



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 19, 2010

Brian Stuchell
PO Box 65
Everett, WA 98206

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** Former Eclipse Mill Property
- **Site Address:** 3300 Chestnut Street, Everett, WA 98201
- **Facility/Site No.:** 16248
- **VCP Project No.:** NW2271

Dear Mr. Stuchell:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Former Eclipse Mill Property facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

YES. Ecology has determined that, upon completion of your proposed cleanup, further remedial action will likely be necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-range petroleum hydrocarbons (TPH-GRO), diesel-range petroleum hydrocarbons (TPH-DRO), oil-range petroleum hydrocarbons (TPH-O), benzene, and xylenes into the Soil
- Carcinogenic Polycyclic Aromatic Hydrocarbons (cPAHs) into the Soil



- Pentachlorophenol (PCP) into the Soil
- Carcinogenic Polycyclic Aromatic Hydrocarbons (cPAHs) into the Ground Water

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. SLR International Corp., *Former Eclipse Lumber Company Mill Property – Addendum to Work Plan, Establishment of Site-Specific TPH Cleanup Levels*, June 8, 2010.
2. SLR International Corp., *Work Plan for Remedial Action, Former Eclipse Lumber Company Mill Property, Newland and Eclipse Properties, 3300 Chestnut Street, Everett, Washington 98201*, February 25, 2010.
3. URS, *Phase II Environmental Site Assessment, Eclipse Mill Property, Everett, Washington*, October 27, 2005.
4. URS, *Phase II Environmental Site Assessment, Newland Property, Everett, Washington*, October 27, 2005.
5. GeoEngineers, *Phase I and Phase II Environmental Site Assessment, Newland Property, 3300 Chestnut Street, Everett, Washington*, January 24, 2004.
6. Earth Consultants, Inc. *Phase I Environmental Site Assessment, Eclipse Mill, Pacific and Eclipse Mill Road, Everett, Washington*, January 9, 2001.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7190.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that, upon completion of your proposed cleanup, **further remedial action** will likely be necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is not sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

Your proposed characterization of the Site is not sufficient because:

- Sampling and analysis for dioxins and furans should be included
- Proposed monitoring well locations should include at least one additional location upgradient and farther from the river than the line of proposed monitoring wells along the river
- The lateral and vertical extent of soil and ground water contamination has not been completely delineated

Another issue is the entry of sampling data into Ecology's electronic Environmental Information Management (EIM) system, which you will need to do in order to achieve your goal of obtaining a No Further Action opinion letter from Ecology. Jenna Durkee of Ecology (telephone: 509-454-7865) is an excellent source of information on entering data into EIM.

Finally, any engineering, geology, or hydrogeology work will need to be stamped by an appropriately certified professional registered in the State of Washington.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site do not meet the substantive requirements of MTCA.

In the absence of a justification for a different land use, unrestricted land use is the appropriate basis for development of soil cleanup levels.

Your Preliminary Conceptual Site Model (Figure 10) provides an excellent summary of the exposure pathways you considered. However, more elaboration is needed for some of the 19 exposure/receptor combinations you dismissed with the following assessment: "Although the pathway is potentially complete, it is expected to result in minimal risk."

In particular, pathways involving sediments and aquatic organism bioaccumulation deserve more investigation.

Because the site has relatively few types of contaminants, Method A can be used to develop cleanup levels for the Site contaminants of concern. For contaminants that do not have Method A cleanup levels, Method B cleanup levels are appropriate.

I did not find evidence that the terrestrial ecological evaluation process has been completed for this project to determine whether soil cleanup levels protective of terrestrial species are needed. Additional information on satisfying this requirement can be found at www.ecy.wa.gov/programs/tcp/policies/terrestrial/TEEHome.htm

The soil cleanup levels you established are the WAC 173-340 Method A Table 740-1 soil cleanup values of 30 mg/kg for TPH – GRO; 0.03 mg/kg for Benzene; 7 mg/kg for Toluene; 6 mg/kg for Ethylbenzene; 9 mg/kg for Xylenes; 5 mg/kg for naphthalenes; 2,000 mg/kg for TPH-DRO; 2,000 mg/kg for oil-range organics; 20 mg/kg for Arsenic; 2 mg/kg for Cadmium; 2 mg/kg for mercury, 250 mg/kg for lead, 0.1 mg/kg for cPAHs; and 1 mg/kg for PCBs, plus the Method B cleanup level of 2960 mg/kg for Copper..

For ground water the cleanup levels you established are the WAC 173-340 Method A Table 720-1 values of 800 ug/l for TPH – GRO; 500 ug/l for TPH-DRO; 500 ug/l for TPH-oil; 5 ug/l for Benzene; 1,000 ug/l for Toluene; 700 ug/l for Ethylbenzene; 1,000 ug/l for Xylenes; 160 ug/l for naphthalenes; 5 ug/l for Cadmium; 50 ug/l for Chromium; 2 ug/l for Mercury; 15 ug/l for Lead; 0.1 ug/l for PCBs; and 0.1 ug/l for cPAHs, plus the Method B cleanup level of 2,960 for Copper.

