of the negligent or willful acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

#### **IX. SATISFACTION OF ORDER**

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have complied with all other provisions of this Agreed Order.

#### **X. ENFORCEMENT**

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

1. The Attorney General may bring an action to enforce this Order in a state or federal court.
2. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for remedial actions and orders related to the Site.
3. In the event the PLPs refuse without sufficient cause, to comply with any term of this Order, the PLPs will be liable in an action brought by the Attorney General for:
  - a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and
  - b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.
4. This Order is not appealable to the Washington Pollution Control Hearings Board.

//

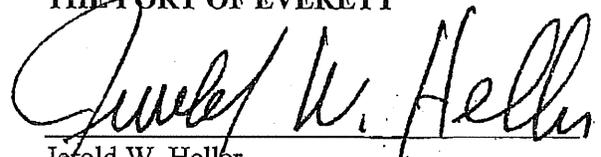
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This Order may be reviewed only as provided under RCW 70.105D.060.

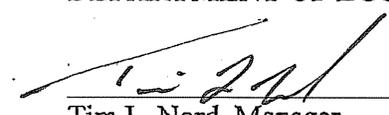
Effective date of this Order: June 3, 2009

**THE PORT OF EVERETT**



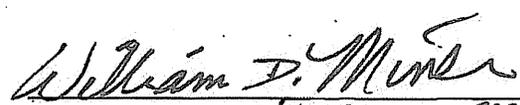
Jerold W. Heller  
Chief Administrative Officer  
The Port of Everett  
2911 Bond Street  
Everett, Washington 98206  
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**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**



Tim L. Nord, Manager  
Land and Aquatic Lands Cleanup Section  
Toxics Cleanup Program  
Headquarters Office  
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~~Christine Stanley~~ **WILLIAM D. MINER**  
~~Vice President-Operations Compliance~~  
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Agreed Order No. DE 6677  
Page 25 of 25

This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: June 3, 2009

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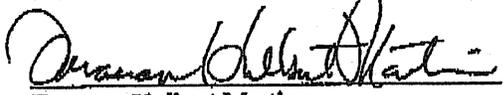
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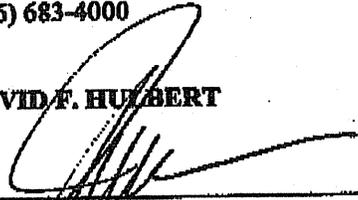
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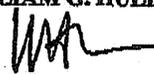
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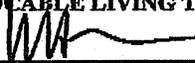
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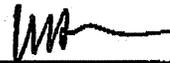
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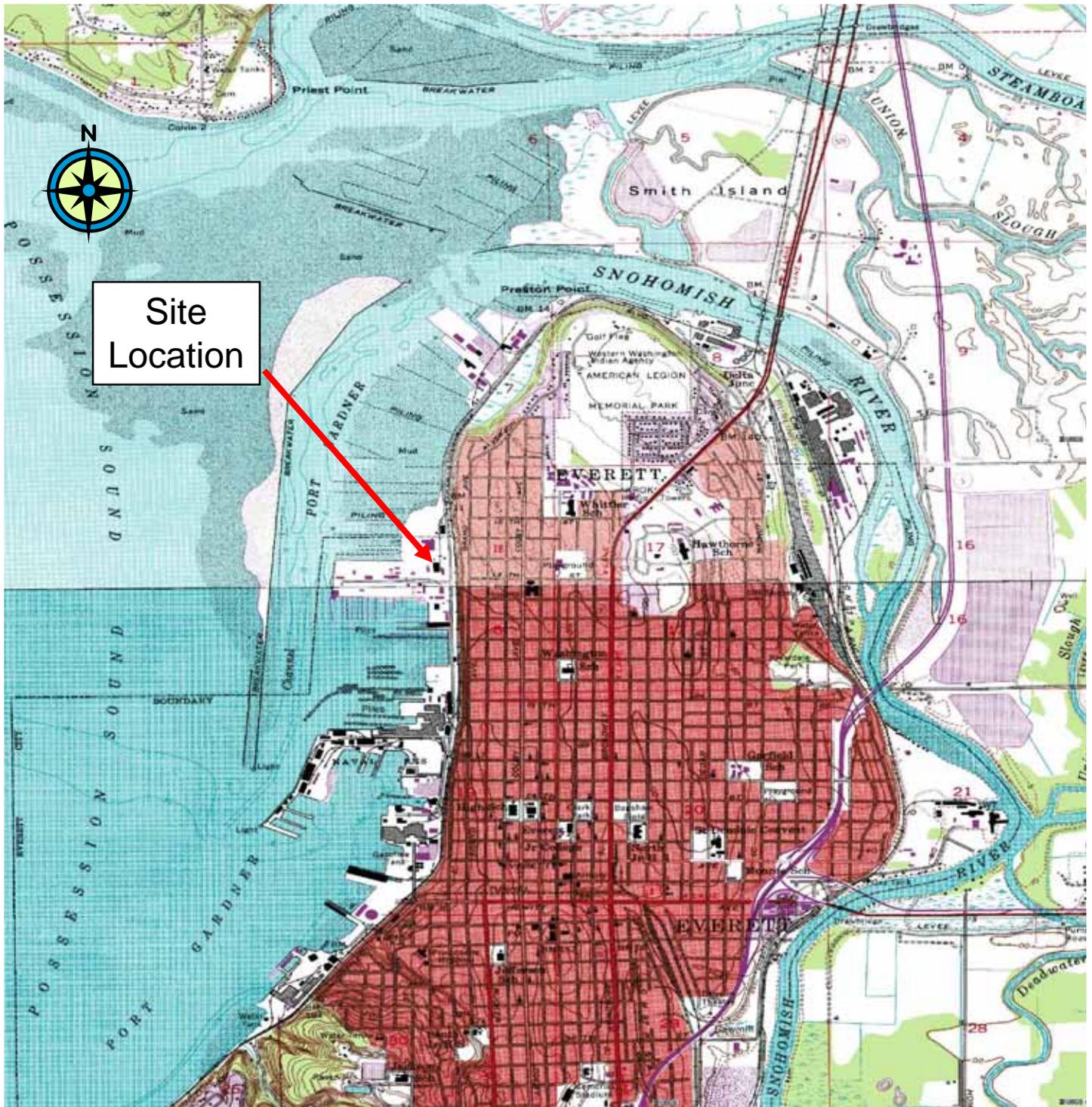
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**EXHIBIT A**

**SITE LOCATION AND PROPERTY LOCATION  
INFORMATION**



# Exhibit A – Figure 1

## Vicinity Map

### North Marina Ameron/Hulbert Site



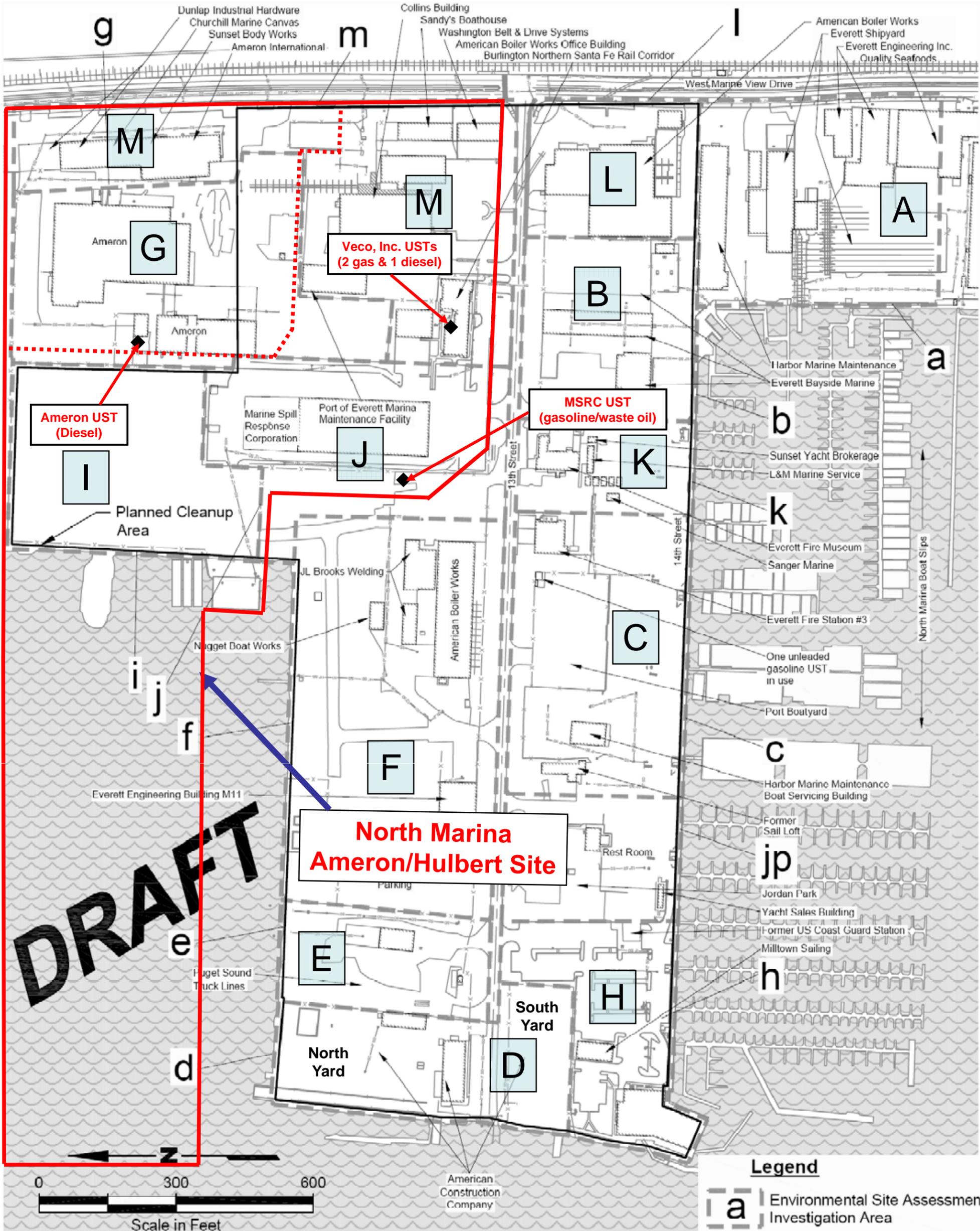
Source: USGS 7.5 Minute Quadrangle Maps (Everett and Marysville Quadrangle Maps; Photo Revised – 1968 and 1973)



**Exhibit A – Figure 2**  
**Ameron/Hulbert Site Location**  
 Snohomish County Assessor's Office Tax Parcel  
 Map (Printed Oct. 2008)

**Legend**

- North Marina Ameron/Hulbert Approximate Site Boundary; site limits to be determined in the RI/FS
- - - Current Ameron Leasehold (based on information provided by Port of Everett)
- 29051800102300 Snohomish County Tax Parcel Number
- Lot 1 Lot and tract numbers identified are based on the Port of Everett's North Marina Division 1 Binding Site Plan (AFN 200703285001)



|   |                  |                     |
|---|------------------|---------------------|
| <p>North Marina<br/>Data Gaps Investigation<br/>Everett, Washington</p> | <p>Site Plan</p> | <p>Figure<br/>2</p> |
|---|------------------|---------------------|

—— Approximate North Marina Ameron/Hulbert Site Boundary; site limits to be determined in the RI/FS.  
..... Current Ameron Leasehold.

### Exhibit A – Figure 3

(Source for Base Map: Landau Associates)



SECTION

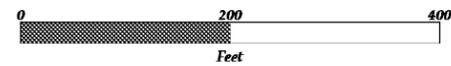
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TOWNSHIP N.W.B.L.

29

RANGE E.W.M.

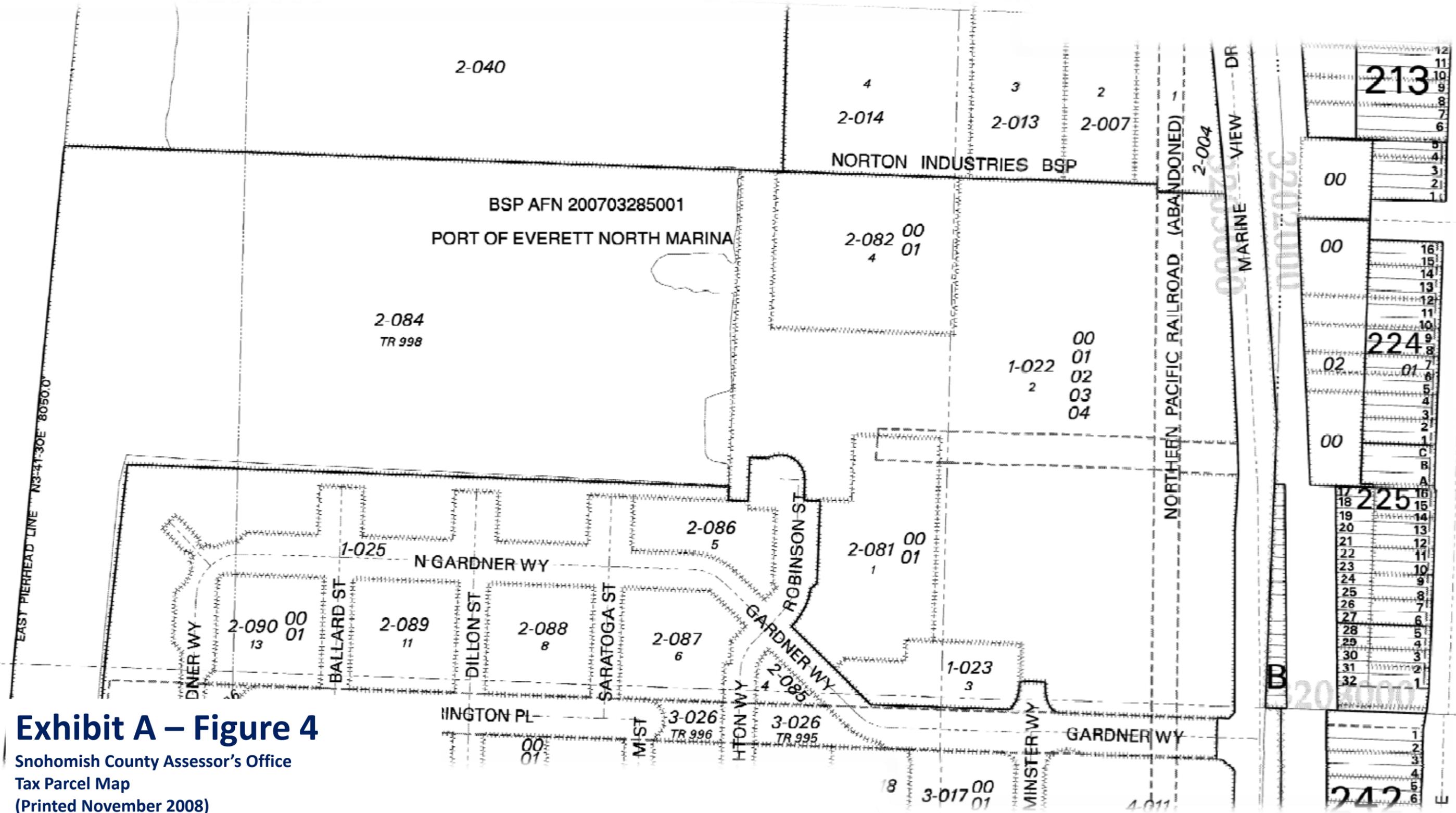
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A product of the Snohomish County Assessor's Office  
Map produced on April 18, 2008

