

Summary Response to Public Comments on:

Proposed Consent Decree

Cleanup Action Plan

SEPA Checklist

Determination of Non Significance

Everett Shipyard, Inc. Site

Everett, WA

Puget Sound Initiative:
*Reaching the goal of a healthy,
sustainable Puget Sound now and forever*

February 2012

Focus
Puget Sound



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Puget Sound Initiative

Protecting and restoring Puget Sound

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

A leading source of pollution to the Sound is contaminated sites around its shorelines. 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.



Puget Sound Initiative priority bays

Everett Baywide Cleanup - Port Gardner Bay

Ecology is taking a baywide, rather than site-specific, approach to cleaning up numerous sites within a geographic area. In Everett, 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. This unique, baywide collaboration means more cleanups and restoration are happening faster. Important waterfront uses – shipbuilding, marinas, parks, recreation, housing, fishing, cultural uses and others – can thrive in a revitalized and healthy waterfront environment.

Sites in the Everett area include (see Figure 1 on page 13):

- **Weyerhaeuser Mill A Former**
- **Bay Wood Products**
- **Everett Shipyard, Inc.**
- **Jeld-Wen**
- **North Marina West End**
- **Everett Smelter Site**
- **North Marina Ameron/Hulbert**
- **ExxonMobil ADC**
- **East Waterway**
- **TC Systems, Inc.**

For more information on these sites visit:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=3655>



Everett Shipyard, Inc. Site

Site background

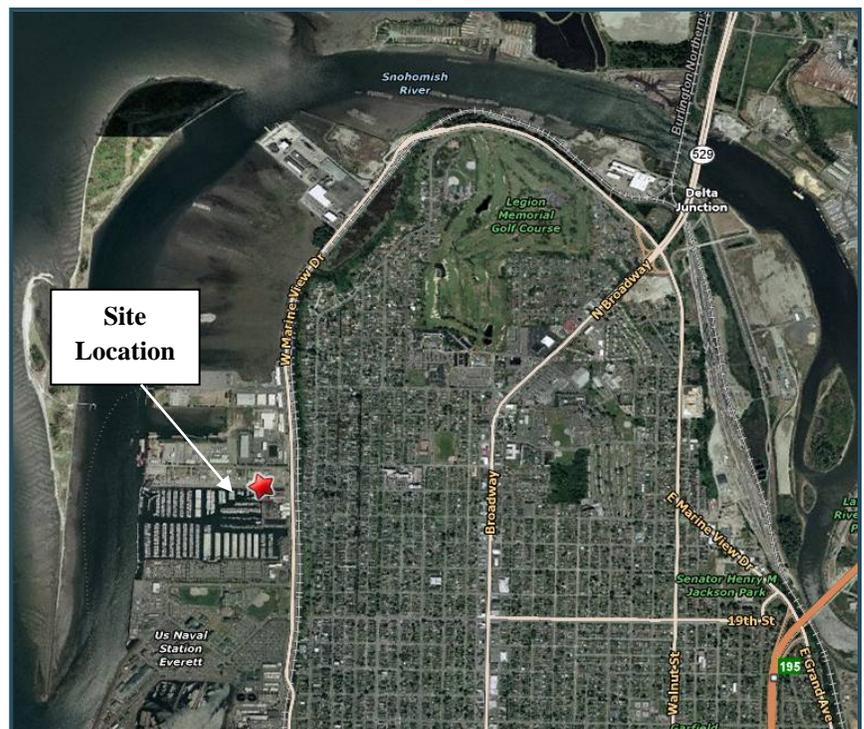
The Everett Shipyard, Inc. Site is one site in Port Gardner's Bay being cleaned up under the Puget Sound Initiative. It is located at 1016 14th Street, next to the Port of Everett's (port) North Marina in Everett, Snohomish County, WA.

The Site is owned by the port and includes approximately five acres of upland area, west of West Marine View Drive, and adjacent in-water areas where the port and ESY, Inc. (previously Everett Shipyard, Inc.) historically operated. ESY, Inc. and its predecessors (Everett Shipyard Inc. and Fishermen's Boat Shop) leased most of the upland portion of the Site from the port and since 1947, operated a boat building, maintenance and repair facility. The shipyard historically conducted marine vessel repairs that included tank evacuations, equipment disassembly, sandblasting, woodwork and metalwork, painting/coating and mechanical repairs. Operations at the Site ceased in September 2009.



Soils in the upland portion of the Site have elevated concentrations of metals, polycyclic aromatic hydrocarbons (PAHs), petroleum, and polychlorinated biphenyls (PCBs).

