

Enforcement Order for Everett Smelter Site Cleanup Canceled



You recently received a mailing from the Washington State Department of Ecology (Ecology) regarding the agency's Enforcement Order to ASARCO Inc. to proceed with cleaning up the Everett Smelter site. The Order was issued following a dismissal by the Washington State Supreme Court of litigation Asarco had brought against Ecology regarding the cleanup.

The next day, April 9, 2002, Asarco filed a motion to the state Supreme Court for partial reconsideration of the Court's ruling dismissing the case. Asarco is asking that the case be sent back to the lower courts for further development to address some issues in the state Supreme Court's ruling. The filing of this motion effectively suspends the requirement to perform certain cleanup actions by certain dates as outlined in Ecology's Enforcement Order. These dates were based upon the presumed effective date of the Order. Ecology has decided to cancel the Enforcement Order and the associated public comment period (4/10/02-5/9/02) for the sake of clarity and efficiency. Ecology will reissue the Order with new compliance dates after the state Supreme Court has ruled on Asarco's motion.

In the meantime, Ecology is preparing to clean up more arsenic-contaminated yards at residential properties this summer. Ecology anticipates being able to clean up yards at nine homes with the funds available. These homeowners have been contacted.

Comments or questions regarding any aspect of the site are welcome. Please send them to: David L. South, Site Manager, WA State Department of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008 Phone: (425) 649-7200 E-mail: dsou461@ecy.wa.gov

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

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