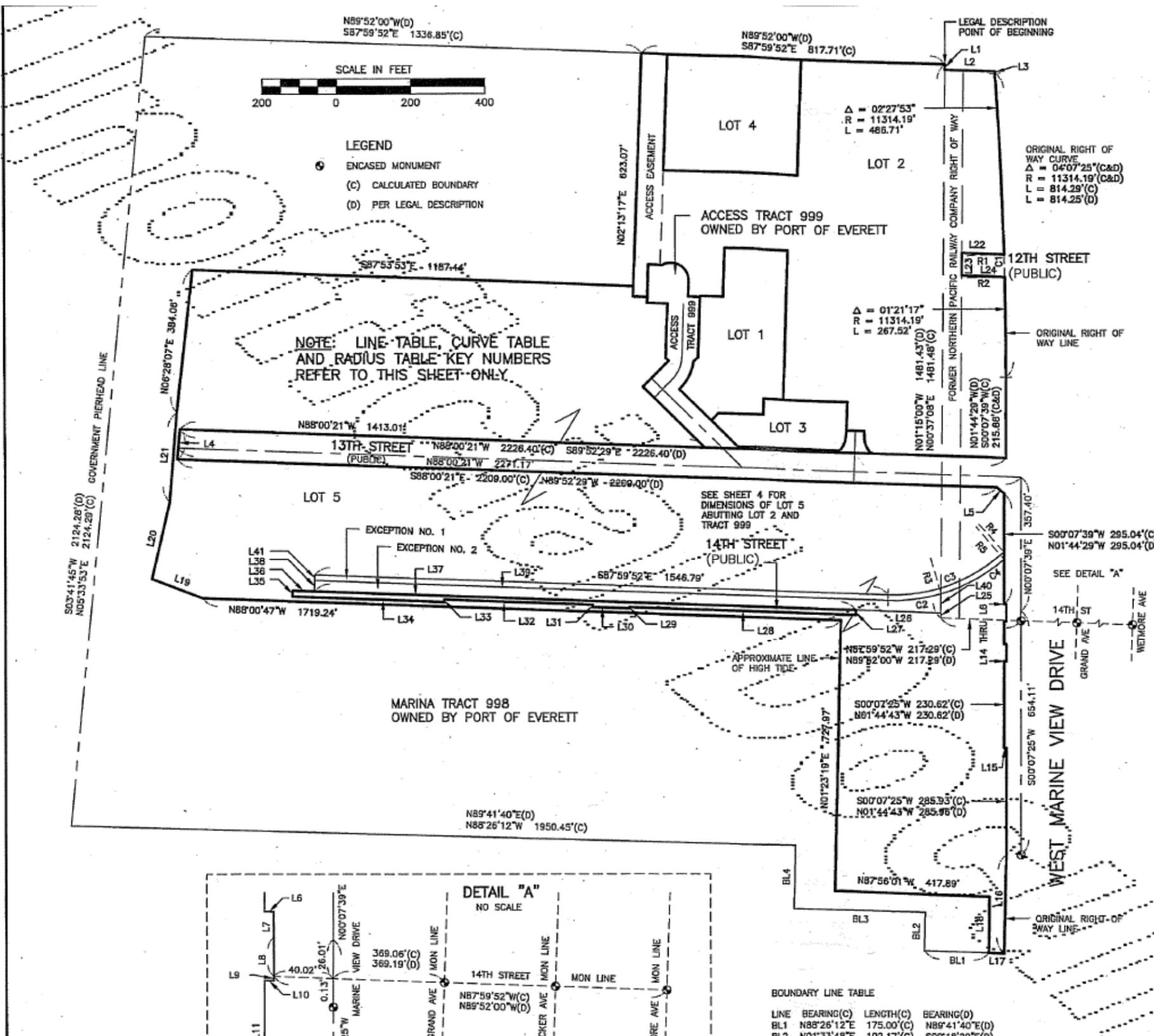
THIS IS NOT A SURVEY. IT IS A TAX PARCEL MAP USED FOR THE LOCATION OF PROPERTY ONLY. SNOHOMISH COUNTY DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THIS MAP FOR ANY PARTICULAR PURPOSE, EITHER EXPRESSED OR IMPLIED. NO REPRESENTATION OR WARRANTY IS MADE CONCERNING THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF DATA DEPICTED ON THIS MAP. ANY USER OF THIS MAP ASSUMES ALL RESPONSIBILITY FOR USE THEREOF, AND FURTHER AGREES TO HOLD SNOHOMISH COUNTY HARMLESS FROM AND AGAINST ANY DAMAGE, LOSS OR LIABILITY ARISING FROM ANY USE OF THIS MAP. PERSONS SEEKING THE MOST CURRENT TAX PARCEL DATA SHOULD CONSULT THE OFFICIAL DATABASE ON FILE WITH THE SNOHOMISH COUNTY ASSESSOR.

SW-7-29-5



### Exhibit A – Figure 4

Snohomish County Assessor's Office  
Tax Parcel Map  
(Printed November 2008)



**LINE TABLE**

| LINE | BEARING(C)  | LENGTH(C) | BEARING(D)  | LENGTH(D) |
|------|-------------|-----------|-------------|-----------|
| L1   | S00°37'08"W | 15.01'    | N01°15'00"W | 15.01'    |
| L2   | S87°59'52"E | 135.01'   | N89°52'00"W | 135.01'   |
| L3   | S03°59'48"E | 5.13'     | N05°51'54"W | 5.13'     |
| L4   | S05°33'53"W | 80.16'    | N03°41'45"E | 80.16'    |
| L5   | S50°00'08"E | 24.74'    | N51°52'16"W | 24.74'    |
| L6   | S88°00'21"E | 6.00'     | N89°52'29"W | 6.00'     |
| L7   | S00°07'39"W | 17.10'    | N01°44'29"W | 17.10'    |
| L8   | S00°07'25"W | 26.01'    | N01°44'43"W | 26.01'    |
| L9   | S00°07'25"W | 3.00'     | N01°44'43"W | 3.00'     |
| L10  | N88°00'21"W | 6.00'     | S89°52'29"E | 6.00'     |
| L11  | S00°07'25"W | 64.00'    | N01°44'43"W | 64.00'    |
| L12  | S87°59'52"W | 6.00'     | N89°52'00"W | 6.00'     |
| L13  | S00°07'25"W | 46.00'    | N01°44'43"W | 46.00'    |
| L14  | N87°58'02"W | 6.00'     | S89°50'10"E | 6.00'     |
| L15  | S89°52'35"E | 6.00'     | S88°15'17"W | 6.00'     |
| L16  | S01°25'10"W | 263.61'   | N00°26'58"W | 263.60'   |
| L17  | N88°26'12"W | 40.66'    |             |           |
| L18  | N00°43'50"E | 149.28'   |             |           |
| L19  | N69°10'08"W | 145.11'   |             |           |
| L20  | N13°07'11"E | 211.04'   |             |           |
| L21  | N04°49'05"E | 239.27'   |             |           |
| L22  | N87°59'52"W | 114.13'   |             |           |
| L23  | S00°37'08"W | 60.02'    |             |           |
| L24  | S87°59'52"E | 116.23'   |             |           |
| L25  | N00°37'08"E | 13.00'    |             |           |
| L26  | N87°59'52"W | 228.84'   |             |           |
| L27  | S02°00'08"W | 13.00'    |             |           |
| L28  | N87°59'52"W | 610.10'   |             |           |
| L29  | S02°00'08"W | 3.00'     |             |           |
| L30  | N87°59'52"W | 100.00'   |             |           |
| L31  | N02°00'08"E | 6.50'     |             |           |
| L32  | N87°59'52"W | 400.00'   |             |           |
| L33  | S02°00'08"W | 6.50'     |             |           |
| L34  | N87°59'52"W | 408.90'   |             |           |
| L35  | N02°00'08"E | 16.00'    |             |           |
| L36  | S87°59'52"E | 58.27'    |             |           |
| L37  | S87°59'52"E | 1460.73'  |             |           |
| L38  | N02°00'08"E | 29.00'    |             |           |
| L39  | S87°59'52"E | 1546.79'  |             |           |
| L40  | S00°37'08"W | 51.55'    |             |           |
| L41  | N02°00'08"E | 15.00'    |             |           |

**CURVE TABLE**

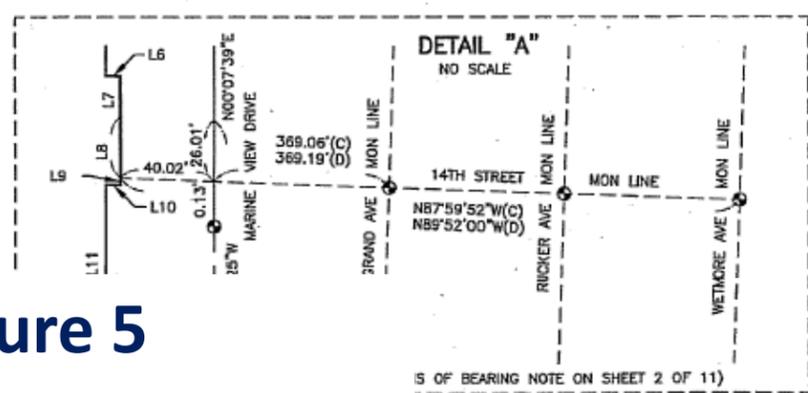
| CURVE | DELTA     | RADIUS    | LENGTH  |
|-------|-----------|-----------|---------|
| C1    | 00°18'15" | 11314.19' | 60.06'  |
| C2    | 18°05'26" | 455.80'   | 143.91' |
| C3    | 44°23'37" | 440.80'   | 341.54' |
| C4    | 24°35'49" | 455.80'   | 195.67' |

**RADIUS TABLE**

| RADIUS | BEARING     |
|--------|-------------|
| R1     | S88°28'07"W |
| R2     | S88°46'22"W |
| R3     | N16°05'18"W |
| R4     | N42°23'29"W |
| R5     | N40°41'07"W |

**BOUNDARY LINE TABLE**

| LINE | BEARING(C)  | LENGTH(C)  | BEARING(D)     |
|------|-------------|------------|----------------|
| BL1  | N88°26'12"E | 175.00'(C) | N89°41'40"E(D) |
| BL2  | N01°33'48"E | 102.17'(C) | S00°18'20"E(D) |
| BL3  | N88°26'12"E | 354.78'(C) | N89°41'40"E(D) |
| BL4  | N01°33'48"E | 170.62'(C) | S00°18'20"E(D) |



SEE SHEETS 10 & 11 FOR RIGHT OF WAY DEDICATION

BINDING SITE PLAN FOR  
DIVISION 1 OF  
**PORT OF EVERETT  
NORTH MARINA**  
IN GOV. LOTS 2 & 3, SECTION 18, T.29N., R.5E., W.M.  
EVERETT, SNOHOMISH COUNTY, WASHINGTON



|                       |            |  |  |
|-----------------------|------------|--|--|
| <b>Reid Middleton</b> |            | 728 134th Street SW - Suite 200<br>Everett, Washington 98204<br>Ph: 425 741-3800 | FIELD BOOK NO.<br>DATE OF FIELD SURVEY<br>FILE NO.<br>272005006<br>SHEET 3 OF 11 |
| DRAWN BY              | DATE DRAWN | CHECKED BY   | SCALE  |
|                       | 01-22-07   |  | 1" = .200'   |

**Exhibit A – Figure 5**

Port of Everett North Marina  
Binding Site Plan for Division 1 (AFN – 200703285001)

**OVERALL SITE**

200703285001

| <b>Building Description/Tenant Information – Ameron/Hulbert Site</b> |  |
|--|--|
| 1. Hulbert Mill Company (Office, Vacant)                             | 12. Sandy's Boat House                                 |
| 2. Ameron (Office)   | 13. Nalley's   |
| 3. Sunset Body Works, Inc.   | 14. Micheal's Woodcraft                                |
| 4. Churchill Brothers Sail Loft                                      | 15. RL Enterprises                                     |
| 5. BESCO, Inc.   | 16. Collins Casket (Hulbert Mill Company Office)       |
| 6. Tri-Coatings, Inc. (Maintenance Shop)                             | 17. Collins Casket (Smoke Shack)                       |
| 7. Ameron (Manufacturing Building)                                   | 18. Collins Casket (Covered Storage)                   |
| 8. Ameron (Storage Building, Lab)                                    | 19. Jensen-Reynolds Construction (Office)              |
| 9. Ameron (Pole Polishing Building)                                  | 20. Veco, Inc. (Warehouse)                             |
| 10. Ameron (Warehouse and Spray Booth)                               | 21. Veco, Inc. (Covered, Open-Ended, Vacant Warehouse) |
| 11. Washington Belt and Drive Systems                                | 22. Commercial Steel Fabricators                       |

## **Exhibit A, Figure 6**

### **Key to Building Description/Tenant Information Presented on Exhibit A Figures 7 to 11.**

(Source: 1991 Kleinfelder, Inc. Phase I Environmental Site Assessment and Phase I Environmental Audit, Business On Thirty Acres, Northwest Corner Of 13th Street And Marine View Drive, Everett, WA)



**Legend**

— North Marina Ameron/Hulbert Approximate Site Boundary; site limits to be determined in the RI/FS

**10** Building Description/Tenant Information number Referenced in the May 29, 1991 Kleinfelder Phase 1 ESA.

**Exhibit A – Figure 7**  
**1955 Aerial Photo Showing the William Hulbert Mill Co’s Saw Planing and Shingle Operation**

(Source: Photo provided by the Port of Everett; Feature descriptions are based on information contained in a 1957 Sanborn Map)



**Exhibit A – Figure 8**  
**1966 Aerial Photo Showing the**  
**Ameron/Hulbert Site**  
 (Source: Photo provided by WSDOT)

**Legend**

- North Marina Ameron/Hulbert Approximate Site Boundary;  
site limits to be determined in the RI/FS
- 10** Building Description/Tenant Information number  
Referenced in the May 29, 1991 Kleinfelder Phase 1 ESA.



