

# Focus Puget Sound



## Summary Response to Public Comment on:

*Draft Agreed Order*

**East Waterway  
Everett, WA**

February 2016

Puget Sound Initiative:  
*Reaching the goal of a healthy,  
Sustainable Puget Sound*

*Focus*  
Puget Sound



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# Puget Sound Initiative

## Protecting and Restoring Puget Sound

The Puget Sound Initiative, established by the Washington State Legislature, is a collaborative effort between local, tribal, state and federal governments, business, agricultural and environmental interests, and the public to restore and protect the Sound.

Contaminated sites around the shorelines are a leading source of pollution to the Sound. Ecology has accelerated its efforts to clean and restore these contaminated sites within identified priority bays. Within these bays, Ecology is cleaning up 50-60 sites within one-half mile of the Sound. Cleanup actions will help to reduce pollution and restore habitat and shorelines in Puget Sound, resulting in larger areas of usable shoreline habitat for fish, wildlife and people.



## Port Gardner Baywide Cleanup

In Port Gardner Bay, local, state and federal agencies, local Native American tribes, businesses and property owners are working to restore the waterfront – cleaning up several old industrial sites and restoring waterfront areas for fish, animals and people. This unique, baywide collaboration means cleanup and restoration are happening faster. Important waterfront uses – shipbuilding, parks, recreation, housing, fishing, cultural uses and others – can thrive in a revitalized and healthy waterfront environment.

Sites in the Port Gardner Bay area include (see map on page 15):

- Bay Wood Products
- East Waterway
- Everett Shipyard, Inc.
- Everett Smelter (Lowlands)
- ExxonMobil ADC
- Jeld-Wen
- Kimberly-Clark Worldwide, Inc.
- North Marina Ameron/Hulbert
- North Marina West End
- TC Systems, Inc.
- Weyerhaeuser Mill A Former

*For more information on these sites visit:*

[http://www.ecy.wa.gov/programs/tcp/sites\\_brochure/psi/everett/psi\\_everett.html](http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html)

# East Waterway Site

## Site Background and Cleanup Status

### Background

The East Waterway Site was developed in the early 1900s. Pulp and paper manufacturing was conducted at the Site for just over 80 years. Waterfront industrial and shipping operations were also conducted on the Site beginning as early as 1930, including bulk petroleum operations, manufacturing of heavy equipment and machinery for the oil drilling industry, and naval shipyard operations.



After merging with Scott Paper Company in 1995, Kimberly-Clark Worldwide, Inc. (K-C) became the owner of the pulp and paper mill. K-C operated the mill until 2012, when it filed for permits to demolish the facility to ready the property for sale and redevelopment. Demolition of the mill began in summer 2012 and was completed by July 2013. In the 1970s, the Port of Everett (Port) developed part of the East Waterway into a cargo shipment facility. K-C, the Port, the United States Department of the Navy (Navy) and the Washington Department of Natural Resources (DNR) have been identified as Potentially Liable Persons (PLPs) at the Site.

Various environmental investigations at the Site conducted from the 1980s to early 2015 found marine sediments contaminated with: metals (arsenic, mercury, zinc, copper, lead), polycyclic aromatic hydrocarbons (PAHs), semivolatile organic compounds, total polychlorinated biphenyls (PCBs) and dioxins/furans.

### Cleanup Status

Ecology and the PLPs negotiated an agreement for cleanup of the East Waterway Site. The Agreed Order (AO) covers the Remedial Investigation/Feasibility Study (RI/FS) and draft Cleanup Action Plan (DCAP). The AO outlines the agreement to provide remedial action at the Site, including upland sources that could potentially release contaminants to the in-water area. Some key events and dates are summarized below.

**April 2012** – Operations ceased at the K-C facility.

**Summer 2012** – Demolition of buildings began at the K-C facility and was completed by July 2013.

**October 15 – November 14, 2012** – Public comment period was held for an upland portion of the East Waterway Site known as the K-C upland area. A separate cleanup agreement (i.e., the draft AO), draft

Public Participation Plan (PPP) and draft State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were available for review.

**December 2012** – The K-C upland area AO was finalized. The AO requires K-C to develop and perform a RI/FS, conduct opportunistic interim actions, complete an RI/FS report and prepare a DCAP. K-C's in-water area, which is within the East Waterway, was not included in the K-C upland area AO.