Marine sediments are contaminated with various semi-volatile organic compounds (SVOCs) including PAHs, the antifouling metallic compound tributyltin (TBT), other metals, PCBs, and petroleum.



Site Status

April 2008 - Ecology and the Potential Liable Persons (PLPs), the Port of Everett and ESY, Inc., entered into an Agreed Order for site cleanup.

November 2008 - The Remedial Investigation and Feasibility Study (RI/FS) Work Plan was finalized and approved.

December 2008 – April 2009 - RI data (soil, groundwater, and marine sediment samples) were gathered.

May 2009 – The RI Data Report was submitted, which identified additional data needs to define the full extent of contamination at the Site.

July – November 2009 - Additional soil, groundwater and marine sediment samples were collected.

April 2010 - The draft RI/FS was submitted to Ecology.

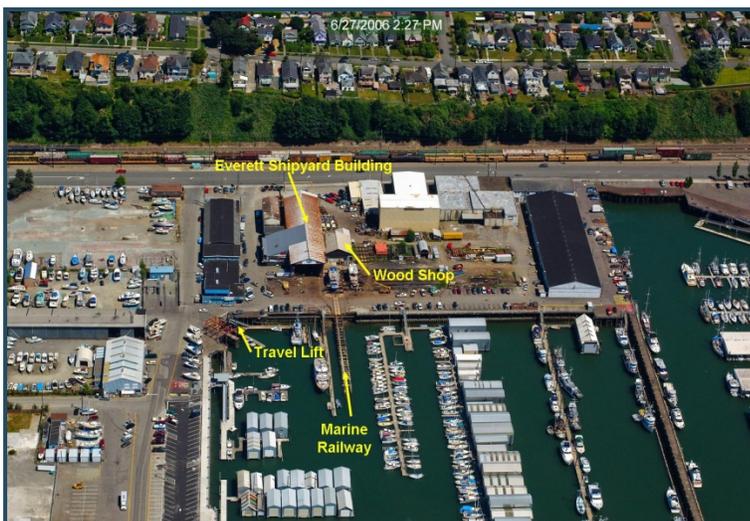
May – June 2010 – Additional soil, groundwater and marine sediment samples were collected and results incorporated into the draft RI/FS.

February 10 – March 14, 2011 - Public comment period was held for the final draft RI/FS Report.

November 10 – December 13, 2011 – Public comment period was held for the draft Cleanup Action Plan (CAP), proposed Consent Decree (CD), State Environmental Policy Act (SEPA) Checklist, and Determination of Non Significance (DNS).

What's next?

A **final preferred alternative** will be selected after public comments on the draft CAP and CD are compiled and evaluated.



The Marine Railway at the Everett Shipyard, Inc. Site, used to move boats from the water to the shipyard

Proposed Cleanup

The draft CAP describes the proposed cleanup alternatives in detail. In summary, the cleanup is divided as follows:

Upland Cleanup (*cleanup anticipated 2013*):

- Excavate approximately 14,800 cubic yards of soil, including all impacted soil close to Puget Sound and in areas with the highest contaminant concentrations
- Remove two buildings under which high levels of PCBs and petroleum-impacted soil were found
- Dispose of contaminated soil offsite
- Install an engineered cap on remaining soils containing concentrations of hazardous substances above cleanup levels subject to the requirements of a Soil/Groundwater Management Plan
- Clean out the stormwater system and modify as needed
- Install four new monitoring wells and conduct two years of groundwater monitoring
- Prepare legal agreements as necessary, called covenants, to restrict future development and prevent soil disturbance below the excavations where some contamination may remain

In-Water Cleanup

(*cleanup anticipated 2013 through 2014*):

The proposed cleanup action for marine sediment is mass dredging. Mass dredging is the most protective alternative, as it results in removal of all the contaminated sediment exceeding cleanup levels, eliminates potential for ecological or human contact with contaminated sediment, and eliminates the need for long-term monitoring. As part of the cleanup action, the marine railway will be demolished to allow the removal of sediments beneath the railway.



Involving the Community in Cleanup

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

- **Draft Cleanup Action Plan**
- **Proposed Consent Decree**
- **SEPA Checklist**
- **Determination of Non-Significance**

These draft documents were issued for public comment on November 10, 2011, and the public comment period ran through December 13, 2011.

