



Everett Smelter Site Update March 2003

This update summarizes comments received during the January 2003 public comment period on proposed plans to clean up the fenced area and adjacent properties, and gives the Washington State Department of Ecology's (Ecology's) responses to those comments. These plans are contained in the *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site*.

Proposed plans to clean up the fenced area and adjacent properties were described in Ecology's December 2002 Fact Sheet. This fact sheet is available on Ecology's Everett Smelter web site:

http://www.ecy.wa.gov/programs/tcp/sites/asarco/es_main.html

The December Fact Sheet, the cleanup plans, and other site documents are available at the Everett Public Library (2702 Hoyt Avenue, 425-257-8000) or at Ecology's Northwest Regional Office in Bellevue (3190 160th Avenue SE, 425-649-7190 [call for an appointment]).

Many of the public comments received concern subjects that will be addressed in more detail in follow-up plans currently being developed to guide cleanup work. These include the Construction and Traffic Management Plan, Landscape Buffer Plan, Final Site Restoration Plan, and Final Program of Institutional Controls and Monitoring. These plans are required by the amendment to the final cleanup action plan. The amendment contains a brief description of each plan's purpose. The amendment is available on the above web site, as well as at the Everett Public Library and Ecology's Bellevue office.

When ready, these plans will be available for public review at the Everett Public Library and Ecology's Northwest Regional Office. Their availability will be announced on Ecology's web site.

Ecology will remain in its oversight role during and after cleanup operations, and will ensure that information developed during the cleanup is appropriately archived.

Ecology has approved Asarco's *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site* as written.

Comments and Ecology Responses

Comments received fell into four general categories: (1) cleanup activities; (2) future site development; (3) degree of surety the cleanup will occur; and (4) concerns about transporting contaminated soil to Asarco's Tacoma Smelter site.

Cleanup Activities:

Concerns regarding cleanup activities were generally along the lines of normal concerns for this sort of excavation and grading project, with added concern because the soil is contaminated with arsenic and lead: dust and dirt, erosion control, noise, hours of operation, vibration, and traffic.

No visible dust will be allowed during the project and air will be monitored to ensure contamination is not leaving the site. Dust will be controlled by spraying water on the excavated soil in sufficient quantity to prevent dust, but not so much as to cause any runoff. Trucks transporting soil will go through a tire wash prior to leaving the site, if necessary, to prevent tracking of dirt offsite. Truck loads will be covered.

One comment suggested that additional testing be performed by collecting surface soil samples on adjacent properties before and after cleanup. Ecology discussed this concern with Asarco. Asarco advised Ecology that Asarco believes that the no-visible-dust standard for cleanup operations, with air monitoring as currently planned, will provide a practical, effective, and sufficient level of protection for soil migration beyond the site during cleanup. This approach has been judged acceptable and has been applied successfully by Asarco at many sites similar to Everett. Ecology concurs with this assessment.

Erosion control will be in place to prevent erosion during excavation and grading. At the end of operations the site will be graded and re-vegetated so the erosion is controlled in the same manner as at any other urban property.

Site cleanup will use standard earth-moving equipment; noise levels will be those normally associated with such operations. A standard muffler in good working order will be required for all motorized equipment.

Concerns were expressed regarding hours of operation. According to the City of Everett Design and Construction Standards, the applicable Everett noise ordinance allows construction activity between 7:00 a.m. and 10:00 p.m. on weekdays, and between 8:00 a.m. and 6:00 p.m. on weekends and state holidays. It is possible that Asarco will request a variance from normal City construction requirements if it could result in overall lower community impacts during construction. For example, transporting soil to Tacoma by barge would reduce or eliminate hauling through residential areas of East Marine View Drive, but might require night operations to allow loading during high tides.