**Legend**

- North Marina Ameron/Hulbert Approximate Site Boundary; site limits to be determined in the RI/FS
- 10 Building Description/Tenant Information number Referenced in the May 29, 1991 Kleinfelder Phase 1 ESA.

**Exhibit A – Figure 9**  
**1979 Aerial Photo Showing the Ameron/Hulbert Site**  
 (Source: Photo provided by WSDOT)



**Exhibit A – Figure 10**  
**1985 Aerial Photo Showing the**  
**Ameron/Hulbert Site**  
 (Source: Photo provided by WSDOT)

**Legend**

- North Marina Ameron/Hulbert Approximate Site Boundary; site limits to be determined in the RI/FS
- 10 Building Description/Tenant Information number Referenced in the May 29, 1991 Kleinfelder Phase 1 ESA.



**Exhibit A – Figure 11**  
**1992 Aerial Photo Showing the**  
**Ameron/Hulbert Site**  
(Source: Photo provided by WSDOT)

**Legend**

- North Marina Ameron/Hulbert Approximate Site Boundary;  
site limits to be determined in the RI/FS
- 10** Building Description/Tenant Information number  
Referenced in the May 29, 1991 Kleinfelder Phase 1 ESA.

---

## NORTH MARINA AMERON/HULBERT SITE

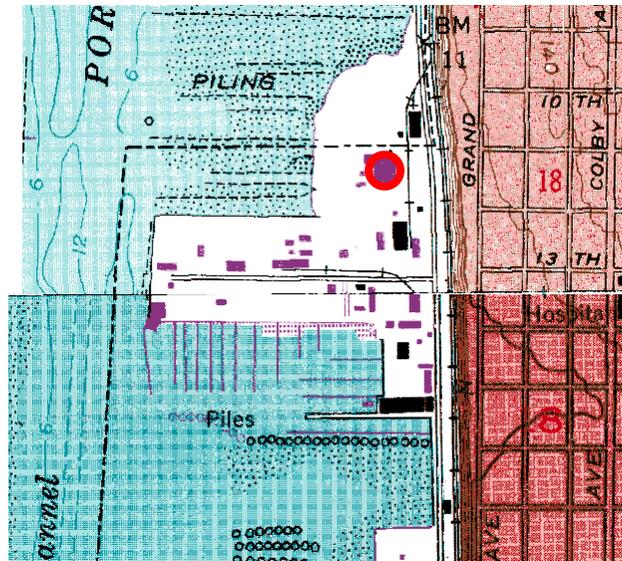
### SITE/PROPERTY LOCATION INFORMATION

---

The North Marina Redevelopment is generally located between 11<sup>th</sup> and 14<sup>th</sup> Streets off West Marine View Drive, Everett, Snohomish County, Washington. The North Marina Ameron/Hulbert Site is generally located within the northeast portion of the North Marina Redevelopment between 11<sup>th</sup> and 13<sup>th</sup> Streets off West Marine View Drive. Site coordinates, a legal description, and county assessor's parcel numbers are provided below.

**Coordinates:** Latitude: 48°00'9.29" North; Longitude: 122°12'55.55" West.

Latitude/Longitude Reference Point: Location of the Ameron International Manufacturing Building (see red circle on the figure below).



**Legal Description:** Section 18, Township 29 North, Range 5 East.

**County Assessor's Parcel Numbers (Port of Everett Property):** Tax account numbers corresponding to the North Marina Ameron/Hulbert Site include Lot 1 (29051800208100 and 29051800208101); Lot 2 (29051800102200, 29051800102201, 29051800102202, 29051800102203, and 29051800102204); Lot 3 (29051800102300); Lot 4 (29051800208200 and 29051800208201) (see Figure 2 of this Exhibit). The above tax account numbers were identified based on the binding site plan (BSP) for the Port of Everett's North Marina

Redevelopment Division 1 area. Division 1 of the Port's North Marina Redevelopment was recorded under auditor's file number (AFN) 200703285001.

**LOT 1 PROPERTIES**  
**BINDING SITE PLAN FOR DIVISION 1 OF**  
**PORT OF EVERETT NORTH MARINA**



## \* R E A L \* Property Information

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Date/Time: 10/28/2008 10:28:24 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

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Parcel Number **29051800208100** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1105 13TH ST - - - EVERETT, WA 98201-1679**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NW - LOT 1 BSP FOR DIV 1 OF PORT OF EV N MARINA  
REC UND AFN 200703285001 BEING PTN NW1/4 SD SEC 18

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

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**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |                  |                    |            |              |                  |
|----------|-------------|-------------|------------------|--------------------|------------|--------------|------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$729,000</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$729,000</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$729,000</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$729,000</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **637 Warehousing & Storage Services**

Size Basis **ACRE** Size **2.19** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

---

## Property Structures

**No structures found for this parcel**

[Go to top of page](#)

---

## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

---

## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

**View [Map of this parcel](#)** (opens as new window)

---



## \* R E A L \* Property Information

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Parcel Number **29051800208101** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1105 13TH ST - - - EVERETT, WA 98201-1679**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NW ~ BLDGS ONLY ~ "VACANT & FORMERLY LEASED"  
WAREHOUSE OWNED BY PORT OF EVERETT ~ LOC ON PAR NO 29051800208100

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                    |              |                    |
|----------|-------------|-------------|------------|--------------------|--------------------|--------------|--------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$1,465,800</b> | Market Total | <b>\$1,465,800</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$1,465,800</b> | Market Total | <b>\$1,465,800</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

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## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **637 Warehousing & Storage Services**

Size Basis **ACRE** Size **0.00** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

| Type | Yr.Built | Structure Description |
|------|----------|-----------------------|
|------|----------|-----------------------|

|                   |             |  |
|-------------------|-------------|--|
| <b>Commercial</b> | <b>1994</b> | <b>MSRC WHSE to 29051800208101</b> View <a href="#">Structure Data</a> (opens as new window) |
|-------------------|-------------|--|

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

---

## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

|  |
|--|
| <b>View <a href="#">Map of this parcel</a></b> (opens as new window) |
|--|

---

**LOT 2 PROPERTIES**  
**BINDING SITE PLAN FOR DIVISION 1 OF**  
**PORT OF EVERETT NORTH MARINA**



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Parcel Number **29051800102200** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1130 W MARINE VIEW DR - - - EVERETT, WA 98201-1500**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE & NW & SE ~ LOT 2 BSP FOR DIV 1 OF PORT OF EV N  
MARINA REC UND AFN 200703285001 BEING PTNS N1/2 & SE1/4 SD SEC 18 TGW TH PTN VAC  
12TH ST R/W AS DESC IN ST VAC ORD NO 2971-07 REC UND AFN 200704030777

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

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**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |                    |                    |                  |              |                    |
|----------|-------------|-------------|--------------------|--------------------|------------------|--------------|--------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$5,657,800</b> | Market Improvement | <b>\$564,300</b> | Market Total | <b>\$6,222,100</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$5,657,800</b> | Market Improvement | <b>\$564,300</b> | Market Total | <b>\$6,222,100</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

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**Property Characteristics**Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)Use Code **559 Other Retail Trade-Auto, Marine, Aircraft NEC**Size Basis **ACRE** Size **16.11** (Size may include undivided interest in common tracts and road parcels)Exemption **Government Property**[Go to top of page](#)

---

**Property Structures**

Type Yr.Built Structure Description

**Commercial 2007 Boatwash Building (Bld. G)** View [Structure Data](#) (opens as new window)[Go to top of page](#)

---

**Property Sales since 7/31/1999**Explanation of [Sales Information](#) (opens as new window)***Sales data is based solely upon excise affidavits processed by the Assessor.***

| Transfer Date | Receipt Date | Sales Price | Excise Number | Deed Type | Grantor (Seller)      | Grantee (Buyer) | Other Parcels |
|---------------|--------------|-------------|---------------|-----------|-----------------------|-----------------|---------------|
| 4/17/2006     | 4/26/2006    | \$0         | 203677        | QC        | OLDCASTLE PRECAST INC | PORT OF EVERETT | No            |

[Go to top of page](#)

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**Property Maps** [Township/Range/Section/Quarter, links to maps](#)Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)**View Map of this parcel** (opens as new window)

---



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Parcel Number **29051800102201** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1130 W MARINE VIEW DR - - - EVERETT, WA 98201-1500**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE ~ BLDGS ONLY ~ LEASED BY "AMERON" FR PORT OF EVERETT ~ LOC ON PAR NO 29051800102200

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

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**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                    |              |                    |
|----------|-------------|-------------|------------|--------------------|--------------------|--------------|--------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$2,434,400</b> | Market Total | <b>\$2,434,400</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$2,434,400</b> | Market Total | <b>\$2,434,400</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **326 Concrete, Gypsum & Plaster Products**

Size Basis **ACRE** Size **0.00** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

| Type       | Yr.Built | Structure Description         |   |
|------------|----------|-------------------------------|---|
| Commercial | 1972     | AMERON to 29051800102201      | View <a href="#">Structure Data</a> (opens as new window) |
| Commercial | 1979     | AMERON FLEX to 29051800102201 | View <a href="#">Structure Data</a> (opens as new window) |
| Commercial | 1986     | AMERON STG to 29051800102201  | View <a href="#">Structure Data</a> (opens as new window) |

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

---

## Property Maps [Township/Range/Section/Quarter, links to maps](#)

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)

**View [Map of this parcel](#)** (opens as new window)

---



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Parcel Number **29051800102202** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1230 W MARINE VIEW DR - - - EVERETT, WA 98201-1558**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE ~ BLDGS ONLY ~ RENTAL SHOPS WITH SMALL OFFICES LEASED BY "WILLIAM HULBERT" FR PORT OF EVERETT (ASSESSED PP # 1202563) ~ LOC ON PAR NO 29051800102200

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                  |              |                  |
|----------|-------------|-------------|------------|--------------------|------------------|--------------|------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$144,700</b> | Market Total | <b>\$144,700</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$144,700</b> | Market Total | <b>\$144,700</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

---

## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **344 Transportation Equipment**

Size Basis **ACRE** Size **0.00** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

---

## Property Structures

| Type | Yr.Built | Structure Description |
|------|----------|-----------------------|
|------|----------|-----------------------|

|                   |             |  |
|-------------------|-------------|--|
| <b>Commercial</b> | <b>1974</b> | <b>SANDYS BOAT HOUSE</b> View <a href="#">Structure Data</a> (opens as new window) |
|-------------------|-------------|--|

[Go to top of page](#)

---

## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

---

## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)

|  |
|--|
| <b>View <a href="#">Map of this parcel</a></b> (opens as new window) |
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## \* R E A L \* Property Information

[County Home](#) [Assessor Home](#) [Treasurer Home](#) Information on which [Department](#) to contact

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If you have questions, comments or suggestions, please [Contact Us](#).

Date/Time: 10/28/2008 9:46:39 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800102203** [Prev](#) Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1234 W MARINE VIEW DR - - - EVERETT, WA 98201-1558**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE ~ BLDGS ONLY ~ WAREHOUSE & OFFICE LEASED  
BY "WASHINGTON BELT" FR PORT OF EVERETT (ASSESSED PP # 1201649) ~ LOC ON PAR NO  
29051800102200

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                 |              |                 |
|----------|-------------|-------------|------------|--------------------|-----------------|--------------|-----------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$97,600</b> | Market Total | <b>\$97,600</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$97,600</b> | Market Total | <b>\$97,600</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

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## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **399 Other Miscellaneous Manufacturing NEC**

Size Basis **ACRE** Size **0.00** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

| Type | Yr.Built | Structure Description |
|------|----------|-----------------------|
|------|----------|-----------------------|

|                   |             |  |
|-------------------|-------------|--|
| <b>Commercial</b> | <b>1972</b> | <b>WASHINGTON BELT INC</b> View <a href="#">Structure Data</a> (opens as new window) |
|-------------------|-------------|--|

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)

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|--|
| <b>View <a href="#">Map of this parcel</a></b> (opens as new window) |
|--|

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## \* R E A L \* Property Information

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Date/Time: 10/28/2008 9:47:06 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800102204** [Prev](#) Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**1210 W MARINE VIEW DR - - - EVERETT, WA 98201**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE ~ BLDGS ONLY ~ "VACANT & FORMERLY LEASED"  
COLLINS BLDG OWNED BY PORT OF EVERETT ~ LOC ON PAR NO 29051800102200

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                  |              |                  |
|----------|-------------|-------------|------------|--------------------|------------------|--------------|------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$792,200</b> | Market Total | <b>\$792,200</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$792,200</b> | Market Total | <b>\$792,200</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **559 Other Retail Trade-Auto, Marine, Aircraft NEC**

Size Basis **ACRE** Size **0.00** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

| Type | Yr.Built | Structure Description |
|------|----------|-----------------------|
|------|----------|-----------------------|

|                   |             |   |
|-------------------|-------------|---|
| <b>Commercial</b> | <b>1926</b> | <b>COLLINS BLDG to 29051800102204</b> View <a href="#">Structure Data</a> (opens as new window) |
|-------------------|-------------|---|

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)

|  |
|--|
| <b>View <a href="#">Map of this parcel</a></b> (opens as new window) |
|--|

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**LOT 3 PROPERTIES**  
**BINDING SITE PLAN FOR DIVISION 1 OF**  
**PORT OF EVERETT NORTH MARINA**



## \* R E A L \* Property Information

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Date/Time: 10/28/2008 10:27:13 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800102300** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a Sale](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**UNKNOWN - - -**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NE-NW-SW-SE - LOT 3 BSP FOR DIV 1 OF PORT OF EV N  
MARINA REC UND AFN 200703285001 BEING PTNS N1/2 & S1/2 SD SEC 18

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |                  |                    |            |              |                  |
|----------|-------------|-------------|------------------|--------------------|------------|--------------|------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$342,700</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$342,700</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$342,700</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$342,700</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **910 Undeveloped (Vacant) Land**

Size Basis **ACRE** Size **0.89** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

**No structures found for this parcel**

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NE** [Find parcel maps for this Township/Range/Section](#)

**View [Map of this parcel](#)** (opens as new window)

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**LOT 4 PROPERTIES**  
**BINDING SITE PLAN FOR DIVISION 1 OF**  
**PORT OF EVERETT NORTH MARINA**



## \* R E A L \* Property Information

[County Home](#) [Assessor Home](#) [Treasurer Home](#) Information on which [Department](#) to contact

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If you have questions, comments or suggestions, please [Contact Us](#).

