

Everett Smelter Site

Enforcement Order Issued for Interim Cleanup Action



Public Comment on Enforcement Order

The Washington State Department of Ecology (Ecology) has issued an Enforcement Order to ASARCO, Inc., requiring cleanup of the most contaminated material within the Everett Smelter site (see page 2 for details). Specifically, material with arsenic concentrations above 3,000 parts per million is to be excavated and disposed of off site. This material is within the fenced-off area just south of State Route 529 and between Hawthorne and East Marine View Drive (see maps on page 3). Arsenic concentrations as high as 760,000 parts per million (76%) have been reported by Asarco within the fenced area, mostly within the top 4 feet of the ground surface.

Site Background

This approximately 600-acre site is located in northeast Everett, Snohomish County, Washington, and is contaminated by arsenic, lead, and other metals. The contamination was caused by emissions from the Everett Smelter between 1894 and 1912, and by material left behind when the smelter was demolished between 1912 and 1915. The property was sold in various parcels between 1915 and 1936, and homes were built on many of the parcels.

Studies and interim cleanup activities were performed at the site from 1990 to 1999. A final cleanup action plan for the residential and commercial portion of the site, called the upland area, was issued in November 1999. The lowland portion of the site, adjacent to the Snohomish River, is still in the study phase.

In 1998, Asarco filed suit challenging the constitutionality of most of its liability for the site. A superior court decision upheld Asarco's liability for some parts of the site and rejected it for others. Both Ecology and Asarco appealed to the Washington State Supreme Court. The state Supreme Court dismissed the case on March 21, 2002. Ecology then issued an Enforcement Order to Asarco to clean up the entire upland area of the site. Asarco subsequently filed a motion with the state Supreme Court asking for partial reconsideration of the Court's decision. This motion effectively stayed Ecology's Order, which Ecology rescinded while awaiting the Supreme Court's ruling. Asarco's motion is currently pending before the state Supreme Court.

In April 1999, Ecology ordered Asarco to clean up the 80 most contaminated homes. Asarco refused to comply with this order and in May 1999, Ecology began cleanup of residential properties. Thirty-eight residential properties have been cleaned up to date. Another 19 properties have been sampled and Ecology will clean up nine of these this summer. Ecology has contacted these nine homeowners.

June 2002

PUBLIC COMMENT PERIOD

June 12 through July 12, 2002

SEND WRITTEN COMMENTS TO:

David L. South, Site Manager
Department of Ecology
3190 160th Avenue SE
Bellevue WA 98008
(425) 649-7200
dsou461@ecy.wa.gov

INFORMATION REPOSITORIES

Documents can be reviewed at the following locations:

Everett Public Library
2702 Hoyt Avenue
Everett, WA
(425) 257-8000

ASARCO Everett Information Center
545 Hawthorne Street
Everett, WA
Call for hours: (425) 259-0822

Department of Ecology
3190 160th Avenue SE
Bellevue WA 98008
Call Sally Perkins for an appointment
Phone: (425) 649-7190

Ecology's web site:
<http://www.ecy.wa.gov/programs/tcp/sites/sites.html>

For special accommodation needs or language translation assistance, call Rebekah Padgett, Ecology's Public Involvement Specialist at (425) 649-7257, or (425) 649-4259 (TDD).

Ecology is an equal opportunity and affirmative action agency.

Publication #02-09-063

What This Order Requires

This Order directs Asarco to reduce the hazards of the most highly contaminated portion of the site on land that Asarco currently owns. Asarco has not challenged its liability for cleaning up this property. It is necessary to begin planning now for the actions required by the Order in order to take advantage of the 2003 construction season.

The material to be cleaned up is located within the portion of the site known as the fenced area (see map on page 3). Asarco re-purchased this portion of the site soon after the contamination was discovered. Those residing in this area moved to other locations. A security fence was placed around the area to keep people out and this became known as the "fenced area." The homes were subsequently demolished.

The fenced area is where arsenic processing occurred when the Everett Smelter was in operation. It is the most contaminated portion of the site and arsenic concentrations of up to 760,000 parts per million (76%) have been found by Asarco in this area. Lead, as well as other metals which occurred with the ores smelted, also are present.

