

Summary Response to Public Comment on:

Agreed Order for Interim Action

Draft Public Participation Plan

**Weyerhaeuser Mill A Former
Everett, WA**

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

May 2016

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 14):

- 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

Weyerhaeuser Mill A Former Site

Site Background and Cleanup Status

Background

Development of the Site began in the late 1800s. A range of historical industrial activities were performed including pulp manufacturing, saw milling, ship building, shingle milling and log handling. While operating as a sulfite pulp mill, the facility produced approximately 300 tons of pulp per day. Some of the waste materials from this production contributed to the contamination of the Site. All pulping operations at the Site ceased in 1980. The Port of Everett (the Port) purchased the property in 1983 and currently uses the Site for container cargo delivery and handling.



Several investigations of the upland and in- water areas at the Site have been completed since the 1980s, and most recently in 2007 and 2009. The following sediment contaminants were found on the Site:

- Metals (arsenic, cadmium, copper, lead, mercury, zinc)
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Polychlorinated Biphenyls and Semivolatile Organic Compounds (PCBs and SVOCs)
- Dioxins/Furans
- Wood waste such as sawdust

The investigations also found contaminants in upland soils, groundwater or both that exceed cleanup levels established in the Model Toxics Control Act (MTCA):

- Metals (arsenic, copper, nickel)
- PAHs and SVOCs
- Total Petroleum Hydrocarbons (TPHs)

Cleanup Status

In August 2012, Ecology and the Potentially Liable Persons, or PLPs, entered into an agreement called an Agreed Order (AO) to study the contamination at the Site and identify a preferred cleanup action and schedule. This is the first AO for the Site. The PLPs in this AO are the Port, Weyerhaeuser Company (Weyerhaeuser) and the Washington State Department of Natural Resources (DNR).

Ecology, the Port and Weyerhaeuser have drafted a second AO for cleanup of an in-water area of the Site. Some key events and dates in the history of the site are summarized below.

1980 – Pulping operations ceased at the Weyerhaeuser Mill A Former Site

1983 – Port of Everett purchased the property for use in break bulk and container cargo handling.

June 18 – July 20, 2012 – Public comment period was held for the first AO at the Site. The draft AO and draft Public Participation Plan (PPP) were available for review.

August 2012 – The first AO was finalized, requiring the PLPs to develop and perform a Remedial Investigation and Feasibility Study for the Site, as well as a draft Cleanup Action Plan.

March 1 – March 30, 2016 – Public comment period was held for the Weyerhaeuser Mill A (Former) Site. A draft AO for Interim Action (IA) and updated PPP were available for review.

What's next?

According to the draft Agreed Order for Interim Action, the PLPs and Ecology will:

- Direct cleanup in the in-water area (off-shore of Pacific Terminal), including removing contaminated sediment and wood waste identified at the Site and increasing navigational access to Pacific Terminal.
- Dredge, transport and dispose of contaminated sediment and wood debris at an approved landfill facility.
- Place dredged material suitable for open water disposal on a disposal barge and transport to the open water disposal site.
- Install armor and habitat mix (rounded sand and gravel materials) along areas where a temporary side slope remains.

Proposed Cleanup

Proposed Cleanup Documents

The following documents have been issued for the Weyerhaeuser Mill A Former Site and describe the anticipated cleanup actions for the Site.

Overview of the Draft Agreed Order for an Interim Action

This is a legal document between Ecology, the Port of Everett and Weyerhaeuser Company for a proposed interim action in the in-water area (off-shore of Pacific Terminal) to remove contaminated sediment and wood debris identified at the Site. An IA is a remedial action required to partially address cleanup of the Site. Action will take place during the 2016/2017 in-water work window as allowed by the Army Corps of Engineers permit for the project.

The proposed IA will remove contaminated sediment and wood debris identified at the Site and increase navigational access to Pacific Terminal. This work includes dredging, transport and disposal of contaminated sediment and wood debris to an approved landfill facility. Dredged material suitable for open water disposal will be placed on a disposal barge and transported to the open water disposal site. The action also includes installing armor and habitat mix (rounded sand and gravel materials) along areas where a temporary side slope remains. Further details regarding the technical elements of the IA can be found in Exhibit B (Interim Action Work Plan) of the proposed AO. An IA report will be written following the action and evaluated as a part of the final cleanup action for the Site.