To ensure that the community was aware of the invitation to comment on these important site cleanup documents, Ecology provided the following public involvement materials and opportunities:

1. Distributed a fact sheet describing the site and the draft documents through a mailing to addresses in the area and other interested parties
2. Published a paid display ad in the following area newspapers: *The Daily Herald, Marysville Globe, and the Snohomish County Tribune*
3. Published notice in the Toxics Cleanup Program Site Register
4. Published notice in the Ecology Public Involvement Calendar
5. Posted the draft documents on the Ecology web site
6. Provided copies of the draft documents through information repositories at Ecology's Headquarters Office and the Everett Public Library
7. Issued a press release – November 9, 2011

Through this summary, Ecology is providing information about the Everett Shipyard, Inc. Site and responding to public comments received during the public comment period. Ecology has considered all comments received on the draft CAP and proposed CD. After careful consideration of comments received, Ecology determined that no significant changes to the documents were needed.

Comments & Responses

The comments received on the draft CAP and CD were reviewed and evaluated by the Ecology cleanup team, and are included with their responses in the following table. Many comments touched on aspects of more than one comment category, and the comment summaries are coded to individual commenters. The comment categories in this document are:

1. Alternative Selection

Responses included in this category relate to comments about the process of identifying contamination, evaluating cleanup options, and selecting a cleanup alternative.

2. Cleanup Area

The response included in this category relates to a comment about the cleanup area.

3. Contaminated Material 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.

4. Contaminant Sources

Responses included in this category relate to comments about the process of controlling sources of contamination, and how monitoring will be conducted.

A total of eight unique comments were provided through letters and e-mail messages regarding the draft documents. In the comment table, each commenter is referenced by an assigned commenter number.

Commenters:

General Public, 28 form letters, Commenter 1

Linda Webb, General Public, Commenter 2

Kimberly Carolan, General Public, Commenter 3

M. Dulin, General Public, Commenter 4

Dana Steele-Sierk, General Public, Commenter 5

Candice Soine, Snohomish County Department of Public Works, Commenter 6

Heather Trim, People for Puget Sound, Commenter 7

Susan Russell, General Public, Commenter 8

Response to Specific Comments

Comments received during the comment period are summarized and listed by category in the following tables. In the right column are Ecology’s responses to each summary comment.

1. Alternative Selection

Responses included in this category relate to comments about the process of identifying contamination, evaluating cleanup options, and selecting a cleanup alternative.

Comment	Response
<p>1.1 I support a thorough cleanup of the Everett Shipyard site, so that human and wildlife health are protected, including:</p> <ul style="list-style-type: none"> Cleaning up the upland area so that all of the contamination in soil above standards is removed (Upland Alternative 3). It is not adequate to pave over areas of contaminated soil or to put plastic down in the buildings where contamination is proposed to be left in place. <p>[Commenter 1 – Form Letter]</p>	<p>Ecology determined that both Alternatives 3 and 4 accomplish a protective cleanup by meeting the threshold requirements for cleanup actions under MTCRA. Alternative 3 removes slightly more contaminant mass (99% versus 98%) directly, including that under existing site buildings.</p> <p>Alternative 4 was selected based upon the benefits provided relative to the costs required to remove an additional 1% of the mass of contaminant (as would be removed in Alternative 3).</p> <p>However, the Port has committed to removing all the buildings from the site prior to implementation of the cleanup action. The practical result of this commitment is that Alternative 3 (mass removal) will be the upland cleanup action implemented for the site. Therefore, cleanup actions conducted in Alternative 3 and Alternative 4 are essentially the same. Once the Port removes the buildings, soil sampling and cleanup of contamination will occur. As a result, Ecology believes that Alternative 4 will provide a protective upland remedy, significantly removing contaminated soils and augmenting that removal with capping and long-term monitoring.</p>