The most contaminated material is defined as material with arsenic concentrations exceeding 3,000 parts per million. This interim action will not achieve complete cleanup of the fenced area, but it will remove material which is largely responsible for arsenic leaching to ground and surface water. Arsenic concentrations above 3,000 parts per million could be hazardous to the health of anyone who trespasses onto the site and inadvertently contacts or ingests contaminated soil or residual arsenic products. Site studies found that material with arsenic concentrations above 3,000 parts per million classifies as dangerous waste.

Asarco estimates that there are approximately 20,000 to 25,000 cubic yards of soil with arsenic concentrations exceeding 3,000 parts per million within the fenced area. Of that, Asarco estimates that approximately 10,000 to 15,000 cubic yards have arsenic concentrations exceeding 10,000 parts per million. Most of this material is within the top 4 feet of the ground surface.

Based on measurements made during storm events in January and February of 1999, Asarco estimated that 3 to 4 pounds per day of arsenic leaves the site in such storms, and that over 75% of this observed arsenic load goes to the City of Everett's sewer/storm water system.

This Order requires Asarco to prepare an Interim Action Report during 2002 and to begin cleanup activities within the fenced area no later than April 30, 2003. Cleanup activities are to be completed no later than October 30, 2004.

Public Comment on the Enforcement Order

Ecology is holding a public comment period from June 12 to July 12, 2002, during which you may comment on the Enforcement Order. The Enforcement Order is available for review at the information repositories listed on the first page of this fact sheet. Other pertinent site documents also are at these information repositories.

A public meeting is not planned for this Enforcement Order. However, one will be held if ten or more people so request.

The Order requires that Asarco prepare a report describing how they plan to clean up the fenced area. This report will describe measures which will be taken to protect public health and safety during the work and how the site will be left at the conclusion of the cleanup. Ecology will hold a 30-day public comment period on this document, which will include a public meeting. It is anticipated that this will occur in the Fall of 2002.

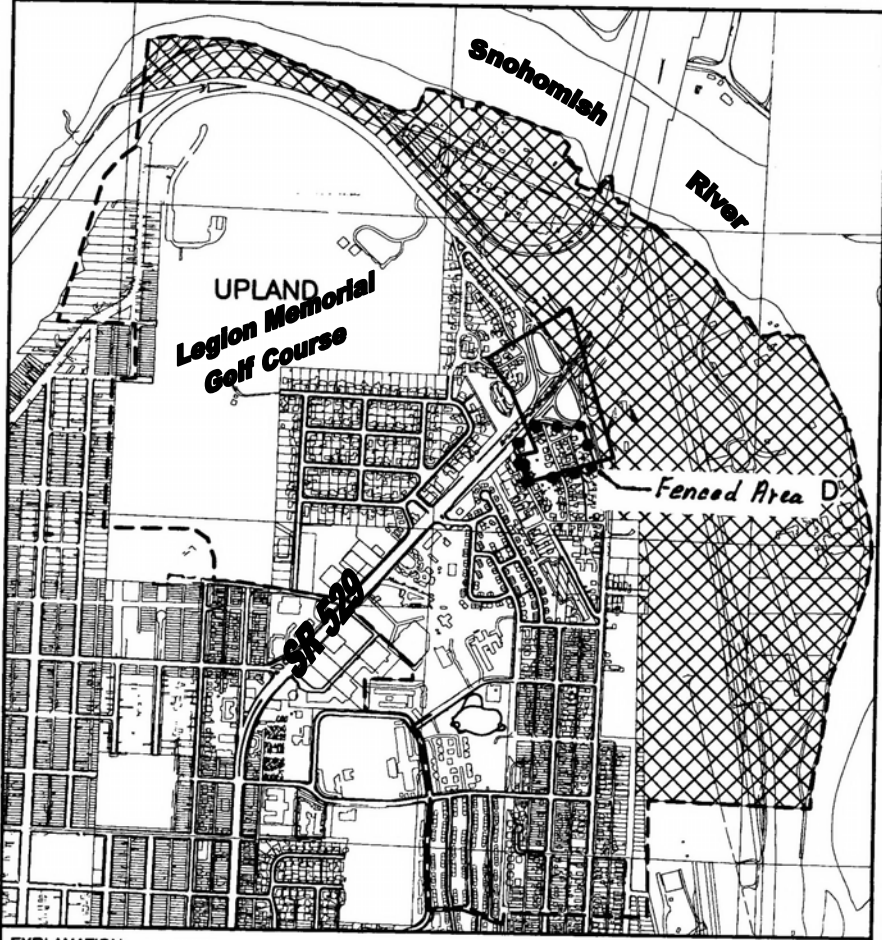
Ecology Would Like Your Input!