**August 2013 – May 2014** – Interim actions were conducted in the K-C upland area. These interim cleanup actions removed about 38,000 cubic yards of contaminated soil and 6,000 gallons of petroleum-impacted groundwater from 15 areas.

**June 30 – July 30, 2015** – Public comment period was held for the East Waterway Site. A draft AO and draft PPP were available for review. K-C, the Port and DNR are all parties to the AO. The Navy elected to not be part of the multi-party AO with the other PLPs. Ecology is currently pursuing a separate AO with the Navy on the Site.

### What's next?

According to the AO for the East Waterway Site, K-C, the Port and DNR will:

- Develop a Remedial Investigation/Feasibility Study (RI/FS); this document explains the work needed to look for, identify and analyze contamination at the Site, including upland sources that could potentially release contaminants to the in-water area.
- Perform an RI/FS study for the East Waterway Site and upland sources that could potentially release contaminants to the in-water area
- Complete an RI/FS report for the East Waterway Site and any identified upland sources
- Develop a draft cleanup action plan (DCAP) for the Site; this document uses RI/FS information to identify a preferred cleanup action at the Site and sets a schedule to remove and treat the contamination.
- Perform potential Interim Actions; these may be completed during cleanup if required by Ecology.

# Proposed Cleanup

## Proposed Cleanup

The following documents have been issued for the East Waterway Site and describe the anticipated cleanup actions for the Site.

### **Overview of the Agreed Order**

The draft AO is a legal document between Ecology and the PLPs which outlines the agreement to provide remedial action (for example, investigation and cleanup) at the Site where there has been a release or threatened release of hazardous substances. The AO describes the studies the PLPs agree to perform on the Site and provides guidance on the following studies, documents and actions:

- *Draft RI/FS*: This document explains the work needed to look for, identify and analyze contamination at the Site.
- *Draft Final Cleanup Action Plan (DCAP)*: This document uses RI/FS information to identify a preferred cleanup action at the Site and sets a schedule to remove and treat the contamination.
- *Interim Actions*: These may be completed during cleanup if required by Ecology.

### **Overview of the Public Participation Plan**

Ecology is committed to providing the public with timely information and meaningful opportunities to participate in the cleanup process. As part of this commitment, Ecology developed a PPP, which outlines how citizens and interested parties can learn about and provide input on the cleanup.

The PPP explains how Ecology will do the following:

- Notify the public when and where documents are available for review and comment.
- Notify the public about how they can get involved.
- Provide public participation opportunities.
- Consider public comments in cleanup decisions.

# Introduction to Summary Response

A significant milestone was reached recently with the issuance of the following documents at the East Waterway Site:

- Agreed Order
- Public Participation Plan

This draft document was issued for public comment on June 30, 2015 and the public comment period ran through July 30, 2015 with a public meeting held on July 14, 2015. During the public comment period, Ecology provided the following public involvement materials and opportunities:

1. Distributed a fact sheet describing the Site and the documents through a mailing to addresses in the area and other interested parties.
2. Published a paid display ad in *The Daily Herald* and the *Snohomish County Tribune*.
3. Published a notice in the Toxics Cleanup Program Site Register.
4. Published a public meeting notice in the Ecology Public Involvement Calendar.
5. Posted draft documents on the Ecology website.
6. Issued a press release on June 30, 2015.
7. Provided copies of the documents through information repositories at:
  - Ecology's Headquarters Office
  - Everett Public Library
8. Hosted a public meeting on July 14 at the Mt. Baker Room in Everett Station, Everett WA from 6:30 to 8:30 p.m.

This Summary Response to Public Comment provides information about the East Waterway Site and responds to public comments received during the public comment period. Ecology has reviewed and carefully considered all comments received on the draft documents, and determined that no significant changes to the documents issued for public review were needed.

# Puget Sound Initiative

## Frequent Frequently Asked Questions

This section answers some of the questions heard during the comment period. Written comments received during the comment period are summarized and responded to in the section that begins on page 10.

### *Who is responsible for cleanup?*

Ecology maintains overall responsibility and approval authority for the activities outlined in the draft Agreed Order. Kimberly-Clark Worldwide, Inc. (K-C), the Port of Everett (Port) and the Washington Department of Natural Resources (DNR) are identified in this Order as the Potentially Liable Persons (PLPs) responsible for cleanup at the East Waterway Site. The Washington State Department of Ecology (Ecology) will oversee all future cleanup activities conducted by the PLPs and their contractors to ensure that contamination on the Site is cleaned up to concentrations that protect human health and the environment, as established in state regulations. Ecology may enter into agreements with the other PLPs for the site.