Date/Time: 10/28/2008 10:22:49 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800208200** [Prev](#) Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**EVERETT PORT OF || PO BOX 538 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a](#)

[Sale](#)

Street (Situs) Address (contact the Assessor if you have questions)

**UNKNOWN - - -**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NW LOT 4 BSP FOR DIV 1 OF PORT OF EV N MARINA  
REC UND AFN 200703285001 BEING PTN NW1/4 SD SEC 18 - REFER TO ACCT NO  
29051800208201 FOR BLDG ONLY ON LEASED LAND

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** **For answers to questions about Taxes, please contact the** [Treasurer's office](#) (opens as new window)

**"Tax data not available"**

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the** [Treasurer's office](#) **for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the** [Assessor's Office](#)

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |                  |                    |            |              |                  |
|----------|-------------|-------------|------------------|--------------------|------------|--------------|------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$805,800</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$805,800</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$805,800</b> | Market Improvement | <b>\$0</b> | Market Total | <b>\$805,800</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

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## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **559 Other Retail Trade-Auto, Marine, Aircraft NEC**

Size Basis **ACRE** Size **2.55** (Size may include undivided interest in common tracts and road parcels)

Exemption **Government Property**

[Go to top of page](#)

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## Property Structures

**No structures found for this parcel**

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

**View [Map of this parcel](#)** (opens as new window)

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## \* R E A L \* Property Information

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Date/Time: 10/28/2008 10:26:10 AM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800208201** Prev Parcel Reference

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**BAYSIDE MARINE || 1111 CRAFTSMAN WAY - - - EVERETT, WA 98201**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**BAYSIDE MARINE || 1111 CRAFTSMAN WAY - - - EVERETT, WA 98201**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a Sale](#)

### Sale

Street (Situs) Address (contact the Assessor if you have questions)

**1111 CRAFTSMAN WAY - - - EVERETT, WA 98201**

Parcel Legal Description

Section 18 Township 29 Range 05 Quarter NW - BLDGS ONLY ACCT - BLDGS A (BOAT STORAGE), B (SERVICE) & C (RETAIL) OWNED BY "BAYSIDE MARINE" LOC ON LEASED LAND ACCT NO 29051800208200

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**2008 Taxes for this parcel \$27,272.17**

(Taxes may include Surface Water Management and/or State Forest Fire Patrol fees and any fees related to late payments. LID charges, if any, are not included.)

To obtain a duplicate tax statement, either download our [Tax Statement Request](#) form or call 425-388-3366 to request it by phone.

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2008 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

|          |             |             |            |                    |                    |              |                    |
|----------|-------------|-------------|------------|--------------------|--------------------|--------------|--------------------|
| Tax Year | <b>2008</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$2,856,200</b> | Market Total | <b>\$2,856,200</b> |
| Tax Year | <b>2009</b> | Market Land | <b>\$0</b> | Market Improvement | <b>\$3,245,700</b> | Market Total | <b>\$3,245,700</b> |

[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

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## Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **559 Other Retail Trade-Auto, Marine, Aircraft NEC**

**NOTE: No Size Data found**

[Go to top of page](#)

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## Property Structures

| Type | Yr.Built | Structure Description |
|------|----------|-----------------------|
|------|----------|-----------------------|

|                   |             |                                    |   |
|-------------------|-------------|------------------------------------|---|
| <b>Commercial</b> | <b>2007</b> | <b>Bayside Marine Boat Storage</b> | View <a href="#">Structure Data</a> (opens as new window) |
|-------------------|-------------|------------------------------------|---|

[Go to top of page](#)

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## Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

---

## Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

|  |
|--|
| <b>View <a href="#">Map of this parcel</a></b> (opens as new window) |
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**EXHIBIT B**  
**SCOPE OF WORK & SCHEDULE**

## EXHIBIT B

### SCOPE OF WORK & SCHEDULE

Pursuant to the Agreed Order to which this Scope of Work & Schedule is attached, Ameron International Corporation, the Hulberts (as that term is defined in the main text of the Agreed Order), and the Port of Everett (Port) (collectively the PLPs) shall take the following remedial actions at the North Marina Ameron/Hulbert Site (Site) and these actions shall be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

#### A. Remedial Actions To Be Performed

The PLPs shall conduct the remedial actions generally described below.

- Interim Remedial Action Report – Prepare an Interim Remedial Action Report that details cleanup activities and investigations performed to date at the Site. The PLPs shall submit the Interim Remedial Action Report to the Washington State Department of Ecology (Ecology) for review and approval.
- Remedial Investigation/Feasibility Study (RI/FS) Work Plan – Prepare a work plan for RI/FS Study in accordance with the specifications described in Section A.2 of this Exhibit. The PLPs shall submit the RI/FS Work Plan to Ecology for review and approval.
- RI/FS Study – The PLPs shall conduct field data collection (as part of the RI) as described in the approved RI/FS Work Plan. The PLPs shall conduct a FS based on the results of the field RI. Elements of the RI/FS study have been further described in Sections A.2.f. and A.2.g. of this Exhibit.
- RI/FS Report – Prepare a RI/FS report. The PLPs shall submit the draft RI/FS Report (combined as a single document) to Ecology for review and approval.
- Draft Cleanup Action Plan (CAP) – Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft CAP. The PLPs shall submit the draft CAP to Ecology for review and approval.

Additional details regarding the remedial actions to be performed by the PLPs are provided below.

## **1. Preparation of An Interim Remedial Action Report**

A separate Interim Remedial Action Report (including draft, draft final, and final versions) is required under the Agreed Order to summarize past remedial activities that have taken place at the Site. The report shall also include the results for areas that have been determined to be clean based on previous investigations, and areas within the the 12<sup>th</sup> Street Marina (see Exhibit A, Figure 2) that are located immediately south of the preliminary Site boundary (to gain a full understanding of the marina based on all of the historical data available).

### **a. Interim Action Report Requirements**

The Interim Remedial Action Report shall include the following:

- A summary of environmental investigations performed to date, including media sampled and types of analyses performed. In accordance with WAC 173-340-720(9)(b), the rationale for filtering groundwater samples for metals analysis should be included in the report.
- A conceptual site model (CSM) detailing the identified contaminant migration pathways and all potential receptors. Follow the methods described in Section A.2.d. below in completing the CSM. In accordance with WAC 173-340-720(2), rationale needs to be included to substantiate that groundwater at the Site could not be used, or has an extremely low probability to be used, for potable purposes (i.e., as viable drinking water aquifer).
- A summary of interim cleanup actions performed to date at the Site; in addition, include compliance or confirmatory sampling results showing that an affected area has been remediated to the cleanup levels identified as part of the interim cleanup actions. Note that it will need to be shown, based on the results of the RI/FS, that the cleanup levels used for the interim cleanup actions are appropriate for the protection of human health and the environment at this Site. As such, data associated with the interim cleanup actions shall also be compared to the screening levels mentioned in the bullet below.
- Identification of screening levels including the rationale for their selection in defining affected media at the Site. Screening levels will be used to assess current conditions and the adequacy of the interim cleanup actions, and shall be based on the most restrictive applicable exposure pathways (e.g., direct

contact with humans, protection of aquatic organisms in surface water, etc.) identified for the Site.

- Evaluation of the existing data. This evaluation shall follow the methods described below in Section A.1.b in evaluating the existing data used for site characterization and for determining the extent and magnitude of affected media at the Site.

**b. Evaluation of Existing Data**

The existing analytical data, including data associated with interim cleanup actions (to assess the adequacy of the interim cleanup actions), should be plotted (as accurately as possible) on a base map (using geo-referencing techniques) that depicts identified sources and areas where suspected releases occurred. Review the sample locations with respect to identified sources and areas where suspected releases (e.g., outfalls, spills, dumping, leaks, etc.) have occurred. All of the existing analytical data collected at the Site should be evaluated in terms of data usability (analytical methods used to evaluate the effectiveness of a cleanup action shall comply with the requirements in WAC 173-340-830) and be screened against the most protective applicable screening levels identified under an unrestricted land use scenario. Both non-detect and detected data should be included in the screening. Identify sampling points containing exceedances on a map, and also discuss the adequateness of the reporting limits (i.e., Method Detection and Practical Quantitation Limits) in terms of achieving the screening levels for the Site. Constituents exceeding the screening levels should be identified as preliminary indicator hazardous substances for the Site.

**2. Preparation Of An RI/FS Work Plan**

The PLPs shall develop an RI/FS Work Plan (including draft, draft final, and final versions) that includes a scope of work to delineate and quantify (i.e., identify the levels of contamination) the potential contaminants in all media (i.e., soil, groundwater, surface water, and adjacent marine sediments) and any toxic effects or other deleterious substances in marine sediment. The work plan shall also address the proper handling of all wastes generated from the site during the RI/FS (e.g., soil cuttings, groundwater

development and purge water, excess sediment sample material, free-product, etc.). Note that all draft documents for Ecology review may be submitted in redline strike-out format (preferably in Microsoft® WORD format) to facilitate the review. The RI/FS Work Plan shall be conducted meeting the requirements of WAC 173-350 and should include the elements listed below.

**a. Development of a Site-Specific Health and Safety Plan (HSP) and Sampling and Analysis Plan (SAP)**

A site-specific HSP describing worker safety during the project will be developed in accordance with WAC 173-340-810 and included in the RI/FS Work Plan. A site-specific SAP, which includes quality assurance/quality control requirements, will be included in the RI/FS Work Plan. The SAP should be based on the type, quality, and quantity of data necessary to support selection of a cleanup action. The SAP should provide the details on numbers and locations of samples for each media and the analytical requirements. The SAP shall conform to the requirements specified in WAC 173-340-820.

Additional sediment sampling is also required under the Sediment Management Standards (SMS; WAC chapter 173-204) to fully investigate the extent and magnitude of potential marine sediment contamination released at the Site. A separate sediment SAP (i.e., separate from the upland SAP) must be submitted to Ecology for review and approval before any sampling is conducted. In addition, any sampling of the marine sediments must be done in accordance with the SMS and the Sediment Sampling and Analysis Plan Appendix, Ecology Publication No. 03-03-043<sup>1</sup>.

**b. Investigation of Site Background and Setting**

This section will include detailed descriptions of the following:

- (i) The property and site operational/industrial history (including current and previous ownership).

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<sup>1</sup> See URL: <http://www.ecy.wa.gov/biblio/0309043.html>.

- (ii) Historical sources and releases of contamination (include a review of historical photos, Sanborn Maps, and available information on Site fill).
- (iii) Current site conditions (including descriptions of surface features, geology, soil and the vadose zone, surface water hydrology, hydrogeology, and meteorology).
- (iv) Current and future land and water use (including descriptions of human populations).
- (v) The terrestrial/aquatic ecological setting including a description of ecological receptors and potentially threatened/endangered species.

**c. Previous Investigations And Cleanup Actions (i.e., Past Interim Remedial Actions)**

The results of all past interim remedial actions should be described in the RI/FS Work Plan. Note that any prior remedial actions are considered to be interim and not a final cleanup action. In addition, data gaps that need to be filled to fully define the extent and magnitude of contamination associated with all media of concern at the Site need to be identified. Note that the results of past interim remedial actions may be described in less detail than that presented in the separate Interim Remedial Action Report (see Section A.1. above).

**d. Development of Preliminary CSM**

The CSM should describe release mechanisms from the potential primary sources of hazardous substances to secondary and tertiary sources, the exposure media and routes, and the potential human and ecological receptors. The CSM should reflect both current conditions and potential future development in assessing exposure pathways.

**e. Establishment of Screening Levels**

Based on the CSM, identify appropriate screening levels (e.g., levels established under the Model Toxics Control Act [MTCA; see WAC 173-340-700 through 173-340-760], Chapter 173-204 WAC, SMS for Puget Sound Marine sediments, and applicable state and federal laws) under a residential (unrestricted) land use

scenario. Note that the screening levels must consider all applicable pathways including direct contact (including inhalation); media transfer pathways (e.g., leaching to groundwater, groundwater migration to surface water, and sediment, etc.); and exposure to terrestrial and/or aquatic ecological and human receptors.

**f. RI Study Approach**

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the RI for the Site which may include, depending on where contamination has been deposited, stored, disposed of, placed, or otherwise come to be located, areas outside the preliminary Site boundaries shown in Exhibit A. Based on the background information gathered, past interim remedial actions at the Site, and the evaluation of existing data, discuss by media (e.g., soil, sediment, surface water, etc.) the data required to complete an RI for the Site. The RI approach shall be consistent with WAC 173-340-350. Identify data gaps and the overall approach for conducting the RI. The SAP(s) will provide the details on numbers and locations of samples for each media and the analytical requirements.