You have an opportunity to review and to comment on this Enforcement Order. Please send your comments before July 12, 2002, to David L. South, Site Manager, at the address given below. Comments may be sent by regular mail, e-mail, or voice mail.

Please mark "Everett Smelter Comment" on the envelope or in the subject line of your e-mail.

FOR MORE INFORMATION:

David L. South, Ecology Site Manager
Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7200
dsou461@ecy.wa.gov



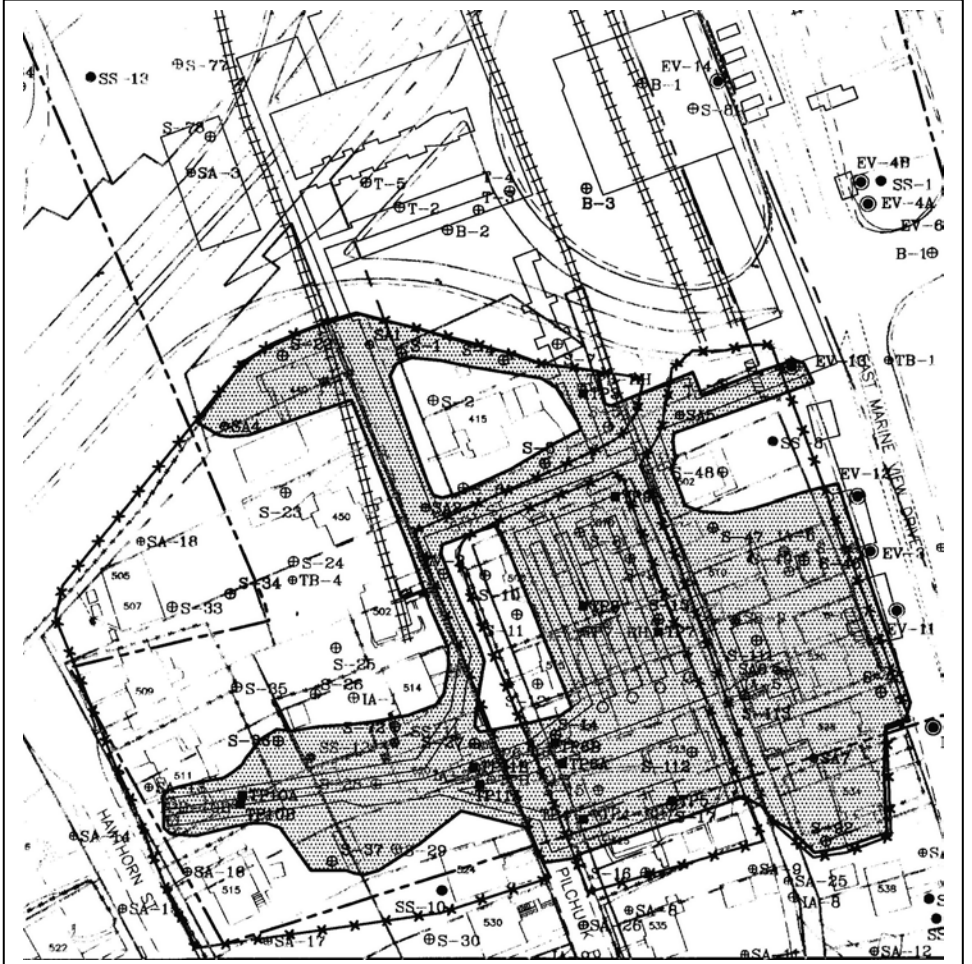
EXPLANATION:

- COMMUNITY PROTECTION MEASURES AREA
- FORMER ARSENIC TRIOXIDE PROCESSING AREA
- HISTORIC SMELTER PLANT BOUNDARY

NOTE:
1. THE PERIPHERAL AREA IS THAT PART OF UPLAND AREA OUTSIDE OF THE FORMER ARSENIC TRIOXIDE PROCESSING AREA.

SCALE
1200 0 1200 FEET

The Everett Smelter Site, showing the fenced area.



Estimated extent of material with arsenic exceeding 3,000 parts per million within the fenced area (-x-x-x-x- indicates fence).