### *It sounds like the PLPs have a choice in whether or not to join the Agreed Order to clean up the Site. Is this true?*

An Agreed Order is a legal document of agreement between Ecology and the PLPs to provide remedial cleanup action at the Site. If a potentially liable party refuses to cooperate in a cleanup process or refuses to take part in negotiations for an Agreed Order, Ecology may issue an Enforcement Order requiring that party to undertake required cleanup activities. Although Ecology has the legal authority to issue an Enforcement Order, the department prefers to achieve cleanups cooperatively.

### *Who pays for cleanup? If the PLPs do not sign the Agreed Order, is there a way to force them to pay for cleanup?*

The PLPs share the cost of cleanup. After the cleanup is completed, the PLPs that have signed the Agreed Order and conducted the cleanup may seek reimbursement from non-participating PLPs for a portion of the cleanup cost.

### *When will cleanup occur? What will cleanup look like?*

The Remedial Investigation/Feasibility Study (RI/FS) will determine what contaminants need to be cleaned up and a range of options for conducting the cleanup. Ecology makes the final cleanup decision and documents it in the Site's Final Cleanup Action Plan. Cleanup will likely occur by using a combination of three different methods: dredging,



with material disposed of either in-water or upland; capping the contaminants; or monitoring to ensure contamination does not move. Cleanup could be a combination of all three tools.

***Is there a risk of redistributing contaminants during cleanup activities?***

The cleanup option selected for the site must provide a cleanup that is protective of human health and the environment. Yes, there is a risk associated with cleanup activities. These risks are minimized because cleanup crews use best management practices (BMPs). BMPs are specified under permit conditions established by various federal and state agencies along with tribal input. The most appropriate cleanup technologies are used to prevent accidental redistribution of materials and to limit the residual levels of contamination. The success of the site cleanup is evaluated after the cleanup is completed to assure that it was effective and met the required expectations. Ecology oversees cleanup activities and ensures contamination on the Site is cleaned up to concentrations that are set in state regulations and that protect human health and the environment.

***How many outfalls lead to the East Waterway Site?***

There are four combined city outfalls that lead to the Site along with other stormwater and industrial outfalls. The RI/FS study will evaluate contamination resulting from historical and active outfalls that discharge to East Waterway.

***Wood waste, including log rafts, is noted as one of the contaminants at the East Waterway Site. Are log rafts still permitted for use?***

Log rafting was an extensive practice in the past and has since become less common. There are now best management approaches for log rafting, such as not anchoring in shallow areas where eelgrass may be and removing as much bark from the logs as possible prior to rafting. These practices reduce the wood waste entering the body of water. Ecology does not have authority to dictate land use and currently there is no overarching prohibition on log rafting in the State of Washington.

***How deep or thick is the wood waste? Is it a typical practice to remove or cap wood waste?***

Ecology prefers to remove wood waste. On other Sites, wood waste has been as deep as 16 feet, but there is no way of knowing how deep the wood waste is or its precise distribution at the East Waterway Site until an investigation has been completed. Contaminants released from large amounts of decomposing wood waste are harmful to fish and other marine life. Selecting one or more options to remove wood waste depends on many factors and may require removal, capping the material or both. Future studies will examine the benefit and cost of each method.

***Could the wood waste be salvageable?***

This wood waste from bark and wood remnants comes from the marine environment and is not expected to have a beneficial reuse. Logs may be recoverable.

***Where will dredged contaminated sediments be disposed? Is there a designated open water disposal area that may be used?***

Currently there are no plans to utilize a designated open water disposal area as part of the cleanup. This will be taken into consideration based on the investigation results and during the development of cleanup options for the Site. Should this or any other designated open water disposal site be used for sediment disposal, The Dredge Material Management Agency (DMMP), which is comprised of several federal and state agencies including Ecology, determines if the sediment meets state and federal standards for open water disposal. Any dredged material which does not meet these standards must be disposed of in an upland designed landfill authorized to accept contaminated sediment and soil designated as Hazardous or Dangerous Waste.