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 Weyerhaeuser Mill A Former Site:

- Draft Agreed Order for Interim Action
- Public Participation Plan

These draft documents were issued for public comment on March 1, 2016, and the public comment period ran through March 30, 2016. 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 *Snohomish County Tribune* and the *Everett Daily Herald*.
3. Published a notice in the Toxics Cleanup Program Site Register.
4. Published a notice in the Ecology Public Involvement Calendar.
5. Posted draft documents on the Ecology website.
6. Provided copies of the documents through information repositories at:
 - Ecology's Headquarters Office
 - Everett Public Library

This Summary Response to Public Comment provides information about the Weyerhaeuser Mill A (Former) 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. The Agreed Order for Interim Action was finalized and signed March 2016.

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. Contaminated materials handling

Comments about the contaminated material that will be removed from the Site, including how it will be removed, handled and disposed of, and how water quality will be assured.

2. Cost and who pays for cleanup

Comments about the cost of the cleanup and who is liable to pay for it.

3. Cleanup selection and design

Comments about evaluating cleanup options and preparing a cleanup design for the interim action.

4. Habitat restoration

Comments about habitat restoration in Port Gardner following cleanup activities.

5. Impacts to marine life

Comments about the impacts of cleanup activities to marine life in Puget Sound.

6. Long-term monitoring

Comments about monitoring the impacts and success of cleanup activities into the future.

A total of 44 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, 38 form letters, Comment 1
- Gary Albright, local resident, in addition to form letter, Comment 2
- Tammy Caldwell, local resident, in addition to form letter, Comment 3
- Kathleen Gamble, local resident, Comment 4
- Garth Henry, local resident, Comment 5
- Lynn Lichtenberg, local resident, Comment 6
- Jennie Lindberg, local resident, Comment 7
- Thom Peters, local resident, in addition to form letter, Comment 8
- Alberto Rodriguez, local resident, in addition to form letter, Comment 9
- Linda Shuger, local resident, Comment 10
- Nancy Sosnove, local resident, in addition to form letter, Comment 11
- Cliff Wells, local resident, in addition to form letter, Comment 12
- Mike Young, Snohomish Health District, Comment 13

1. Contaminated materials handling

Responses included in this category relate to comments about the contaminated material that will be removed from the Site, including how it will be handled and disposed of, and how water quality will be assured.

Comment	Ecology's Response
<p>1.1 I am not educated in how moving the contaminated sediments may cause more damage than leaving them in place but I hope that it is being taken into consideration during this investigation of a clean up. <i>[comment 4]</i></p>	<p>Ecology believes that the removal of contaminated sediment from the environment using best management practices as outlined in the work plan for the interim action results in a net benefit for the environment. This action is necessary to protect human health and the environment.</p>
<p>1.2 Public warnings of contamination from dredging activity should be posted all along the Everett waterfront at appropriate times, as well as public interest announcements on KSER radio and in the Herald newspaper. <i>[comment 6]</i></p>	<p>The interim action will be conducted at the Port of Everett's South Terminal where public access is not allowed. As a result, public warnings are not anticipated to be needed.</p>
<p>1.3 Good to hear cleanup is planned. I just have a question and comment.</p> <ul style="list-style-type: none"> · I would like to know more details on how clean dredged soil is tested, screened and separated from contaminated soil. This may be in the plan and I just missed it. What chemical parameters will be used to screen and what is the testing frequency? · Please note that the maximum time contaminated soil can remain on land must follow solid waste pile standards. <i>[comment 13]</i> 	<p>Thank you for your comments. The dredge material sampled, tested and screened consistent with Model Toxics Control Act Sediment Management Standards and the Dredge Material Management Program (DMMP) sediment characterization requirements. A detailed description of the sampling program and testing results can be found in the Final Dredge Material Characterization Report (GeoEngineers June 19, 2015) and Final Sampling and Analysis Plan (Appendix A to the Characterization Report), which are included in the Public Review Draft of the Interim Cleanup Action Work Plan. See Section 5.2 of the report for description of the testing that was performed and the results of those tests. These tests were used to determine the boundary of separation between the clean and contaminated material. In this case, the DMMP issued a suitability determination for the clean material for disposal at the Port Gardner Bay non-dispersive open water disposal site.</p> <p>During the project, the proponent will be required by the DMMP and Ecology toxics to</p>

Comment	Ecology's Response
	<p>obtain confirmation, via bathymetric survey methods, that the contaminated material has been removed prior to initiating clean dredging. If it is determined that additional contaminated materials are found below the identified boundary of separation, these materials will be separated and disposed of a contaminated material.</p> <p>The proponent will follow all local, state and federal rules and regulations, and will ensure compliance with the solid waste stockpiling standards.</p>

2. Cost and who pays for cleanup

Responses included in this category relate to comments about the cost of the cleanup and who is liable to pay for it.