The RI field investigation will be designed to identify the full extent and magnitude of contaminants and toxic effects in upland and in-water areas. The PLPs shall provide Ecology with the results of the investigation (in the form of a technical memo) so that a determination can be made with regard to whether additional investigation is required to define the full extent and magnitude of contamination. The information provided to Ecology should describe the analytical results of the field activities including the identification of indicator hazardous substances, the affected media, preliminary cleanup levels, the extent of contamination (plotted on maps), and any data gaps that need to be filled to define the extent and magnitude of contamination and toxic effects. Note that the preliminary cleanup levels may be different than the screening levels used in the interim action report and RI/FS Work Plan based on a better understanding of the CSM (e.g., contaminants in soil may not be impacting Site groundwater) for the

Site. Additional field investigation (if necessary based on initial results) will be conducted to further define the extent and magnitude of contamination and toxic effects based on findings during the initial investigation.

**g. FS Approach**

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the FS for the Site which may include, depending on where contamination has been deposited, stored, disposed of, placed, or otherwise come to be located, areas outside the preliminary Site boundaries shown in Exhibit A. The FS approach shall be consistent with WAC 173-340-350 and should consist of the following sections:

- (i) **Establishment of Cleanup Levels, Points of Compliance, and Remediation Levels.** Unless otherwise specified under this Order, cleanup levels and points of compliance should be established for each hazardous substance in each medium and for each exposure pathway. The PLPs may also consider establishing potential remediation levels as defined per WAC 173-340-355.
- (ii) **Applicable or Relevant and Appropriate Requirements.** The FS should include additional information or analyses to comply with the State Environmental Policy Act (SEPA) or other applicable laws to make a threshold determination per WAC 197-11-335(1) or to integrate the RI/FS with an environmental impact statement per WAC 197-11-262.
- (iii) **Delineation of Media Requiring Remedial Action.** Based on the results of the RI, determine areas and/or volumes of affected media to which remedial action objectives might be applied<sup>2</sup>.
- (iv) **Development of Remedial Action Objectives.** Remedial Action Objectives should provide general descriptions of what the Site cleanup is designed to accomplish, which is media-specific. Remedial action objectives are established on the basis of extent and magnitude of the contamination, the resources that are currently and potentially threatened, and the potential for human and ecological (both terrestrial and aquatic) exposures at the Site.

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<sup>2</sup> If requested by the PLPs, potential sediment contamination in the in-water area of the Site may be addressed under a separate legal mechanism such as an Agreed Order if it is found that there is co-mingling of sediment contamination (such that a boundary separating contamination between Sites cannot be determined) between this Site and the North Marina West End Site.

Clearly define a basis and rationale for Remedial Action Objectives for each media at the Site.

- (v) **Screening and Evaluation of Cleanup Action Alternatives.** A reasonable number and type of cleanup action alternatives should be evaluated, taking into account the characteristics and complexity of the Site, including current site conditions and physical constraints. Evaluation of cleanup action alternatives and the selection of preferred cleanup alternative must meet the requirements of WAC 173-340-360.
- (vi) **Habitat Restoration.** Evaluate opportunities to perform remedial actions in a fashion that coincidentally enhances habitat. Elements of the remedial action will be evaluated for restoration opportunities in consultation with Ecology as plans for cleanup are developed<sup>3</sup>.

#### **h. Public Involvement**

This section of the RI/FS Work Plan shall present the general process for public involvement (in accordance with WAC 173-340-600) along with a reference to the Public Participation Plan presented in this Order as Exhibit D.

#### **i. Project Management**

This section of the RI/FS work plan will discuss project staffing and coordination associated with the RI/FS activities for the North Marina Ameron/Hulbert Site. The organizational structure and responsibilities are designed to provide project control and quality assurance for the duration of the project.

#### **j. Schedule & Reporting**

This section should contain the schedule and reporting requirements for the RI/FS project as defined in this Order.

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<sup>3</sup> The Site is being overseen by Ecology and work is being done in an expedited manner under the Governor's Puget Sound Initiative. The Initiative focuses on cleaning up contamination as well as restoring Puget Sound. Ecology recognizes that many cleanups can be designed and implemented in a manner that improves habitat values and provides for shoreline restoration in conjunction with remedial actions. However, because of current and future land use, it is unlikely that meaningful habitat restoration opportunities exist at the Site. Therefore, evaluation of restoration opportunities will not constitute a significant part of the FS process.

### **3. Prepare Draft RI/FS Report**

A draft, draft final, and final RI/FS report that meets the requirements of WAC 173-340-350 shall be prepared. The RI/FS report shall contain the results of the RI and will provide information regarding the full extent and magnitude of soil, groundwater, surface water, and/or adjacent marine sediment contamination including toxic effects. The FS portion of the report will present and evaluate cleanup action alternatives to address the identified contamination at the Site. Based on the evaluation of alternatives (WAC 173 340-350(8)), the FS will identify a preferred cleanup action alternative for the Site in compliance with WAC 173-340-360.

### **4. Develop A Draft Cleanup Action Plan (CAP)**

Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft and draft final CAP in accordance with WAC 173-340-380 and 173-204-580 that provides proposed cleanup action alternatives to address potential contamination at all impacted media in the upland portion of the Site based on the results of the RI/FS. In addition, the CAP shall also address potential contamination in in-water areas (i.e., adjacent marine sediment) of the Site if the results of the RI/FS reveal that the contamination is separate and distinct from potential sediment contamination associated with the North Marina West End Site. If requested by the PLPs, potential sediment contamination in the in-water area of the Site may be addressed under a separate legal mechanism such as an Agreed Order if it is found that there is co-mingling of sediment contamination (such that a boundary separating contamination between Sites cannot be determined) between this Site and the North Marina West End Site. The draft CAP shall include a general description of the proposed cleanup actions along with the following sections:

- A general description of the proposed cleanup action alternatives and rationale for selection including results of any remedial technology pilot studies, if necessary.
- A summary of other cleanup action alternatives evaluated in the RI/FS.
- A summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

- Cleanup standards and rationale regarding their selection for each hazardous substance and for each medium of concern at the Site based on the results of the RI/FS.
- Descriptions of any institutional/engineering controls, if proposed.
- A schedule for implementation of field construction work.

## **B. Schedule**

The PLPs shall perform the actions required by this Order according to the schedule below. The PLPs shall address Ecology comments on all deliverables through written responses. Note, when Ecology provides comments in red-line strikeout format (i.e., comments made directly within the electronic version of the document), the PLPs may respond to those comments directly within the electronic document.

### **1. Interim Remedial Action Report**

- Draft Document – The draft Interim Remedial Action Report shall be due 150 calendar days after finalization of this Order. The draft document will then undergo a 30-day review period by Ecology.
- Draft Final Document – The draft final Interim Remedial Action Report shall address any comments/suggestions submitted by Ecology. The draft final Interim Remedial Action Report shall be due 60 days after Ecology provides its comments. The draft final version will undergo a 20-day review period by Ecology.
- Final Document – The final Interim Remedial Action Report shall address comments/suggestions submitted by Ecology. The final Interim Remedial Action Report shall be due 45 days after Ecology provides its comments.

### **2. RI/FS Work Plan Submittal**

- Draft Document – The draft RI/FS Work Plan shall be due 120 calendar days after submittal of the draft final Interim Remedial Action Report. The draft Work Plan will then undergo a 30-day review period by Ecology.
- Draft Final Document – The draft final RI/FS Work Plan shall address any comments/suggestions submitted by Ecology. The draft final RI/FS Work Plan shall be due 60 days after Ecology provides its comments. The draft final version will undergo a 20-day review period by Ecology.
- Final Document – The final RI/FS Work Plan shall address comments/suggestions submitted by Ecology. The final RI/FS Work Plan shall be due 45 days after Ecology provides its comments.

### **3. Field RI/FS**

- Field RI/FS – RI/FS field activities shall be commenced within 30 days of submittal of the final RI/FS work plan to Ecology. The field RI results, as described in Section A.2.f, shall be provided to Ecology 30 calendar days after the validation of all RI/FS analytical data.
- Additional field RI/FS activities (if needed) – Additional field RI/FS activities may be required to adequately delineate the extent and magnitude of contamination at the Site, and/or to conduct pilot testing of a remedial alternative. The scope, schedule, and submittal requirements for additional field RI/FS activities shall be developed by the PLPs, and shall be submitted to Ecology for review and concurrence.
- Environmental Data Submittals – All sampling data (including all historic data described in Attachment A of this Agreed Order) shall be submitted to Ecology in both printed and electronic formats in accordance with Ecology’s Toxics Cleanup Program Policy 840 (Data Submittal Requirements) and/or any subsequent procedures specified by Ecology for data submittal. Policy 840 is presented in Exhibit C of this Agreed Order. Historic data, in addition to new data collected as part of the initial or first phase of the RI/FS, shall be supplied to Ecology in electronic format (i.e., EIM) 45 days after the new data has been validated. Data collected as part of additional RI/FS activities shall also be supplied to Ecology in electronic format (i.e., EIM) 45 days after the data has been validated.

### **4. RI/FS Report Submittal**

- Draft RI/FS Report – The draft RI/FS report shall be due to Ecology 180 calendar days after receipt by the PLPs Project Manager of all final analytical data collected during the RI/FS. This draft will then undergo a 30-day review period by Ecology.
- Draft Final RI/FS Report – The draft final RI/FS report shall be due 90 days after receipt of Ecology comments on the draft RI/FS report. This draft final RI/FS report will then go to a 30-day public comment period.
- Final RI/FS Report – The final RI/FS report shall be submitted to Ecology 45 days after Ecology’s completion of the responsiveness summary to public comment on the draft final RI/FS report.

### **5. Cleanup Action Plan (CAP) Submittal**

- Draft CAP – The draft CAP shall be submitted to Ecology 120 days after the draft final RI/FS Report is finalized and ready for public comment. This draft CAP will then undergo a 30-day review period by Ecology.

- Draft Final CAP – The draft final CAP shall address comments/suggestions submitted by Ecology on the draft CAP. This draft final CAP shall be due 60 days after submittal of Ecology comments of the draft CAP.

EXHIBIT C

ECOLOGY POLICY 840 – DATA SUBMITTAL  
REQUIREMENTS



# Toxics Cleanup Program Policy

## Policy 840

*Resource Contact:* Policy and Technical Support Staff *Effective:* August 1, 2005

*References:* WAC 173-340-840(5) *Revised:* September 9, 2005

<http://www.ecy.wa.gov/eim/>

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>

<http://www.ecy.wa.gov/biblio/0309043.html>

*Replaces:* Procedure 840

## Policy 840: Data Submittal Requirements

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**Purpose:** Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

**Application:** This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

### **1. Unless Otherwise Specified by Ecology, all Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups shall be Required to be Submitted to Ecology in both a Written and Electronic Format.**

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Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

### **2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.**

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Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

**3. Reports on Independent Remedial Actions Submitted for Review After October 1, 2005, Under Ecology's Voluntary Cleanup Program Shall Not be Reviewed Until the Data Have Been Submitted in Compliance with this Policy.**

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Such reports shall be deemed incomplete, and a notice to this effect provided to the submitter.

**4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.**

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Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

**5. Data Generated During Upland Investigations and Cleanups Shall be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).**

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EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. TCP's EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

**6. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's EIM Coordinator Prior to Loading the Data into EIM.**

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Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

**7. Data Generated During Sediment Investigations and Cleanups shall be Submitted Electronically Using Ecology's Sediment Quality Information System (SEDQUAL).**

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SEDQUAL is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

## **8. Sediment Sampling Data Shall be Submitted to Ecology Using the SEDQUAL Data Entry Templates.**

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At a minimum, the following SEDQUAL data entry templates must be completed:

1. **Reference & Bibliography:** Describes lab reports and publications that relate to the data being entered;
2. **Survey:** Sample number;
3. **Station:** Specifies geographic location of the sediment sample. Sample latitude/longitude coordinates must be entered using the North American Datum of 1983 in U.S. Survey feet (NAD 83, U.S. feet);
4. **Sample:** Describes sample characteristics such as depth; and
5. **Sediment Chemistry:** Reports chemical concentration data in dry weight units.

The following additional templates must also be completed where these measurements/observations have been made:

1. **Bioassay:** Bioassay test results;
2. **Bioassay Control:** Bioassay control test results;
3. **Benthic Infauna:** Species abundance & diversity;
4. **Tissue:** Describes the organism collected;
5. **Bioaccumulation:** Reports tissue chemical concentrations; and
6. **Histopathology:** Reports tissue pathology such as tumors or lesions.

## **9. Electronic Data Formats Shall be Verified to be Compatible with SEDQUAL Prior to Submittal.**

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Because SEDQUAL uses ASCII protocol and comma delimited text files, data format verification shall be conducted prior to submittal to Ecology. Data shall be verified by downloading the SEDQUAL database, importing the data into the database, correcting errors, and then exporting the corrected templates.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", April, 2003. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: <http://www.ecy.wa.gov/biblio/0309043.html>

Additional information on SEDQUAL can be found at:

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>. ICP's SEDQUAL Coordinator is also available for technical assistance to site managers and consultants using SEDQUAL.

## **10. Sediment Sampling Data Shall Also be Submitted to Ecology in a Printed Report.**

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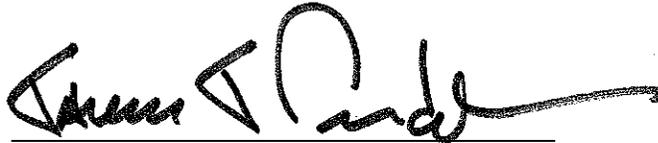
Printed reports shall present the data in both dry weight and total organic carbon normalized units in data tables that compare the results to applicable state regulatory criteria.