# Comments and Responses

The comments received were reviewed and evaluated by the Ecology cleanup team. Comments were categorized into six areas for response, though many comments touched on aspects of more than one comment category. The comment categories include:

**1. Habitat improvement**

Comments about cleaning Port Gardner Bay to provide a healthy and clean area supportive of a wide variety of future uses.

**2. Site investigations and future land use**

Comments about the use and direction of Site investigations and removal of contaminants.

**3. Contaminant discharge**

Comments about the discharge points from the Kimberly-Clark Mill.

**4. Human and wildlife health risk**

Comments about the potential human and wildlife health risk from toxins, soil contamination and discharge at the Site.

**5. Log rafting**

Comments about log rafting and hauling materials by using logs to float materials from one location to another.

**6. Navy cleanup work and responsibility**

Comments about the work and recognition of cleanup performed by the U.S. Department of the Navy, and their responsibility for additional contamination as it relates to the Agreed Order.

A total of 37 persons provided comments through letters and email messages regarding the draft documents. In the comment table, each commenter is referenced by an assigned comment number.

List of Commenters:

- General Public, 34 form letters, Comment 1
- Eric Adman, Snohomish-King Watershed Council, in addition to form letter, Comment 2
- Leah Ellis, local resident, in addition to form letter, Comment 3
- Jennie Lindberg, local resident, in addition to form letter, Comment 4
- Ronald Ramey, local resident, in addition to form letter, Comment 5
- Janice Cameron, local resident, in addition to form letter, Comment 6
- Victor Harris, local resident, Comment 7
- Viki Morgan, local resident, Comment 8
- M. T. Geronime, U.S. Navy, Comment 9

**1. Habitat improvement**

Responses included in this category relate to comments about cleaning the Port Gardner Bay to provide a healthy and clean area supportive of a wide variety of future uses.

Comment	Ecology’s Response
<p>1.1 The health of Everett’s waterfront is integral to the quality of life of its residents and the wildlife that inhabits the bay. I thank you for the opportunity to comment on the East Waterway site Agreed Order, as an effective cleanup helps ensure Everett’s future as a healthy, vibrant place to live.</p> <p>Like all 11 cleanup sites, the East Waterway site has a legacy of pollution that affects us today, and I hope to see proper cleanup that addresses the toxic chemicals that have accumulated at the site for over a century. I also would like to see a cleanup that will support a wide variety of future uses for generations to come.</p> <p>I would like to see a Port Gardner Bay that includes vibrant fish and wildlife. I look forward to a healthy and clean Port Gardner Bay. [Comment 1, form letter]</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your support for a healthy and clean Port Gardner Bay.</p> <p>Ecology conducts oversight of cleanup projects to assure the cleanup is protective of human health and the environment and that cleanup construction complies with cleanup agreements. You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>1.2 The Sno-King Watershed Council is interested in the health of Port Gardner Bay. [Comment 2, in addition to form letter]</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your support for a healthy and clean Port Gardner Bay. You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>1.3 I was born in Everett and have lived in Snohomish County all my life. I try to always support healthy, sustainability farming, fishing and living. Thank you for your efforts to keep</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your support for a healthy and clean Port Gardner Bay. You</p>

Comment	Ecology's Response
<p>our rivers and waterways clean and healthy for those of us who rely on and appreciate them. [Comment 3, in addition to form letter]</p>	<p>can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>1.4 I know I've emailed you several times before, but I still think this is a serious and important thing to do. [Comment 4, in addition to form letter]</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your continued support for a healthy and clean Port Gardner Bay. You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>1.5 My wife and I sailed in and out of Everett Marina for more than 20 years. [Comment 5, in addition to form letter]</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your support for a healthy and clean Port Gardner Bay.</p> <p>Recreational use of an area is considered during the cleanup investigation and development of the cleanup alternatives. A proposed Remedial Investigation and Feasibility Study will be provided for public review.</p> <p>You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>

## 2. Site investigation and future land use

Responses included in this category relate to comments about the use and direction of Site investigations and removal of contaminants.