Comment	Response
<p>1.2 I support a thorough cleanup of the Everett Shipyard site so that human and wildlife health are protected, including:</p> <ul style="list-style-type: none"> • Dredging and removing contaminated in-water sediments (Marine Alternative 2). <p>[Commenter 1 – Form Letter]</p>	<p>Agreed; Alternative 2 for in-water work is the preferred cleanup option selected.</p>
<p>1.3 Please do a thorough cleanup of the Everett shipyard Site. I have been a resident of Everett for 50+ years now and think it is long past time to start taking care of our Puget Sound waterways. Port Gardner has been a toxic mess for as long as I can r...[comment cut off in email Subject line]</p> <p>[Commenter 2]</p>	<p>Agreed, this is consistent with Ecology’s general approach.</p>
<p>1.4 We live really near this area, and believe that it will improve our area, have less adverse effects to wildlife, and be a great start to continued clean-up efforts in the years to come. Let’s have a clean Puget Sound in Everett!</p> <p>[Commenter 3]</p>	<p>Thank you, comment noted.</p>
<p>1.5 Let’s make the Everett Shipyard site an example of the right way to clean up the environment. Let’s leave a positive legacy for our kids and promote a healthy environment – land, air, and water. Please be a leader in positive actions rather than doing the minimum to get by. Don’t postpone the real cleanup for future generations.</p> <p>[Commenter 4]</p>	<p>Thank you, comment noted.</p>
<p>1.6 We disagree with the finding of no significance. As the project is cleaning up and remediating 14,800 cubic yards of PCB (Poly Chlorinated Biphenyl) contaminated sediment and then potentially disposing of it in Puget Sound, we think that this finding may not be reflective of a project with no environmental impact. Once PCBs enter the marine environment they bioaccumulate in top predators and have negative impacts on the entire ecosystem. We recommend landfill-based</p>	<p>Under the upland cleanup Alternative 4, a total of 14,800 cubic yard of contaminated soil will be excavated and disposed of off-site at permitted upland disposal facilities. In particular, 240 cubic yards of PCBs-contaminated soil will be transported to and disposed of as TSCA (Toxic Substance Control Act, 15 U.S.C. §2601 et seq. 40 CFR 761.61) remediation waste. As such</p>

Comment	Response
<p>disposal of these contaminated sediments. [Commenter 6]</p>	<p>there will be no significant impact on the environment.</p> <p>For sediment related questions, refer to the Ecology’s response to comments 3.1 and 2 on dredged sediment disposal options.</p>
<p>1.7 I have property on Grand Ave, and my house overlooks the marina. I'm 110% in support of the clean up. [Commenter 8]</p>	<p>Thank you, comment noted.</p>
<p>1.8 People For Puget Sound supports a thorough cleanup of the Everett Shipyard site. We recommend the most permanent remedy because this is protective of human and wildlife health and in the long-run it is most cost effective to do the job right at the beginning than to come back again and again to do more cleanups. Specifically, we support:</p> <ul style="list-style-type: none"> • Cleaning up the upland area so that all of the contamination in soil above standards is removed (Alternative 3) • It is not adequate to pave over areas of remaining contaminated soil as the proposed plan indicates: “Placing asphalt overlay and seal coat over existing asphalt paved surfaces and sealing cracks in concrete surfaces.” OR to put plastic down in the buildings: “Install approximately 3,000 SF of high-density polyethylene (HDPE) liner (or other type of acceptable physical barrier) in portions of existing buildings with wooden floors.” <p>[Commenter 7]</p>	<p>Thank you, comment noted. See response to comment 1.1.</p>
<p>1.9 People For Puget Sound supports a thorough cleanup of the Everett Shipyard site. We recommend the most permanent remedy because this is protective of human and wildlife health and in the long-run it is most cost effective to do the job right at the beginning than to come back again and again to do more cleanups. Specifically, we support:</p> <ul style="list-style-type: none"> • Dredging and removing contaminated in-water 	<p>Marine Alternative 2 is the option selected for upland cleanup. This option requires full removal of contaminated sediments.</p>

Comment	Response
<p>sediments (Marine Alternative 2). [Commenter 7]</p>	

2. Cleanup Area

The response in this category relates to a comment about the cleanup area.

Comment	Response
<p>Jetty Island is a local destination that needs to be preserved and a cleanup would keep that resource healthy. It is heavily used by families from Seattle up to Mount Vernon all summer long and Everett marina benefits from all that interest. If families knew they were exposing their children to all these pollutants in and around the water, they might not want to come any more. [Commenter 5]</p>	<p>Jetty Island is located outside the boundaries of the Everett Shipyard cleanup site and therefore not included in this cleanup action decision.</p>

3. Contaminated Material 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	Response
<p>3.1 The project proposes dredging the contaminated material in the marine section of the project and then disposing of it at an open water site in Puget Sound. The Department of Ecology and the Puget Sound Partnership have listed persistent toxic contaminants as one of the biggest threats to the cleanup of Puget Sound. It seems counterintuitive to us to dispose of materials in the same water that you are trying to clean up. This disposal option would just dilute the pollutants over a greater area. [Commenter 6]</p>	<p>The vast majority of contaminated dredge sediments will be disposed of in a permitted off-site upland landfill.</p> <p>The most preferred alternative for in-water cleanup is mass dredging and off-site disposal for the majority of dredged sediment. As indicated in section 9.4.2 of the RI/FS document, sediments will be dewatered after dredging and transferred from the dewatering barge to a lined 20-foot container for shipment to a permitted off-site upland landfill. The closest rail facility is less than 3 miles away in Everett, where containers will be transferred from truck to</p>

