



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 4, 2003

RE: Everett Smelter Site Update – Cleanup of fenced area

Dear Community Member,

You may have seen or heard recent news accounts of a court order affecting the site of the former Everett Smelter. The order puts the Department of Ecology's (Ecology's) efforts to have the most highly contaminated soil at the site cleaned up by October 2004 back on track. This interim measure is needed to protect public health and the environment. Because of your past interest and involvement in this issue we are writing to explain this development, provide some background and tell you about the next steps in this process.

In June 2002, Ecology issued an enforcement order to ASARCO, Incorporated requiring Asarco to remove the most highly contaminated soil from the Everett Smelter site. This is soil with arsenic concentrations exceeding 3,000 parts per million (ppm). The soil, and associated smelter debris, is located within the fenced area, which is on the southwest corner of East Marine View Drive and State Route 529. Some highly contaminated soil which is adjacent to the fenced area under East Marine View Drive will also be removed. Most of this material is within 4 feet of the ground surface.

Asarco estimates that there are about 25,000 cubic yards of soil with arsenic concentrations exceeding 3,000 ppm arsenic. Of this, about 15,000 cubic yards of soil has arsenic concentrations exceeding 10,000 ppm. Some occurrences of the arsenic trioxide product produced by the smelter have been found. This material has an arsenic concentration of 76 percent.

Soil with arsenic at these concentrations can present a short-term danger to human health upon exposure. Lead and other heavy metals are also associated with the arsenic-contaminated soil. Removing the soil based on its arsenic concentrations will also address the lead and other heavy metals. The highly contaminated soil is causing elevated arsenic concentrations in ground water and storm water as well.

The June 2002 order required Asarco to begin removing the contaminated soil in April 2003, and to complete its removal by October 2004. Asarco failed to begin the removal as required. Ecology sued Asarco in Snohomish County Superior Court to compel Asarco to perform the work. On October 20, 2003, Superior Court Judge Thomas Wynne signed a judgment requiring Asarco to remove the highly contaminated material by the date in the original enforcement order, October 31, 2004.

The judgment contains a schedule for the removal of the material. Engineering plans for the removal are to be submitted to Ecology for approval by January 30, 2004. A contractor is to mobilize to the site by June 1st. The highly contaminated soil is to be removed by August 20th. The site is to be stabilized for the winter season by October 31st. A draft report on the actions taken is to be



submitted to Ecology by December 31, 2004, with a final report due 30 days after receipt of Ecology's comments on the draft.

Asarco intends to take the contaminated soil to a disposal facility constructed at Asarco's Tacoma Smelter cleanup site to accept similar material. Approximately 10 times the amount of this type of material exists at the Tacoma Smelter site as compared to the Everett Smelter site. Such disposal requires approval by the U.S. Environmental Protection Agency, which oversees Asarco's cleanup activities at the Tacoma Smelter site.

Asarco remains in difficult financial straits. Asarco hopes to receive funds for this work from an Environmental Trust Fund set up this year to address Asarco's environmental liabilities *nationwide*. Asarco's parent corporation, Grupo Mexico, is setting aside \$100 million from the recent sale of a copper mine in Peru. Asarco is requesting monies be released from the Trust Fund in 2004 for the Everett Smelter work. This request must be approved by the Environmental Protection Agency, which oversees the Trust.

The judgment entered with Snohomish County Superior Court requires Asarco to remove the highly contaminated soil within the fenced area whether or not Asarco receives approval to take it to the Tacoma Smelter disposal facility and whether or not Trust Fund monies are available. Asarco is proposing to include the removal of this material in the 2004 Trust Fund budget, which Ecology strongly endorses. If Trust Fund monies are not available and Asarco is still a viable company (i.e., does not declare bankruptcy), then the highly contaminated soil must still be removed by Asarco next summer. If Trust Fund monies are available, the contamination will be removed whether or not Asarco declares bankruptcy.

Once Ecology has a more specific understanding of the planned cleanup work and how it might affect the neighborhood, Ecology will send you an update through the mail. The notice will include information about traffic and noise impacts, as well as details about what will be done to ensure that contaminated dust is controlled in order to protect your health. A public meeting will be held if it appears needed to provide details of the cleanup and to answer your questions. Asarco purchased all of the residences within the fenced area and has demolished them. No one is living within the fenced area where the work will occur. Ecology has been cleaning up properties of residents outside of the fenced area with money from the State Toxics Control Account, an account funded by a dedicated tax on hazardous substances (i.e., not general fund money). No funding from the State Toxics Control Account was authorized by the Legislature for the Everett Smelter site for the 2003-2005 state budget biennium. It is unknown whether or not funding will be available in the next biennium.

If you have any questions, please contact me at (425) 649-7200 or dsou461@ecy.wa.gov.

Sincerely,



David L. South
Site Manager
Toxics Cleanup Program