Comment	Ecology's Response
<p>2.1 Future commercial use once it is cleaned up would be the highest and best use for the property, although not another polluter. Since the surrounding area is commercial use, this would not be a good site for public uses. [Comment 6, in addition to form letter]</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East Waterway Site and your support for a healthy and clean Port Gardner Bay. You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>2.2 Screw the "Investigations". Everyone KNOWS the contamination is present. It's a major reason Everett has not secured a tenant for the East Waterway. No one wants to touch this place.</p> <p>Allowing Kimberly-Clark to cover the site with contaminated material was a mistake and a violation of anti-pollution rules. REDUCTION is not acceptable. ALL Contaminants must be removed.</p> <p>That's a standard I learned in my days within the industry and waste practices. Skip the so-called investigations about a known problem and put the money to direct removal. No thanks [Comment 7]</p>	<p>Ecology appreciates you taking the time to comment on the cleanup process for the East Waterway Site. We agree the East Waterway Site is contaminated. The draft Agreed Order is a legal document between Ecology and the Potentially Liable Persons which outlines the agreement to provide remedial action at the East Waterway Site, where there has been a release or threatened release of hazardous substances. The type and extent of contamination will be evaluated as part of the cleanup remedial investigation in order to understand how to best perform cleanup actions. A study (called a Feasibility Study) will be conducted to determine the best option for cleanup of the site.</p> <p>You can receive updates on the East Waterway cleanup, as well as all of our Puget Sound Initiative Sites in Port Gardner Bay, via our web page. See the link below.</p> <p><a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html</a>.</p>
<p>2.3 Until more testing is done, we won't know how deep the wood debris is. I know that can</p>	<p>Ecology appreciates you taking the time to comment on the draft Agreed Order for the East</p>

Comment	Ecology's Response
<p>be a major expense. I would like the waterway to be as clean as possible. I watch the shorebirds at the old Kimberly Clark site daily. I want them to be eating clean uncontaminated food. I want the Port of Everett Employees to work in a clean safe environment. I also want the onshore breeze to be clean, not depositing waste products in my living space. [Comment 8]</p>	<p>Waterway Site and your support for a healthy and clean Port Gardner Bay. The extent and depth of wood debris in East Waterway will be evaluated as part of the cleanup remedial investigation. A study (called a Feasibility Study) will be conducted to determine the best option for cleaning up the site. We will consider several options (including dredging, capping with clean material, potential natural capping from sources of sediment loading such as rivers, or some combination of these) to design a cleanup. It may not be cost effective to dredge out all of the wood waste, but whatever cleanup option is selected, it must be protective of human health and the environment.</p>

### 3. Contaminant discharge

Responses included in this category relate to comments about the discharge points from the K-C Mill.

Comment	Ecology's Response
<p>3.1 I had a front row center view of the Kimberly Clark Mill. I often saw foam running out of the windows. The first time it happened I called 911. The dispatcher informed me that Kimberly Clark was taking care of it and "Don't worry. It's fine." I watched the foam run out all day. It was obviously pooling and eventually running over into the East Waterway. I saw no action on the part of Kimberly Clark to slow the flow or clean up the spill. This happened several times a year. I'm concerned that we allow corporations to be "self-policing" when it comes to spills. Maybe whatever it was harmless. How would we know? [Comment 8]</p>	<p>We know that direct discharge was one of the primary ways contaminants reached the bay and have heard similar reports. As part of the East Waterway investigation, the nature and extent of contamination in the in-water environment, which includes tidelands adjacent to the former K-C Mill, will be determined and addressed as part of the cleanup. This includes studying contamination that originated from the upland portion of the site. Note that the K-C Mill is no longer operating or discharging through its former permitted discharge points. Previously, the mill had several permitted discharge points that were regulated by Ecology. They were also required to have a stormwater pollution prevention plan, which specified how the mill should respond to spills including the use of best</p>

Comment	Ecology's Response
	management practices to prevent spills and eliminate illegal discharges.

#### 4. Human and wildlife health risk

Responses included in this category relate to comments about the potential human and wildlife health risk from toxins, soil contamination and discharge at the Site.

