

June 10, 2002

CERTIFIED MAIL

7000 0520 0021 6764 4989

Mr. Tom Martin
ASARCO, Inc.
P.O. Box 1677
Tacoma, WA 98401

Dear Mr. Martin:

RE: Everett Smelter Site – Ecology Enforcement Order No. 02TCPNR-4059

Enclosed please find Ecology Enforcement Order No. 02TCPNR-4059. The effective date of this Order is June 10, 2002. It requires Asarco to perform an interim action to remove the most contaminated material within the fenced area of the Everett Smelter site. This is the material with arsenic concentrations exceeding 3,000 parts per million.

Asarco is required to submit an outline of the Interim Action Report required by this Order within 15 days of the effective date of the Order, or by June 25, 2002. The Order specifies other submittals and their due dates.

Equipment is to be mobilized to the site no later than April 30, 2003; that is, in about one year. The interim actions are to be completed by October 30, 2004.

Failure to meet submittal dates established in the Order, failure to mobilize equipment by the required date, or failure to complete the interim action by the required date is a violation of this Enforcement Order. In such instance, Ecology may proceed with remediation work and/or bring appropriate legal actions, including actions for penalties, in accordance with Ch. 70.105D RCW.

Please contact me to discuss your compliance with this Order. You may reach me at 425-649-7200 or dsou461@ecy.wa.gov.

Sincerely,

David L. South
Senior Engineer
Toxics Cleanup Program

DS:jc

Enclosure

cc: Michael Thorp
Andy Fitz