Comment	Ecology's Response
<p>2.1 Those who make a mess should clean it up. <i>[comment 2 and comment 3, in addition to form letter]</i></p>	<p>Thank you for your comments. See response 2.3 for more information.</p>
<p>2.2 I also feel that if Weyerhaeuser and the other possible responsible parties where within the law when the polluting took place such as during the 1800s that the parties should not be unduly punished for what we did not know then about pollution and accepted that as part of doing business and making our area prosperous at the time. <i>[comment 4]</i></p>	<p>Thank you for your comments. See response 2.3 for more information.</p>
<p>2.3 I'm guessing that Weyerhaeuser will pony up some of the cost but the rest of us will have to shoulder the balance of the cost. I love the Snohomish river and Jetty Is and it will be good to see the area cleaned up and returned to it's original condition. <i>[comment 5]</i></p>	<p>Thank you for your comments. The State of Washington's environmental cleanup law (i.e., Model Toxics Control Act) requires potentially liable persons to assume responsibility for cleaning up contaminated sites. The cleanup law is based on the principle of polluter pays. The liable persons for the Weyerhaeuser Mill A include the Port of Everett, Weyerhaeuser, and the Department</p>

Comment	Ecology's Response
	<p>of Natural Resources. These persons are liable for the cleanup costs due to either their role actively operating a facility that introduced contaminants into the environment, or as a land owner/manager that permitted these uses. The Port of Everett, as a local government, is eligible to receive state remedial action grants (for up to 50 percent of their cleanup costs) to help defray the costs of cleanup.</p>

3. Cleanup selection and design

Responses included in this category relate to comments about evaluating cleanup options and preparing a cleanup design for the interim action.

Comment	Ecology's Response
<p>3.1 Thank you for the information provided in the mailing about the Weyerhaeuser Mill A Former Site cleanup. I appreciate being informed. This site is in my neighborhood, and I walk past it often. I am concerned about the details you have provided - the sediment contaminants found on the site.</p> <p>I agree with the plan to clean up this site, and believe it is important to keep our Puget Sound environment healthy and clean. <i>[comment 7]</i></p>	<p>Thank you for your comments. Ecology will continue to keep the public informed as we move forward with our cleanup and restoration plans along the Everett Waterfront.</p>
<p>Do the best environmental clean up, completely, in the proper sequence, since you are the ones privileged with this position of trust, for all the rest of us. <i>[comment 8, in addition to form letter]</i></p>	<p>Thank you for your comments. Ecology will continue to keep the public informed as we move forward with our cleanup and restoration plans along the Everett Waterfront.</p>
<p>This issue is incredibly important for me, my family, and my community because the health of Everett's waterfront is integral to the quality of life of its residents and the wildlife that inhabits the bay.</p> <p>I would like to see a Port Gardner that caters to the needs of those that most need it: subsistence</p>	<p>Thank you for your comments. Ecology will continue to keep the public informed as we move forward with our cleanup and restoration plans along the Everett Waterfront.</p>

Comment	Ecology's Response
fishermen. I look forward to a healthy and clean Port Gardner Bay. <i>[comment 9, in addition to form letter]</i>	
I waded into the water near Warm Beach when I was very young and later discovered I had coins in my pocket that seemed to be stained by the water. Shocking to think that fish swim in this water too and people eat those fish as the Orcas do. <i>[comment 12, in addition to form letter]</i>	Thank you for your comments. Ecology will continue to keep the public informed as we move forward with our cleanup and restoration plans along the Everett Waterfront.

4. Habitat restoration

Responses included in this category relate to comments about habitat restoration in Port Gardner following cleanup activities.