Comment	Ecology's Response
<p>4.1 My concerns:</p> <p>How safe is my living space? I walk down the bluff and along the waterfront every day. The onshore breeze deposits dust on my deck and in my yard daily. Is it clean dust? I notice that that Legion Park clean up has begun. Should I be concerned about the toxins in the soil at my home? Since the mill was closed and demolished, I have watched terns begin nesting. There are more bats at night. I see nuthatches, jays, finches, herons, osprey and eagles every day. They used to be rare visitors. There are more gulls and cormorants. These are all good signs. However, is the environment they are living in safe for them? Is the food they are eating toxic? [Comment 8]</p>	<p>When the K-C mill shut down in 2012, it presented an opportunity to clean up the Site. To date, K-C has removed about 40,000 cubic yards of contaminated soil and 6,000 gallons of contaminated groundwater as part of interim cleanup actions in the upland area of the site. Final cleanup plans for the uplands will be determined as part of a feasibility study conducted on the site. We know that East Waterway is contaminated and likely impacts the animals that live and use the area. However, the good news is that this area is targeted for cleanup which will greatly improve the health of the bay and make it safer for wildlife and people.</p> <p>During the mill demolition, K-C did conduct some limited air monitoring in which they collected air through a pump for a 6-hr period. They sent the filter media to a lab for analysis of particulates. Those results showed no detectable levels of heavy metals. Mario Pedroza of the Puget Sound Clean Air Agency may be able to address your questions regarding dust concerns (his contact information is below). His agency regulates the fugitive dust emission from the site.</p> <p>Mario Pedroza Supervising Inspector 206.689.4023 <a href="mailto:mariop@pscleanair.org">mariop@pscleanair.org</a></p>



Comment	Ecology's Response
	<p>You may be interested in watching the video from the June 5, 2013 city council meeting to gain some more perspective on the cleanup and dust issues. Ecology spoke at this meeting (4 minutes into the video) along with the Puget Sound Clean Air Agency (starting at 1 hour into the video). You can access the video using the following web link:  <a href="http://everett.granicus.com/MediaPlayer.php?view_id=4&amp;clip_id=815">http://everett.granicus.com/MediaPlayer.php?view_id=4&amp;clip_id=815</a></p> <p>The cleanup at American Legion Memorial Park is a part of the Asarco Smelter Plume cleanup effort. Information can be found at:  <a href="http://www.ecy.wa.gov/programs/tcp/sites_brochure/asarco/parks/cleanup-info.html">http://www.ecy.wa.gov/programs/tcp/sites_brochure/asarco/parks/cleanup-info.html</a> or you may contact Marieke Rack by email at <a href="mailto:marieke.rack@ecy.wa.gov">marieke.rack@ecy.wa.gov</a> or phone (425) 649-7052 for information about the cleanup at the Park or whether you should be concerned about toxins in the soils around your home.</p>

**5. Log rafting**

Responses included in this category relate to comments about the hauling of materials by using logs to float materials from one location to another.

Comment	Ecology's Response
<p>5.1 How much log rafting is too much? As I write this there are two log rafts offshore. At the meeting, when someone asked about the relationship between the log rafting and the contamination in the East Waterway, the answer was that we expect the rafters to be using "best practices". I am not aware of a corporation voluntarily using best practices without some kind of oversight from an outside organization. [Comment 8]</p>	<p>We agree that best practices should be used when log rafting. These would include removing the bark from logs prior to rafting and not anchoring in shallow areas that may support eelgrass. While there is no overarching prohibition on log rafting, it is a less common practice today than it has been historically.</p>

**6. Navy cleanup work and responsibility**

Responses included in this category relate to comments about the work and recognition of cleanup performed by the U.S. Department of the Navy, and their responsibility for additional contamination as it relates to the Agreed Order.

