

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial)
Action by:)
ASARCO Incorporated)
)

First Amendment to
Enforcement Order
No. 02TCPNR-4059

To: ASARCO Incorporated
P.O. Box 1677
Tacoma, Washington 98401

I. Jurisdiction

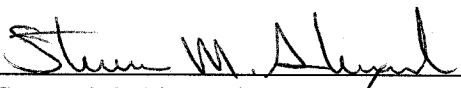
This Amendment is issued pursuant to the authority of RCW 70.105D.050(1).

II. Amendment

Ecology Enforcement Order No. No. 02TCPNR-4059 (Order) requires, among other things, that ASARCO Incorporated (Asarco) remove all material within the Fenced Area of the Everett Smelter site with arsenic concentrations exceeding 3,000 mg/kg. The Order is hereby amended to require that all material outside the Fenced Area and within the Everett Smelter Site (i.e., which is associated with the former Everett Smelter) with arsenic concentrations exceeding 3,000 mg/kg shall also be removed. This cleanup shall be accomplished in accordance with the *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site*, a report required by the Order.

This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: December 30, 2002


Steven M. Alexander
Toxics Cleanup Program