**11. Data Submitted Electronically Using SEDQUAL Shall be Checked by the Toxics Cleanup Program's SEDQUAL Coordinator Prior to Loading the Data into SEDQUAL.**

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Normally, SEDQUAL data submittals will come to TCP's SEDQUAL Coordinator. Upon receipt of a submittal, the Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a SEDQUAL submittal, they should notify TCP's SEDQUAL Coordinator. Upon receipt of the data, TCP's SEDQUAL Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved



James J. Pendowski, Program Manager  
Toxics Cleanup Program

***Policy Disclaimer:*** This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

**APPENDIX A: MODEL GRANT AND PERMIT CONDITION**

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding )

**EXHIBIT D**

**PUBLIC PARTICIPATION PLAN**

Draft

## **Site Cleanup:**

# **NORTH MARINA AMERON/HULBERT SITE**

11<sup>th</sup> Street - 13<sup>th</sup> Street west of  
West Marine View Drive  
Everett, Washington

## **FINAL PUBLIC PARTICIPATION PLAN**

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### **Prepared by:**

Washington State Department of Ecology



**May 2009**

## **This plan is for you!**

This public participation plan is prepared for the North Marina Ameron/Hulbert Site cleanup as part of the requirement of the Model Toxics Control Act (MTCA). The plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how Ecology, the Port of Everett, Ameron International, and the Hulbert Family support public involvement throughout the cleanup. The plan is intended to encourage coordinated and effective public involvement tailored to the community's needs around the North Marina Ameron/Hulbert Site.

For additional copies of this document, please contact:

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If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341 (TTY).

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# 1.0: Introduction and Overview of the Public Participation Plan

This Public Participation Plan explains how you can become involved in improving the health of your community. It describes public participation opportunities that will be conducted during cleanup of a site on the Everett waterfront – the North Marina Ameron/Hulbert Site (Site). These opportunities are part of a cooperative agreement between the Washington State Department of Ecology (Ecology) and the potentially liable persons, or PLPs. The PLPs for this Site are the Port of Everett (Port), Ameron International Corporation (Ameron), and the Hulbert Family (Hulbert). The current agreement, called an Agreed Order, is a legal document in which the PLPs and Ecology agree to decide on cleanup actions for the North Marina Ameron/Hulbert Site. The Port has completed significant investigation and interim cleanup at portions of this Site as part of a larger North Marina Redevelopment project, known as Port Gardner Wharf. Ecology is working with the PLPs to complete the Ameron/Hulbert Site investigation and cleanup. The Site is generally located between 11th and 13th Streets off West Marine View Drive, on Port Gardner Bay, Everett, Washington.

Cleanup actions and the public participation process that helps guide them, are established in Washington’s Model Toxics Control Act (MTCA).<sup>1</sup> Under MTCA, Ecology is responsible for providing timely information and meaningful opportunities for the public to learn about and comment on important cleanup decisions before they are made. The goals of the public participation process are:

- To promote understanding of the cleanup process so that the public has the necessary information to participate.
- To encourage involvement through a variety of public participation opportunities.

This Public Participation Plan provides a framework for open dialogue about the cleanup among community members, Ecology, cleanup site owners, and other interested parties. It outlines basic MTCA requirements for community involvement activities that will help ensure that this exchange of information takes place during the investigation and cleanup, which include:

- Notifying the public about available reports and studies about the Site.
- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.
- Providing appropriate public participation opportunities such as fact sheets to learn about cleanup documents, and if community interest exists, holding meetings to solicit input and identify community concerns.

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<sup>1</sup> The Model Toxics Control Act (MTCA) is the hazardous waste cleanup law for the State of Washington. The full text of the law can be found in Revised Code of Washington (RCW), Chapter 70.105D. The legal requirements and criteria for public notice and participation during MTCA cleanup investigations can be found in Washington Administrative Code (WAC), Section 173-340-600.

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- Considering public comments received during public comment periods.

In addition to these basic requirements, the plan may include additional site-specific activities to meet the needs of your community. Based upon the type of the proposed cleanup action, the level of public concern, and the risks posed by the Site, Ecology may decide that additional public involvement opportunities are appropriate. The Port also keeps the community informed through newsletters and its website, which provides progress on waterfront cleanup.

These opportunities form the basis for the public participation process. The intent of this plan is to:

- Provide complete and current information to all interested parties.
- Let you know when there are opportunities to provide input.
- Listen to concerns.
- Address those concerns.

### ***Part of the Puget Sound Initiative***

North Marina Ameron/Hulbert is one of several sites in the Everett area and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Governor Chris Gregoire and the Washington State Legislature authorized the PSI as a regional approach to protect and restore Puget Sound. The PSI includes cleaning up 50-60 contaminated sites within one-half mile of the Sound. These sites are grouped in several bays around the Sound for “baywide” cleanup efforts. As other sites in the Everett baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as to interested people and groups.

### ***Roles and Responsibilities***

Ecology will lead public involvement activities, with support from the PLPs. Ecology maintains overall responsibility and approval authority for the activities outlined in this plan. The PLPs are responsible for cleanup at this Site. Ecology will ultimately oversee all cleanup activities, and ensure that contamination on this Site is cleaned up to concentrations that are established in state regulations and that protect human health and the environment.

### ***Organization of this Public Participation Plan***

The sections that follow in this plan provide:

- Section 2: Background information about the North Marina Ameron/Hulbert Site.
- Section 3: An overview of the local community that this plan is intended to engage.

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- Section 4: Public involvement opportunities in this cleanup.

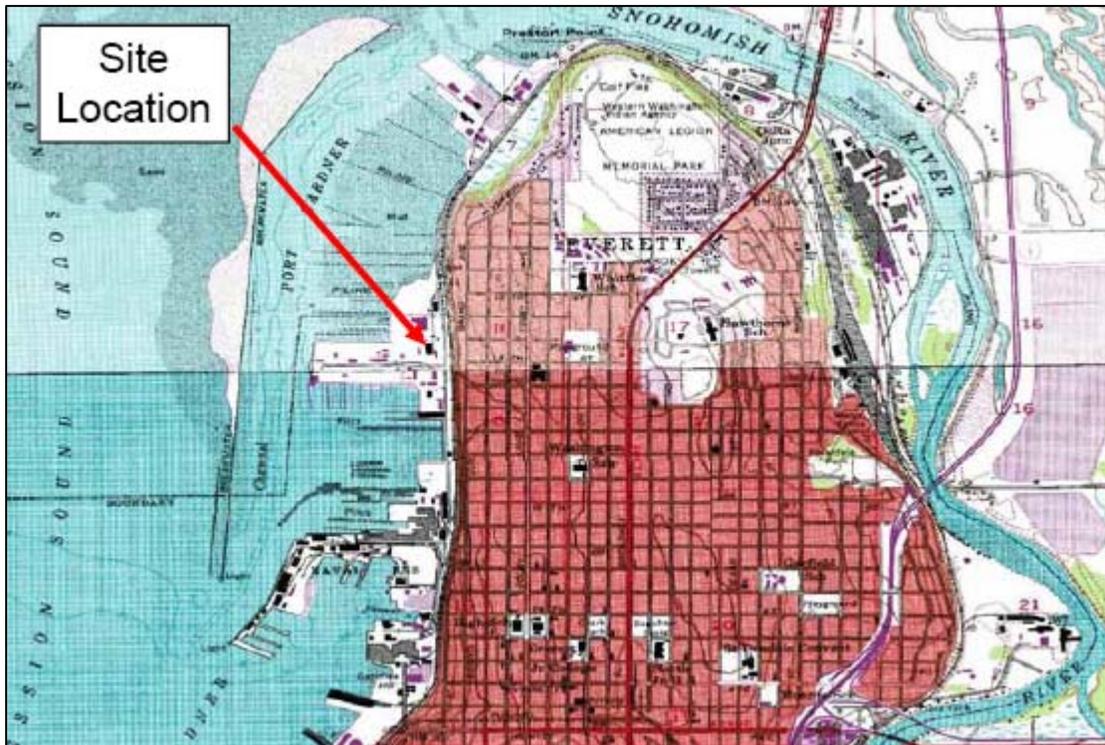
This Public Participation Plan addresses current conditions at the Site, but it is intended to be a dynamic working document that will be reviewed at each phase of the cleanup and updated as needed. Ecology and the PLPs urge the public to become involved in the cleanup process.

## 2.0: Site Background

### *Site Description and Location*

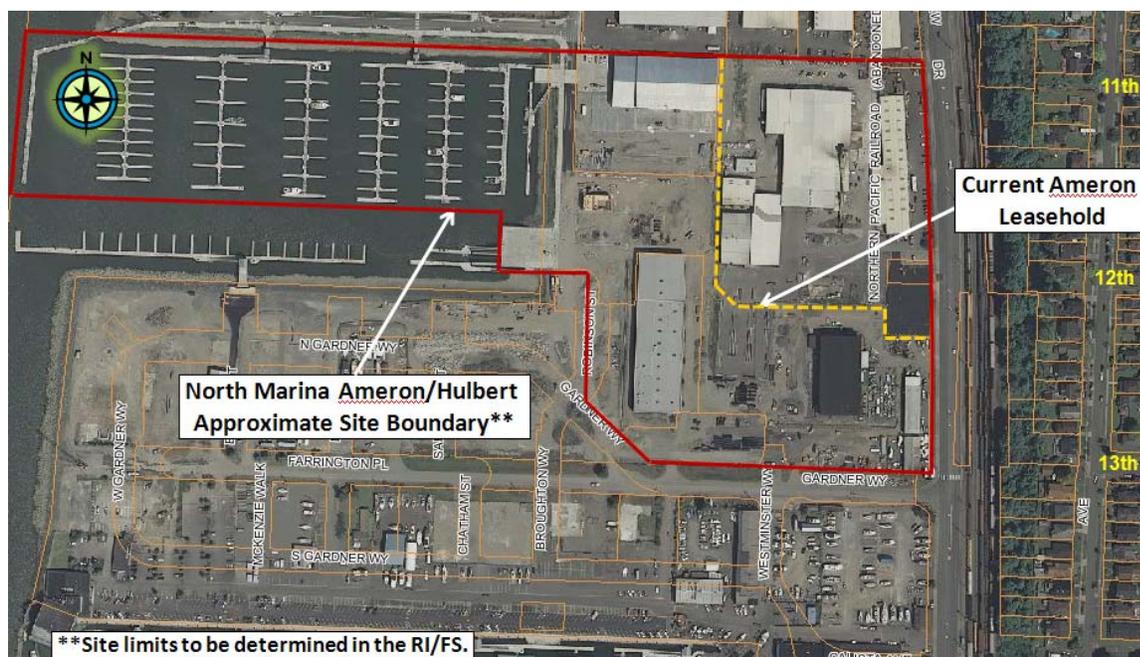
The North Marina Ameron/Hulbert Site is located generally between 11<sup>th</sup> and 13<sup>th</sup> Streets west of West Marine View Drive, in Everett, Snohomish County, Washington (see Figures 1 and 2). It is southwest of the Legion Memorial Golf Course and the American Legion Memorial Park. The upland portion of the Site is about 18 acres in size, and the in-water portion is about 12 acres. It is bounded to the north and west by Port Gardner Bay, to the south by Port of Everett property, and to the east by West Marine View Drive.

The City of Everett Comprehensive Plan land use map<sup>2</sup> indicates that the Site is zoned waterfront commercial. Zoning to the north of the Site is parks/open space and maritime services (industrial), zoning to the east of the Site is residential, and zoning to the west of the Site includes open water and parks (Jetty Island). As noted earlier, the Site is part of a larger North Marina Redevelopment project known as Port Gardner Wharf.



**Figure 1: Site Location Map** – The North Marina Ameron/Hulbert Site, shown in the above map with an arrow, is generally located between 11<sup>th</sup> and 13<sup>th</sup> Streets, west of West Marine View Drive, Everett, WA, in Snohomish County, on Port Gardner Bay.

<sup>2</sup> Planning and Community Development, City of Everett, WA [http://www.everettwa.org/Get\\_PDF.aspx?pdfID=339](http://www.everettwa.org/Get_PDF.aspx?pdfID=339) (Accessed February 13, 2009)



**Figure 2: Site Detail Map** – A larger view of the North Marina Ameron/Hulbert Site, shown in the above photo with a solid line. The final Site boundaries will be determined as part of the RI/FS.

### ***General Site History and Contaminants***

Operations at the North Marina Ameron/Hulbert Site began in the early 1900s. Uses of the Site have included shingle and saw milling, marine support services, and pole and piling manufacturing. The William Hulbert Mill Company (Hulbert) owned most of the Site from the 1920's until 1991, and conducted sawmill operations at the Site until approximately 1960. In approximately 1972, Hulbert leased a large portion of the Site to Centrecon, a concrete pole and piling manufacturing company. Utility Vault Company (UVC) purchased Centrecon by sometime around 1978. In 1988, Ameron entered into an asset purchase agreement with UVC, whereby it purchased most of the assets, properties, and business of UVC's Centrecon division. Ameron currently manufactures concrete poles at the Site. The Port of Everett (Port) purchased the property from Hulbert in 1991, and has used a portion of the property to stockpile soil from other locations within the North Marina redevelopment area.

The results of several environmental studies showed the following contaminants from Site uses in soil, groundwater, and sediment:

- Soil – Metals, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), polychlorinated biphenyls, and petroleum hydrocarbons.
- Groundwater – Arsenic, bis(2-ethylhexyl)phthalate, and vinyl chloride (a chlorinated solvent).
- Sediment – Zinc.

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Levels of these contaminants exceed Model Toxics Cleanup Act (MTCA) cleanup levels and/or Sediment Management Standards (SMS).

The Port has conducted interim actions to clean up much of the contaminated soil identified during these previous environmental studies. Further investigation will be done to fully characterize the contamination at the Site so that the appropriate cleanup action for the Site can be developed.

More information about the Port's redevelopment plans can be found at the following website: <http://www.portofeverett.com/home/index.asp?page=71>.

## ***The Cleanup Process***

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 3. The general cleanup process includes the following steps:

- Remedial investigation (RI) - investigates the Site for types, locations, and amounts of contaminants.
- Feasibility study (FS) - identifies cleanup options for those contaminants.
- Cleanup action plan (CAP) – selects the preferred cleanup option and explains how cleanup will be conducted.

Each of these steps will be documented in reports and plans that will be available for public review. Public comment periods of at least 30 calendar days are usually conducted for the following documents:

- Draft RI report.
- Draft FS report.
- Draft CAP.

These cleanup steps and documents are described in greater detail in the following subsections.

## ***Interim Actions***

Interim actions may be conducted during the cleanup if required by Ecology. An interim action partially addresses the cleanup of a site, and may be required if:

- It is technically necessary to reduce a significant threat to human health or the environment.
- It corrects a problem that may become substantially worse or cost substantially more to fix if delayed.
- It is needed to complete another cleanup activity, such as design of a cleanup plan.