Comment	Ecology's Response
<p>6.1 The draft Agreed Order does not accurately characterize the relationship between the Navy and contamination on the K-C parcel.</p> <p>a. The Navy carried out an underground storage tank removal, along with associated contaminated soil at the Former Naval Reserve Center that is now part of the K-C parcel. Small amounts of residual petroleum, located at the bottom of the excavation, below the water table, were approved to be left in place. Dewatering made continued excavation difficult and very low levels of petroleum were left in place. The study of the area, later done by K -C, identified that this low level contamination had been smeared slightly by groundwater movement. The study recommended that opportunistic excavation of the soil be undertaken in conjunction with future building activities.</p> <p>b. The Navy also undertook a cleanup of the indoor shooting range that was previously part of the Navy Reserve Center located in what is now the K-C property. The cleanup included removal of soil contaminated with arsenic and lead. No contamination was left in place. [Comment 9]</p>	<p>Section V.G.5 of the Agreed Order describes the relationship. It indicates the Navy removed two diesel USTs (in July 1996) and conducted remediation of environmental contamination resulting from these tanks and other Navy actions at the former Naval Reserve Center (NRC). It is also stated that residual contamination left behind was investigated and addressed as part of the K-C upland Agreed Order (DE 9476). Ecology believes that the information above accurately describes in a general sense the cleanup actions that occurred at the former Navy NRC. Further details on cleanup activities at the Navy's former NRC, which are not presented in the Agreed Order, can be found in several environmental reports including those listed below.</p> <p>Foster Wheeler, 1998. <i>Independent Remedial Action Closure Report. Old Naval Reserve Center Everett, Washington</i>. RACII/Delivery Order No. 0042. December 16, 1998.</p> <p>Aspect, 2012a. <i>Work Plan For Independent Phase 2 Environmental Assessment. Kimberly-Clark Mill Uplands, Everett, Washington</i>. May 21, 2012.</p> <p>Aspect, 2012b. <i>Addendum To Work Plan For Independent Phase 2 Environmental Site Assessment Kimberly-Clark Worldwide Site Upland Area, Everett, Washington. Prepared</i></p>

Comment	Ecology's Response
	<i>for: Kimberly-Clark Worldwide, Inc. Project No. 110207-002-03. September 7, 2012.</i>
<p>6.2 The draft Agreed Order does not mention Navy cleanup actions during the development of Naval Station Everett which have had a beneficial impact on East Waterway. The Navy conducted cleanup of petroleum contaminated soils on the property under MTCA related to the construction of Naval Station Everett. This cleanup was approved by Washington Department of Ecology. [Comment 9]</p>	<p>Section V.N.1 of the Agreed Order provides a general discussion of the upland contamination identified as part of the development of Naval Station Everett in the late 1980s and early 1990s. Details of cleanup investigations were not presented in the Agreed Order. As identified in Section VII.A, potential upland sources will be reviewed as part of the work plan for the RI/FS. In accordance with the Agreed Order, upland sources identified under this Agreed Order will be addressed under separate actions, agreements, permits or orders.</p>
<p>6.3 The AO should discuss the dredging undertaken by the Navy as part of its construction of Naval Station Everett. The Navy removed nearly one million cubic yards of sediments from East Waterway when it dredged in the area of the new piers and alongside the mole/land that extends to the piers. Although the draft Agreed Order mentions that the Navy performed dredging, it does not mention the beneficial impact this had on the environmental condition of the East Waterway. This benefit is evidenced by the contaminant contour maps constructed of data collected in the post-dredging period. Further, the dredging characterization indicated that, based on sediment cores and dredge prism modeling, the areas dredged would be left free of contamination except for a small area near the current boat ramp. This action addressed a significant portion of the submerged lands adjacent to the Navy property. [Comment 9]</p>	<p>As you indicate, it is acknowledged in the Agreed Order (Section V.G.4) that the Navy, as part of its development of Naval Station Everett, dredged portions of the East Waterway in the vicinity of its two carrier piers and associated breakwater. Details regarding the Navy's dredging activities within East Waterway will be considered and evaluated as part of the RI/FS work plan development for the Site.</p>