Comment	Ecology's Response
<p>4.1 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 Weyerhaeuser Mill A site Agreed Order for an Interim Action, as an effective cleanup helps ensure Everett's future as a healthy, vibrant place to live.</p> <p>Like all 11 cleanup sites, the Weyerhaeuser Mill A 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. <i>[comment 1, form letter]</i></p>	Thank you for your comments.
4.2 I have lived in Everett for over 40 years, and always wished the mill site could someday be a place with public access. It would have to be cleaned up before you could let kids play there. It	Thank you for your comment. Ecology will continue to move forward with our cleanup and restoration plans along the Everett Waterfront.

Comment	Ecology's Response
would really be a benefit to the city. [<i>comment 11</i>]	

5. Impacts to marine life

Responses included in this category relate to comments about the impacts of cleanup activities to marine life in Puget Sound.

Comment	Ecology's Response
<p>5.1 I am also concerned the plan to continue to dispose of clean sediment in the bay may harm marine life in the bay. My concern is the inability of beneficial marine life to establish itself if it is smothered even by clean sediment.</p> <p>Thank you for this plan to take another step toward cleaning up Puget Sound/The Salish Sea. Careful, effective monitoring of compliance is the key. [<i>comment 6</i>]</p>	<p>The open-water disposal site in Port Gardner is regulated by the Dredged Material Management Program (DMMP) which is comprised of the U.S. Army Corp of Engineers (lead agency), EPA Region 10, Ecology, and the Washington State Department of Natural Resources (DNR). The Port Gardner open-water disposal site was identified in the late 1980s by the DMMP as part of a comprehensive environmental review that helped develop acceptable and environmentally protective management plans to cover open-water disposal. The DMMP reviews all projects that may utilize the open-water disposal area to ensure that disposed dredge material does not cause impacts to human or environmental health, including impacts to benthic (sediment dwelling) organisms.</p>
<p>5.2</p> <p>I have 4 questions:</p> <p>#1. Will the Port of Everett guarantee they will NOT do the dredging right before and during the migration season of the Gray Whales into North Puget Sound?</p> <p>#2. Will the Port of Everett guarantee they will NOT disturb the feeding grounds/ghost shrimp beds of the Gray Whales?</p> <p>#3. Can this dredging be done without unleashing catastrophic, large, or even small amounts of toxic waste chemicals into the water possibly wiping out every living thing in North Puget Sound?</p>	<p>Thank you for your comments. The Port of Everett and Weyerhaeuser will be conducting this work under an agreed order Ecology and they will comply with all local, state, and federal permits that take into consideration the protection of the environment and all marine life at both lower and higher trophic levels. This will include timing construction so as to not interfere with sensitive species at key life stages.</p> <p>The Port of Everett has dedicated a significant amount of resources to cleanup and restore contaminated sites along the shoreline of Port</p>

Comment	Ecology's Response
<p>#4. Does the Port of Everett even care about living beings in our waters when there is a large amount of money to be made and do they guarantee that?</p> <p>I hope you will make the right decision, and if that decision is a go ahead for the Port of Everett you enact extremely stringent rules they must follow allowing for NO mistakes or blunders. Thank you for your time. <i>[comment 10]</i></p>	<p>Gardner Bay. Ecology appreciates the efforts and results of these actions to protect humans and the environment.</p>

6. Long-term monitoring

Responses included in this category relate to comments about monitoring the impacts of success of cleanup activities into the future.

Comment	Ecology's Response
<p>6.1 I am a resident of Everett since 1975. I have lived with the pollution generated by industry on the waterfront for decades. I support the belated clean up efforts. I have the following comments:</p> <p>1. My primary concerned is that the interim order for clean up action be effectively monitored and enforced. It may be in effect for a very long time, i.e. "until final clean up". Public health is not "at risk" it is actively being harmed as long as the toxic sediments remain. The dewatering process, in water disposal, and on land storage must be tightly monitored to insure the clean up does not further spread the contamination. <i>[comment 6]</i></p>	<p>Thank you for your comments. Ecology and the liable persons have entered into a legal agreement, called an agreed order, for implementation of the proposed in-water interim action. Ecology, as the lead regulator, will monitor site activities covered under the agreed order and will provide review and comment on all work products produced. Site activities will be monitored by Ecology to assure compliance with the interim action work plan and that the work is conducted consistent with all local, state, and federal permits that take into consideration marine life and environmental protection.</p>

Explanatory Figures



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

Ecology Contact Information

For more information on the Weyerhaeuser Mill A Former Site, contact:

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