Interim actions beyond those already implemented are not currently anticipated on the North Marina Ameron/Hulbert Site under this Agreed Order.

### ***Remedial Investigation/Feasibility Study Report***

The PLPs have agreed to conduct an RI/FS on the Site. The RI determines which contaminants are on the Site, where they are located, and whether there is a significant threat to human health or the environment. The draft RI report provides baseline data about environmental conditions that will be used to develop cleanup options. The FS and report then identify and evaluate cleanup options, in preparation for the next step in the process.

The RI and FS processes typically include several phases:

- Scoping.
- Site characterization.
- Development and screening of cleanup alternatives.
- Treatability investigations (if necessary to support decisions).
- Detailed analysis.

The RI and FS reports are expected to be combined into a draft North Marina Ameron/Hulbert Site RI/FS report. The draft report is anticipated to be completed in 2011 and will be made available for public review and comment.

### ***Cleanup Action Plan***

The PLPs have agreed to develop a CAP for the Site. After public comment on the draft RI/FS report, a preferred cleanup alternative will be selected. The draft CAP explains the cleanup standards that will be applied at the Site, selects the preferred cleanup alternative(s), and outlines the work to be performed during the actual site remediation. The CAP may also evaluate the completeness and effectiveness of any interim actions that were performed on the Site. The draft CAP will be available for public review and comment. Once public comments are reviewed and any changes are made, Ecology provides final approval and site cleanup can begin. Cleanup is anticipated to be completed in 2012/2013.

## 3.0: Community Profile

### *Community Profile*

Everett is Snohomish County's largest city and the sixth largest city in the State of Washington. The current population of Everett is approximately 101,800<sup>3</sup> situated within 47.7 square miles. Located on Port Gardner Bay, Everett hosts the West Coast's largest public marina, the third largest container port in the state, the U.S. Navy Homeport Naval Station Everett, and The Boeing Company's assembly plant. The city's 2006 labor workforce was more than 80,000, predominantly employed in technology, aerospace, and service-based industries.<sup>4</sup>

### *Key Community Concerns*

An important part of the Public Participation Plan is to identify key community concerns for each cleanup site. The North Marina Ameron/Hulbert Site is located near a residential area and is slated for mixed residential and commercial development. The proximity of the community to the Site may raise questions about how daily life and the future of the community may be affected during and after cleanup of the Site.

Many factors may contribute to community questions, such as the amount of contamination, how the contamination will be cleaned up, or future use of the Site. Community concerns often change over time, as new information is learned and questions are answered. Identifying site-specific community concerns at each stage of the cleanup process is helpful to ensure that they are adequately addressed. On-going key community concerns will be identified for the North Marina Ameron/Hulbert Site through public comments and other opportunities as outlined in Section 4.

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<sup>3</sup> City of Everett, Economic Development. <http://www.everettwa.org/default.aspx?ID=983> (Accessed February 12, 2009)

<sup>4</sup> City of Everett. <http://www.everettwa.org/default.aspx?ID=314> (Accessed February 12, 2009)

## **4.0: Public Participation Opportunities**

Ecology and the PLPs invite you to share your comments and participate in the cleanup in your community. As we work to meet our goals, we will evaluate whether this public participation process is successful. This section describes the public participation opportunities for this site.

### ***Measuring Success***

We want this public participation process to succeed. Success can be measured, at least in part, in the following ways:

- Number of written comments submitted that reflect understanding of the cleanup process and the Site.
- Direct “in-person” feedback about the Site cleanup or public participation processes, if public meetings are held.
- Periodic updates to this plan to reflect community concerns and responses.

If we are successful, this process will increase:

- Community awareness about plans for cleanup and opportunities for public involvement.
- Public participation throughout the cleanup.
- Community understanding regarding how their input will be considered in the decision-making process.

### ***Activities and Information Sources***

#### **Ecology Contacts**

Ecology is the lead contact for questions about the cleanup in your community. The Ecology staff person identified in this section is familiar with the cleanup process and activities at the Site. For more information about public involvement or the technical aspects of the cleanup, please contact:

Andy Kallus  
Ecology Site Manager  
WA State Dept. of Ecology  
Toxics Cleanup Program  
P.O. Box 47600  
Olympia, WA 98504-7600

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Phone: (360) 407-7259  
E-mail: akal461@ecy.wa.gov

## Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the Agreed Order, draft reports, and cleanup plans, are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and meetings; download, print, and read information; and submit comments via e-mail. The webpage also provides links to detailed information about the MTCA cleanup process. The North Marina Ameron/Hulbert Site webpage is available at the following address:

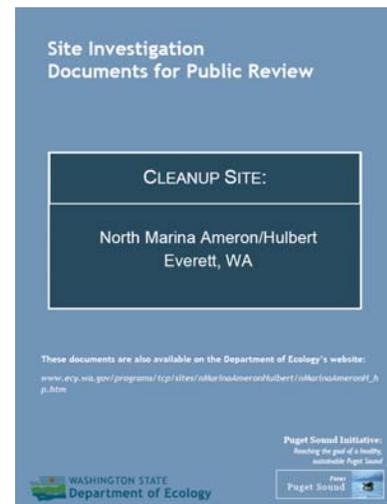
[http://www.ecy.wa.gov/programs/tcp/sites/nMarinaAmeron/ameronHulbert\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/nMarinaAmeron/ameronHulbert_hp.htm)

## Information Centers/Document Repositories

The most comprehensive source of information about the North Marina Ameron/Hulbert Site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All North Marina Ameron/Hulbert investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can be requested on compact disk (CD) as well. Document repositories are updated before public comment periods to include the relevant documents for review. Documents remain at the repositories throughout the investigation and cleanup. For this site, the document repositories and their hours are:

- **Everett Public Library**  
2702 Hoyt Ave.  
Phone: (425) 257-8010  
Hours: Mon.-Wed. 10 a.m.-9 p.m., Thurs.-Sat.  
10 a.m.-6 p.m., Sun. 1-5 p.m.
- **WA Department of Ecology Headquarters**  
300 Desmond Drive SE  
Lacey, WA 98503  
By appointment. Please contact Carol Dorn at  
(360) 407-7224 or cesg461@ecy.wa.gov.

Look for document covers such as illustrated here.



## **Public Comment Periods**

Public comment periods provide opportunities for you to review and comment on major documents, such as the Agreed Order, draft Public Participation Plan, and the draft RI/FS report. The typical public comment period is 30 calendar days.

### *Notice of Public Comment Periods*

Notices for each public comment period will be provided by local newspaper and by mail. These notices indicate the timeframe and subject of the comment period, and explain how you can submit your comments. For the North Marina Ameron/Hulbert Site, newspaper notices will be posted in The Daily Herald.

Notices are also sent by regular mail to the local community and interested parties. The community typically includes all residential and business addresses within one-quarter mile of the Site, as well as potentially interested parties such as public health entities, environmental groups, and business associations.

### *Fact Sheets*

One common format for public comment notification is the fact sheet. Like the newspaper notice, fact sheets explain the timeframe and purpose of the comment period, but also provide background and a summary of the document under review. A fact sheet has been prepared for the North Marina Ameron/Hulbert Site that explains the Agreed Order and this Public Participation Plan (See Appendix A). Future fact sheets will be prepared at key milestones in the cleanup process.

## **MTCA Site Register**

Ecology produces an electronic newsletter called the MTCA Site Register. This semi-monthly publication provides updates of the cleanup activities occurring throughout the state, including public meeting dates, public comment periods, and cleanup-related reports. Individuals who would like to receive the MTCA Site Register can sign up three ways:

- Call (360) 407-6069
- Send an email request to [ltho461@ecy.wa.gov](mailto:ltho461@ecy.wa.gov) or
- Register on-line at [http://www.ecy.wa.gov/programs/tcp/pub\\_inv/pub\\_inv2.html](http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html)

## **Mailing Lists**

Ecology maintains both an e-mail and regular mail distribution list throughout the cleanup process. The list is created from carrier route delineations for addresses within one-quarter mile of the Site, potentially interested parties, public meeting sign-in sheets, and requests made in person, or by regular mail or e-mail. You may request to be on the mailing list by contacting Ecology's contact person listed earlier in this section.

## **Optional Public Meetings**

A public meeting will be held during a comment period if requested by ten or more people, or if Ecology decides it would be useful. Public meetings provide additional opportunity to learn about the investigation or cleanup, and to enhance informed comment. If you are interested in a public meeting about the North Marina Ameron/Hulbert Site, please contact the Ecology staff listed earlier in this section.

## **Submitting Comments**

You may submit comments by regular mail or e-mail during public comment periods to the Ecology site manager listed earlier in this section.

## **Response to Comments**

Ecology will review all comments submitted during public comment periods, and will modify documents as necessary. You will receive notice by regular mail or e-mail that Ecology has received your comments, along with an explanation about how the comments were addressed.

## **Other**

Ecology and the PLPs are committed to the public participation process and will consider additional means for delivering information and receiving comments, including combining public comment periods for other actions (such as those associated with the State Environmental Policy Act).

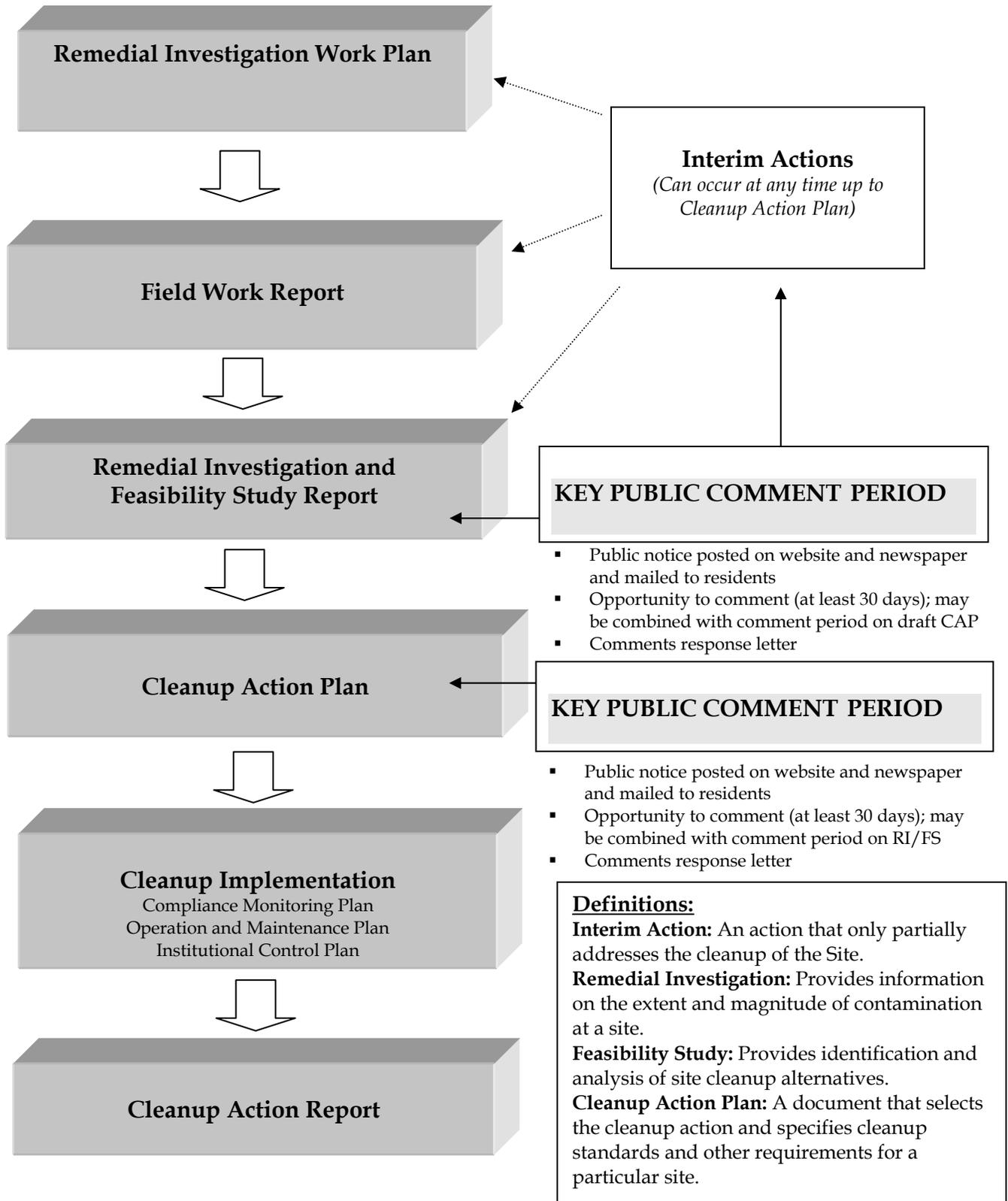
## ***Public Participation Grants***

You may be eligible to apply for a Public Participation Grant from Ecology to provide additional public participation activities. Those additional activities will not reduce the

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scope of the activities defined by this plan. Activities conducted under this plan would coordinate with the additional activities defined under the grant.

**Figure 3: Washington State Cleanup Process**



## Glossary

**Cleanup:** The implementation of a cleanup action or interim action.

**Cleanup Action:** Any remedial action except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with MTCA cleanup requirements, including but not limited to: complying with cleanup standards, utilizing permanent solutions to the maximum extent practicable, and including adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document that selects the cleanup action and specifies cleanup standards and other requirements for a particular site. The cleanup action plan, which follows the remedial investigation/feasibility study report, is subject to a public comment period. After completion of a comment period on the cleanup action plan, Ecology finalizes the cleanup action plan.

**Cleanup Level:** The concentration (or amount) of a hazardous substance in soil, water, air, or sediment that protects human health and the environment under specified exposure conditions. Cleanup levels are part of a uniform standard established in state regulations, such as MTCA.

**Cleanup Process:** The process for identifying, investigating, and cleaning up hazardous waste sites.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Feasibility Study:** Provides identification and analysis of site cleanup alternatives and is usually completed within a year. Evaluates sufficient site information to enable the selection of a cleanup action. The entire Remedial Investigation/Feasibility Study (RI/FS) process takes about two years and is followed by the cleanup action plan.