Comment	Ecology's Response
<p>6.4 Of the contaminants discussed in the Agreed Order as exceeding Sediment Management Standards, the majority are associated with wood waste decomposition, burning of wood, the pulp and paper industry, and other industrial activity along the Snohomish River and East Waterway not related to the Navy. Of the contaminants found in East Waterway, only PCB and mercury are contaminants that may be associated with historical shipyard operations. [<i>Comment 9</i>]</p>	<p>Current and historical sources of contamination to East Waterway will be identified as part of the development of the conceptual site model (CSM) for the Site. The CSM will be presented in the RI/FS work plan and will be updated as necessary throughout the cleanup investigation.</p>
<p>6.5 The Agreed Order should identify all of the potential sources of contamination (and the associated operations) in the East Waterway. <b>First</b>, the AO should acknowledge that East Waterway experiences deposition from upland areas not associated with the waterfront property owners, such as deposition and sources, via the Snohomish River- and upstream waterfront operations. As Ecology mentioned in the public meeting, East Waterway is the end of the Port Gardner/Snohomish River Delta water system. Sedimentation studies indicate that sediment from the Snohomish River delta is deposited in East Waterway. The oftentimes sediment-laden river waters meet the tides of Port Gardner at the end of East Waterway. The tide pushes the freshwater into East Waterway where suspended solids can settle. The mixing of marine and freshwater encourages precipitation and settling of contaminants that were dissolved or in suspension while still in the river. <b>Second</b>, the AO should more accurately reflect the impact of historical non-industrial combined sewer overflows (CSOs) and should acknowledge that such CSOs are not just historical—sewage discharges in the East Waterway</p>	<p><b>First Point</b> – A CSM will be developed and presented in the RI/FS work plan and will provide (1) a summary of the sources of contamination, (2) mechanisms of contaminant release, (3) pathways of contaminant release and transport, and (4) ways in which humans and ecological resources are exposed to contaminants in East Waterway. This CSM will updated as necessary throughout the cleanup investigation.</p> <p><b>Second Point</b> – It's acknowledged in the Agreed Order (Section V.J) that CSOs from the City of Everett currently discharge to the East Waterway at three outfall locations: PS04 to PS06 (depicted on Agreed Order Exhibit A, Figure 11). Potential impacts from CSO outfalls will be evaluated as part of the RI/FS work plan development.</p> <p><b>Third Point</b> – The nature and extent of contamination (both upland and in-water) associated with the Weyerhaeuser Mill A Former Site (Mill A Site) is currently being investigated by the potentially liable persons (Port of Everett, Weyerhaeuser, and DNR) under Agreed Order DE 8979. Former</p>

Comment	Ecology's Response
<p>continue to occur. <b>Third</b>, the AO should discuss Weyerhaeuser's operations and acknowledge its contribution to contamination in the East Waterway due to tidal influences. <b>Fourth</b>, the AO should provide more detail about Western Gear's operations because contamination from Western Gear included more than just PCBs, as detailed in the Hart Crowser Reconnaissance survey. [<i>Comment 9</i>]</p>	<p>Weyerhaeuser Mill A operations and contributions to contamination in the East Waterway are being evaluated under the Mill A Site Agreed Order.</p> <p><b>Fourth Point</b> – Current and historical sources of contamination to East Waterway, including sources from the Western Gear operation, will be identified as part of the development of the CSM for the Site.</p>
<p>6.6 Historical Navy activities in East Waterway described in the "Findings of Fact" appear inconsistent with the understood scope of those activities. The AO states that</p> <p>"It was reported that during World War II, Everett Pacific Shipbuilding and Drydock Company built net laying ships, non-self-propelled barracks ships, self-propelled covered lighters, barges, little harbor tugs, and mobile drydocks at the Navy Industrial Reserve Shipyard in Everett."</p> <p>This statement provides no indication of the source of the information, and is counterindicated by the photographs included in the Agreed Order of the Navy area in the 1940s. Another example is the mention in the Agreed Order of the Navy having drydocks. The photograph does not show drydocks. [<i>Comment 9</i>]</p>	<p>The source of information for the Navy shipbuilding activities mentioned above are listed below.</p> <p>Naval History &amp; Heritage Command On-line website, 2013. <i>Military Sea Transportation Service (MSTS) Reserve Fleet, Everett, Washington</i>. February 2013.  <a href="http://www.history.navy.mil/our-collections/photography/numerical-list-of-images/nhmc-series/nh-series/NH-104000/NH-104591.html">http://www.history.navy.mil/our-collections/photography/numerical-list-of-images/nhmc-series/nh-series/NH-104000/NH-104591.html</a></p> <p>Riddle, 2011. HistoryLink On-line file #9407. <i>Port of Everett is created by a special election held July 13, 1918</i>. May 4, 2010, revised March 25, 2011.</p> <p>Drydocks associated with the Navy shipyard operations are identified in the 1986 HartCrowser Geochemical Reconnaissance Report (see Figure 4) as referenced below.</p> <p>HartCrowser, 1986. <i>Geochemical Reconnaissance Report. NAVSTA Puget Sound. Contract: N62474-85-C-5234. Everett Washington. Prepared for: The Department of the Navy</i></p>

Comment	Ecology's Response
	<i>Naval Facilities Engineering Command Western Division and Howard Needles Tammen &amp; Bergendoff. July, 1986. J-1418-22.</i>

# Explanatory Figures



Figure 1. Port Gardner baywide area cleanup sites under the Puget Sound Initiative.

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<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297>