Comment	Response
	<p>rail for shipment to the landfill. The cost analysis for the dredging alternative is also based on transportation and off-site upland landfill Disposal of dredged materials.</p> <p>A minor portion of the dredge sediments containing low-level contamination may be suitable for open-water disposal. This option is regulated by the Dredged Materials Management Program (DMMP). Open water disposal is a legal option that has been well researched by representatives from DNR, EPA, Ecology, COE and other agencies.</p>

4. Contaminant Sources

Reponses included in this category relate to comments about the process of controlling sources of contamination, evaluating cleanup options, and how monitoring will be conducted.

Comment	Response
<p>4.1 I support a thorough cleanup of the Everett Shipyard site, so that human and wildlife health are protected, including:</p> <ul style="list-style-type: none"> • Removing the creosoted timber bulkheads as that is a continuing source of toxic pollution to the water. <p>It is cost effective to do the job right now.</p> <p>[Commenter 1 – Form Letter]</p> <p>People For Puget Sound supports a thorough cleanup of the Everett Shipyard site. We recommend the most permanent remedy because this is protective of human and wildlife health and in the long-run it is most cost effective to do the job right at the beginning than to come back again and again to do more cleanups. Specifically, we support:</p> <ul style="list-style-type: none"> • Removing the creosoted timber bulkheads as that 	<p>A portion of 240 feet of creosote timber bulkheads will be removed in areas where the bulkhead needs to be replaced to support the upland and sediment portions of the cleanup action, and will be replaced with materials that do not include creosote-treated materials.</p> <p>In particular, the condition of the 240 ft-long creosote-timber bulkhead located at the northeast corner of the Site (north of existing marine railways), where the adjacent sediment is contaminated is found to range from “fair” to “severely deteriorated –worn.” As such, Ecology and the Port determined that it is more cost-effective to reconstruct the northern portion of the bulkhead (240 ft) with environment-friendly materials per relevant regulations, in conjunction with</p>

Comment	Response
<p>is a continuing source of toxic pollution to the water.</p> <p>[Commenter 7]</p>	<p>cleanup. In fact, various replacement options including “Sheet Pile Bulkhead” and “Revetment with Vegetation” have been considered. Details of the final replacement option will be discussed with permitting agencies.</p> <p>Replacement of creosote-treated timber bulkheads is not needed to support the site cleanup action, and are found to be in “good” working condition. As such, they are beyond the scope of the regulatory MTCA cleanup action. Additionally, releases of PAHs from creosoted pilings have not been found to be a contaminant of concern at this site.</p>
<p>4.2 The groundwater monitoring is only scheduled for two years. Groundwater contamination can be a slow moving process and showing both resulting cleanup or contamination may require a longer monitoring program.</p> <p>[Commenter 6]</p>	<p>Based on the limited extent of groundwater contamination encountered during the RI and the almost complete removal (98% to 99% contaminant mass removal rate) of contaminated soil that was the source of the groundwater contamination, Ecology believes that two years of groundwater compliance monitoring will be adequate to demonstrate achievement of the groundwater cleanup standards. Compliance statistics will be conducted during the first two years after the major upland cleanup. Ecology can require extending the duration of groundwater compliance monitoring until the cleanup standards are met throughout the Site, if the initial two years of monitoring do not adequately demonstrate compliance with the groundwater cleanup standards.</p>

Explanatory Figure



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

Ecology Contact Information

For more information on the Everett Shipyard, Inc. Site, contact:

Hun Seak Park - Site Manager

WA Department of Ecology

Toxics Cleanup Program

PO Box 47600

Olympia, WA 98504-7600

Phone: (360) 407-7189

Email: HunSeak.Park@ecy.wa.gov

Andy Kallus - Baywide Manager

Email: Andrew.Kallus@ecy.wa.gov

To review documents:

Everett Public Library

2702 Hoyt Avenue

Everett, WA 98201

Phone: (425) 257-8000

Hours: Mon – Wed 10 am - 9 pm

Thurs – Sat 10 am - 6 pm

Sun 1 - 5 pm

WA Department of Ecology Headquarters

300 Desmond Drive SE

Lacey, WA 98503

By appointment only:

Contact Carol Dorn, Carol.Dorn@ecy.wa.gov

or (360) 407-7224

Everett Shipyard, Inc. website:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=3655>