**Hazardous Site List:** A list of ranked sites that require further remedial action. These sites are published in the Site Register.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

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**Model Toxics Control Act:** Refers to Chapter 70.105D RCW. Voters approved it in November 1988. The implementing regulation is found in Chapter 173-340 WAC.

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Release:** Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

**Remedial Action:** Any action or expenditure consistent with MTCA to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance, and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

**Remedial Investigation:** Any remedial action that provides information on the extent and magnitude of contamination at a site. This usually takes 12 to 18 months and is followed by the feasibility study. The purpose of the Remedial Investigation/Feasibility Study is to collect and develop sufficient site information to enable the selection of a cleanup action.

**ATTACHMENT A**  
**PREVIOUS ENVIRONMENTAL ACTIVITIES**  
**(AREAS G, I, J, AND M)**

# **ATTACHMENT A**

## **PREVIOUS ENVIRONMENTAL ACTIVITIES**

### **AMERON/HULBERT SITE**

This document summarizes generally the previous environmental investigation and cleanup activities conducted for the North Marina Ameron/Hulbert site (Site). Ecology prepared this summary as background information for the public reviewing this document and does so without any express or implied admissions of the facts and conclusions described herein by the PLPs. As a deliverable required by the Agreed Order, the PLPs will prepare a Remedial Action/Feasibility Study (RI/FS) Report which will include a summary of previous environmental investigations and cleanup activities at the Site. The majority of the environmental activities were conducted by the Port of Everett (Port) as part of the North Marina redevelopment project. Due to the large size of the redevelopment project, the redevelopment area was subdivided into a series of investigation areas for environmental characterization. The Site encompasses all of North Marina Investigation Areas G, I, and M, and a portion of Investigation Area J. The relationship of the Site to the investigation areas is shown on **Exhibit A**, Figure 3. Environmental activities associated with the Site are discussed by investigation area in the following sections.

#### ***Relevant Documents***

A number of documents have been prepared that present the results of environmental investigation and cleanup for the Site. The information in this Attachment was taken from the following reports:

- *Supplemental Environmental Review, Hulbert Mill Company Property, 1105 13th Street, Everett, WA.* Prepared by Earth Consultants Inc. (ECI) for Mr. William Hulbert (January 17, 1990).
- *Phase I ESA and Phase I Environmental Audit, Business on Thirty Acres, Northwest Corner of 13th Street and Marine View Drive, Everett, Washington.* Prepared by Kleinfelder, Inc. (Kleinfelder) for Anderson Hunter, a law firm representing the Port of Everett (May 29, 1991).

- *Phase 2 ESA, Hulbert Mill Property, Everett, WA.* Prepared by ECI for Mr. William Hulbert (February 7, 1992).
- *Independent Cleanup Action Report, Area West of MSRC Warehouse Building, Port of Everett Property, Everett, Washington.* Prepared by Kleinfelder. December 7, 1993.
- *Phase I Environmental Site Assessment (ESA). North Marina Redevelopment Project.* Prepared by Landau Associates for the Port of Everett (November 28, 2001).
- *Phase II Environmental Site Assessment (ESA). North Marina Area. Port of Everett. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (April 13, 2004).
- *Ecology Review Draft Data Gaps Investigation. North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (May 13, 2005).
- *Ameron International Leasehold Environmental Investigation of Oil Affected Area, Port of Everett, Washington.* Prepared by Landau Associates for the Port of Everett (June 20, 2005).
- *Ecology Review Draft Report Supplemental Data Gaps Investigation. North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (February 28, 2006).
- *Cleanup Action Plan North Marina Redevelopment Site. Everett, Washington.* Prepared by Landau Associates for the Port of Everett (September 25, 2006).
- *Cleanup Action Plan Addendum, Port of Everett, Washington.* Prepared by Landau Associates for Port of Everett (September 25, 2006).
- *Cleanup Action Compliance Monitoring Results, Future Bayside Marine Leasehold, Everett, Washington.* Prepared by Landau Associates for the Port of Everett (February 14, 2007).

## **DESCRIPTION OF INVESTIGATION AREAS**

**Investigation Area G** – Investigation Area G is comprised mostly of the area leased by the Ameron International Corporation (“Ameron”) leasehold<sup>1</sup>. Ameron has operated at the Site since 1988. Primary operations associated with Ameron have included concrete pole and piling manufacturing. Centrecon—which was purchased by Utility Vault Company sometime around 1978—operated from 1972 until 1988 in the same general area. Like Ameron, primary operations associated with Centrecon/Utility Vault Company included the manufacturing of concrete poles and pilings. A diesel underground storage tank (UST) was reportedly removed

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<sup>1</sup> Ameron’s leased area is generally shown in Exhibit A, Figure 2.

from the west end of this area in December 1998 (*see Exhibit A*, Figure 3) and chemical products, some of which include waste oil, diesel, concrete-release agents, flammable liquids, and spray sealant, were used and stored on the property. Apparent petroleum hydrocarbon contamination, polychlorinated biphenyls (PCBs), and heavy metal contamination was encountered along the north lease line during repair to the stormwater system in 2004. The Ameron leasehold area is also the site of a historical fire that destroyed the William Hulbert Mill (formerly located at the property) in 1956<sup>2</sup>. Infrastructure associated with the former William Hulbert Mill was primarily located in Areas G and I. Fires on industrial properties generally have a potential to release various hazardous substances such as polycyclic aromatic hydrocarbons (PAHs). Other potential sources of contamination include:

- Sandblast grit in the western portion of the leasehold observed during the 1991 Kleinfelder Phase I ESA and the 1991/92 ECI Phase 2 ESA
- Oil-stained soil observed during the 1991 Kleinfelder Phase I ESA
- Material that Landau characterized as concrete waste was observed at multiple locations during various investigation and cleanup activities conducted as part of the North Marina redevelopment project between 2003 and 2006.

**Investigation Area I** – Investigation Area I is comprised of the property between the 12<sup>th</sup> Street Waterway and Investigation Area G (See **Exhibit A**, Figure 3). This portion of the Site contained portions of the former William Hulbert Mill Company operations and was later used for the construction of prefabricated buildings prior to the Port's purchase in 1991. Landfarming for remediation of petroleum hydrocarbon-impacted soil removed from Port UST closures in the North Marina area was reportedly conducted in this area in the early 1990s. Additionally, the Port stockpiled soil and/or debris from other locations within the North Marina Area at a location in the northeast portion of the Site. This area is currently being developed into the Port's Craftsman District as part of the North Marina redevelopment project.

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<sup>2</sup> The William Hulbert Mill operated at the Site from the early 1920s until around 1960. Exhibit A, Figure 7 depicts the William Hulbert Mill operating in 1955. The Hulbert family leased their 35-acre property to various industrial entities beginning in the early 1970s until they sold it to the Port in March of 1991. Under the Port's ownership, industrial operations have continued on the property through various leases with industrial entities.

Observations during previous environmental investigations indicated the following potential contaminant sources:

- Oil staining and paint chips in the vicinity of an open hazardous materials shed that contained 55-gallon drums of gasoline and diesel; observed during the Kleinfelder Phase I ESA.
- Soil in the vicinity of the outfall in the northwest corner of Area I that was darker in color than surrounding soil; observed during the Kleinfelder Phase I ESA.
- Fragmented, soft brick-like material within the top foot that was colored red, gray, green, black, and/or white and a 6-inch layer of what appeared to be a black blasting sand; observed during the 1992 ECI Phase II ESA test pit investigation.
- A discolored and odorous material was encountered in the central portion of Area I; observed during the Landau Associates 2003/2004 Phase II ESA.

**Investigation Area J** – Investigation Area J includes the former Marine Spill Response Corporation (MSRC) leasehold. An independent cleanup action was completed by Kleinfelder on behalf of the Port in 1993 to remove material impacted by petroleum hydrocarbons and potentially other hazardous substances adjacent to, and west of, the MSRC facility. The cleanup entailed removing about 600 cubic yards (yd<sup>3</sup>) of diesel- and oil-contaminated soil, drums, scrap steel, and debris from a concrete vault encountered during construction of the drainage swale to the west of the MSRC building. This cleanup is documented in Kleinfelder's 1993 independent cleanup action report. Although soil samples indicated that the cleanup action did not leave contaminated material in place, no groundwater samples were collected as part of the cleanup action. Also, an approximately 10,000-gallon UST used for fueling Port vehicles, and later for waste oil storage, was reportedly removed in the late 1980s from the same vicinity as the concrete vault (See MSRC UST on **Exhibit A**, Figure 3).

An area of construction debris was encountered within the northeast portion of Investigation Area J during Landau Associates' 2005 Supplemental Data Gaps Investigation. Based on the presence of what appeared to be charred wood, the debris could be related to the fire that partially destroyed the Hulbert Mill in 1956.

**Investigation Area M** – Investigation Area M historically included several buildings, although many of the buildings have been demolished as part of the Port's redevelopment activities. Remaining buildings include the former Collins Building (which also served as the

Hulbert Mill office); Sandy's Boathouse; and Washington Belt & Drive (See **Exhibit A**, Figure 3). Buildings previously occupied by the Port maintenance shop, VECO, Inc., and American Boiler Works, were demolished as part of the redevelopment.

Two gasoline USTs and one diesel UST located in the vicinity of VECO, Inc.'s,, operations were removed in 1991 (See **Exhibit A**, Figure 3); the Washington State Department of Ecology (Ecology) ID number associated with these USTs is 101153. A letter report prepared by A-1, the tank removal contractor, and received by Ecology in August 1991 indicated that a "slight sheen" was observed on the water in the UST excavation area, resulting in the excavation of "approximately 50 yards" of material that was "placed in a berm yard and aerated."

Observations during previous environmental investigations indicated the following additional potential contaminant sources:

- The Kleinfelder Phase I ESA found that businesses operating in Investigation Area M used paints, solvents, glues, petroleum products, and flammable/corrosive materials.
- As reported in Kleinfelder's 1991 ESA, a stormdrain with dark staining around a surface grating was observed within the building leased by VECO, Inc .
- As reported in the Kleinfelder 1991 ESA, a diesel storage tank supplied fuel for an onsite boiler that serviced the Collins Building.

## ***CONTAMINANTS IN ENVIRONMENTAL MEDIA***

### Soil Contamination

Soil samples collected by ECI during their 1992 Phase 2 ESA, and Landau Associates as part of the Port's Phase II and follow up investigations, were compared to Model Toxics Control Act (MTCA) cleanup levels (including those established under applicable state and federal laws) based on unrestricted land use. A summary of soil cleanup level exceedances (identified as contamination) applicable to the North Marina Ameron/Hulbert Site is presented below.

- **1992 ECI Phase 2 ESA** – Contaminants that exceeded cleanup levels included total recoverable petroleum hydrocarbons (TRPH), antimony, arsenic, cadmium, chromium, and lead. Soil samples in Area G collected by ECI in 1992, including samples of blasting sand, revealed concentrations of antimony, arsenic, cadmium, chromium, and lead above the MTCA cleanup levels for unrestricted land use. A surface soil sample collected from Area M by ECI in 1992 revealed a TRPH concentration in excess of the cleanup level.

- **Landau Associates' Investigations (2003 to 2006)** – Soil contaminant concentrations that were identified as exceeding the MTCA cleanup levels for unrestricted land use included carcinogenic polycyclic aromatic hydrocarbons (cPAHs), PCBs, arsenic, copper, lead, and zinc.

### Groundwater Contamination

Groundwater samples collected by Landau Associates as part of the Port's Phase II and follow on investigations (2003 to 2006) were compared to MTCA cleanup levels (including those established under applicable state and federal laws) based on protection of marine surface water and unrestricted land use. Based on the Port's investigations, contaminants in groundwater that exceeded the most stringent of the surface water protection cleanup levels included arsenic (Areas G, J, and M); vinyl chloride (Area M); and bis(2-ethylhexyl)phthalate (Area G).

### Sediment Contamination

During ECI's 1992 Phase 2 ESA, one sediment sample was collected beneath the storm drain discharge located in the northwest corner of this area. Results from this sediment sample were compared against the Sediment Management Standards (SMS) (Chapter 173-204 WAC), Sediment Quality Standards (SQS), and Cleanup Screening Levels (CSL). Sample results showed that the measured concentration for zinc exceeded the SQS. It is noted that the measured arsenic concentration was equal to the SQS. Also, total recoverable petroleum hydrocarbons (TRPH) were measured at 2,100 mg/kg (dry weight), which is a likely concern in sediment.

## ***INTERIM ACTION CLEANUP ACTIVITIES***

Interim action cleanup activities were implemented at the Site as part of the North Marina redevelopment project. The interim action was conducted under Ecology's Voluntary Cleanup Program (VCP) between October 2005 and August 2006, and included cleanup activities in all investigation areas associated with the Site. Cleanup consisted of excavation and offsite disposal of contaminated soil at a licensed facility.

Cleanup activities in Investigation Area G consisted of removal of about 1,800 cubic yards (yd<sup>3</sup>) of contaminated soil. Cleanup was limited to the northwest corner of Investigation

Area G in close proximity to the west fence line. The Port terminated cleanup activities in this area prior to achieving cleanup levels.

Cleanup activities in Investigation Area I consisted of removal of about 17,000 yd<sup>3</sup> of contaminated soil. MTCA cleanup levels for unrestricted use were achieved throughout Investigation Area I. However, cleanup levels were not achieved at the north property boundary near the northeast corner of Investigation Area I, indicating that Site contamination extends onto the property to the north.

Cleanup activities in the portion of Investigation Area J that falls within the Site boundary consisted of removal of about 2,100 yd<sup>3</sup> of contaminated soil. MTCA cleanup levels for unrestricted use were achieved for Area J-1, one of the two Site cleanup areas located in Investigation Area J. Excavation for the second cleanup area, Area J-3, was extended to about 6 ft below ground surface (BGS) to allow the installation of new utilities for the Craftsman District, but contaminated soil and construction debris extend to 17 ft BGS in this area.

Cleanup activities in Investigation Area M consisted of removal and offsite disposal of about 260 yd<sup>3</sup> of contaminated soil. MTCA cleanup levels for unrestricted use were achieved throughout Investigation Area M, except that cleanup levels were not achieved along the north excavation boundary because the excavation could not be extended without impeding access to the Ameron leasehold.