Concerns were expressed regarding whether vibration from equipment could damage adjacent structures. The work will employ normal earth-moving equipment and will

present no more risk of damage than during normal excavation and grading activities. Ecology and Asarco will be meeting with adjacent homeowners prior to beginning work. Concerns about specific nearby structures can be identified at that time. Asarco may choose to videotape or photograph structures of concern prior to the beginning of operations. If homeowners wish to make their own photographic record, Ecology recommends that Asarco be contacted and given the opportunity to accompany the homeowner and receive a duplicate record. If damage due to vibration from cleanup operations is demonstrated to occur, Asarco will be responsible for repairing the damage.

Cleanup operations will result in increased traffic. Parking areas for workers will have to be identified. Trucks hauling the soil off site will cause an increase in traffic along the haul routes.

Planning for traffic flow during cleanup operations will provide for maintenance of mail, school bus, and emergency access to adjacent neighborhoods. Roads within the fenced area will be vacated during cleanup operations. These roads may not be re-established until development plans for the fenced area are known. The need for access across the fenced area after cleanup by emergency vehicles will be assessed during development of the Final Site Restoration Plan. Such access could be provided without necessarily constructing a paved street.

Roads between the south boundary of the fenced area and Butler Street will not be disturbed during cleanup operations. They will be used by equipment during such times as homes south of the fenced area are being cleaned up. Fenced area cleanup operations will be accessed from Broadway and from East Marine View Drive.

Comments suggested changes to sampling plans for cleanup of homes adjacent to the fenced area. Cleanup of these homes is not required by the current enforcement order, but Asarco may choose to perform it. The current sampling plans conform to requirements of the final cleanup action plan for the site. Since this work is several years out, Ecology believes it is more appropriate to review the planned sampling and make any appropriate adjustments at the time the work is taking place.

Future Site Development:

Public comments expressed a strong desire to re-develop the fenced area in accord with its current single family zoning designation. The cleanup plans do not call for a zoning change. Asarco is interested in selling the property to a developer. Any zoning change applied for by a developer would have to be made through normal City of Everett processes.

Surety Cleanup Will Occur:

Community members asked whether Asarco would be required to provide financial guarantees that cleanup will occur. Asarco's financial condition can be considered guarded at best.

Asarco's financial condition did improve somewhat in January. Asarco and the U.S. Department of Justice agreed to the sale of one of Asarco's chief assets, interest in the Southern Peru Copper Company. This sale provided money with which Asarco could meet its debt obligations. Asarco also agreed to provide \$100 million from the sale funds to meet its environmental liabilities at federal sites. The money will be paid in \$12.5 million increments over 8 years.

The agreement described above covers federal sites. There is a potential that some of the funds could be applied to state sites, such as Everett Smelter. Asarco has asked for funds in 2003 to cover preparation of the design work at Everett and will be asking for funds to cover cleanup work in 2004.

Ecology continues to work with Asarco so that Asarco can meet its cleanup obligations at the Everett Smelter site. In the case of an Asarco bankruptcy, Ecology will review its options at that time.

Some comments expressed concern about what would happen if Asarco begins work, then stops with high levels of material exposed. As always happens with a private sector failure that leaves potential imminent public health hazards, government will step in, assess the hazard, and do what is necessary to alleviate any identified imminent hazards.

Transport of Soil to the Tacoma Smelter Site:

Asarco held informal public meetings in Tacoma to assess public reaction to their proposal. A significant number of people did not want to see Everett soil brought to Tacoma in any case. Most, however, understood that the cost savings (estimated at \$3 million) of taking Everett soil to the already-constructed containment facility at Asarco's Tacoma Smelter site, rather than a commercial facility, would provide additional funds for Asarco to meet its environmental liabilities. The result of the informal meeting was that most, but by no means all, of the people who commented at Asarco's informal meetings in Tacoma supported acceptance of soil at Asarco's Tacoma facility. This support was conditioned on placing Tacoma waste first and on placing any soil received from Everett directly in the containment facility (i.e., no stockpiling on site while the facility was receiving Tacoma waste). Residents also indicated that only Everett Smelter site soil be accepted at the Tacoma Smelter site; the Tacoma Smelter site should not become a "regional dump" for arsenic- and lead-contaminated soil from other areas.

For more information:

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