The point of compliance for soil is throughout the site, which is a standard point of compliance.

The point of compliance for groundwater is throughout the site, which is a standard point of compliance.

The cleanup levels you established are appropriate based on work done thus far, but it is possible that cleanup levels will need to be revised as a result of completion of the terrestrial ecological evaluation process. It is also possible cleanup levels will need to be added for additional contaminants, such as dioxins and furans. Therefore, the suite of cleanup levels was judged not to meet the requirements of MTCA.

3. Selection of cleanup action.

Ecology has determined the cleanup action you proposed for the Site does not meet the substantive requirements of MTCA.

The cleanup selected consists of excavation and proper off-site disposal of contaminated soil from two areas, plus the installation of four monitoring wells.

The selected cleanup does not meet the substantive requirements of MTCA because the efficacy of the cleanup in regard to ground water and sediments is uncertain, because it likely would leave contaminated soil above the appropriate cleanup level (this is related to the TEE issue because the default TPH-DRO cleanup level becomes 200 mg/kg if a TEE exemption is not documented), and because a detailed evaluation of the alternatives and selection of an appropriate cleanup action (i.e. a Feasibility Study) was not completed.

Another issue is the entry of sampling data into Ecology's electronic Environmental Information Management (EIM) system, which you will need to do in order to achieve your goal of obtaining a No Further Action opinion letter from Ecology. Jenna Durkee of Ecology (telephone: 509-454-7865) is an excellent source of information on entering data into EIM.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an

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opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. State is immune from liability.

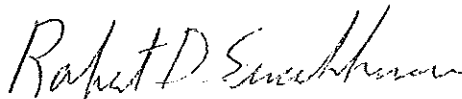
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up your Property under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may resubmit your proposal for our review. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at (425) 649-7233 or e-mail at rswa461@ecy.wa.gov.

Sincerely,



Robert D. Swackhamer, PE
NWRO Toxics Cleanup Program

rs/kp

By certified mail 7009 2820 0001 7154 8295

Enclosure: A – Description and Diagrams of the Site

cc: Newland Construction Company, Inc.
 Steven Locke, SLR International corp.
 Dave Davis, City of Everett Public Works
 DNR Aquatic Resources, Sedro-Woolley

Enclosure A

Description and Diagrams of the Site

Site Description

The Site is defined by the extent of releases of petroleum and wood treatment chemicals occurring on the Property at 3300 Chestnut Street, Everett, Washington. The Property consists of the following two adjoining parcels: the Newland Property (Snohomish County tax parcel number 29052900101600 as described under Newland Property Legal Description below, approximately 1.6 acres) and the Eclipse Property (Snohomish County tax parcel number 29052900100600, approximately 1.0 acre.)

The Property is essentially flat, with ground surface elevations in the range of 15 feet. Development of nearby properties generally has been limited to industrial uses, including railroad and lumber mill facilities. The Site appears to be located within the mapped 50-year floodplain zone.

The Snohomish River is located a few feet east of the Property. State of Washington Department of Natural Resources (DNR) tideland property is located between the Property and the Snohomish River. The Snohomish River flows north and enters Port Gardner Bay (Possession Sound) approximately 3 miles north of the Property.

Soils consist of fill underlain by interbedded sequences of sands, clays and silts with high concentrations of organic matter, typically wood debris and logs. These soils are flood and fluvial deposits from the Snohomish River. Groundwater was encountered at depths from 5 to 7.5 feet below ground surface.

Newland Property Legal Description (AFN 8605140185):

That portion of Government Lots 2 and 3 Section 29 Township 29 North Range 5 East of the Willamette Meridian, as depicted and described in that certain survey recorded August 5, 1983 in Volume 17 of Surveys, Page 288, Under Auditor's File No. 8308055007; except portion thereof described as follows: Beginning at the northwest corner of said tract: thence south 22° 21' 59" west along the west line thereof 65.95 feet; thence south 89° 04' 20" east 20.46 feet; thence northeasterly along the arc of a non-tangent curve having a radius of 379.26 feet and central angle of 14° 45' 07" a distance of 97.65 feet to north line of said tract; thence north 89° 04' 20" west 44.56 feet to the point of beginning. Reserving unto the grantor an easement for ingress, egress and utilities over, under and across a strip of land 40 feet in width, being more particularly described as being 20 feet on each side of the following described line: Beginning at a point on the south line of subject premises that is south 74° 37' 50" east from the southwest corner thereof; thence northerly along the arc of a 350.00 foot radius curve, of which the radius center bears south 78° 47' 10" west through a central angle of 10° 18' 19" 62.95 feet; thence continue northwesterly along the arc of a 75.00 foot radius curve, of which the radius center bears south 68° 28' 31" west about 74.32 feet to the easterly line of the railroad right-of-way. Subject to unrecorded lease given by recital in instrument dated May 1, 1981, recorded January 13, 1983 under recording no. 8301130097, Pacific Lumber and Shipping Co. lessee which may affect subject premises: boundary line adjustment recorded August 22, 1953 under Auditor's File No. 5308220177.

Site History

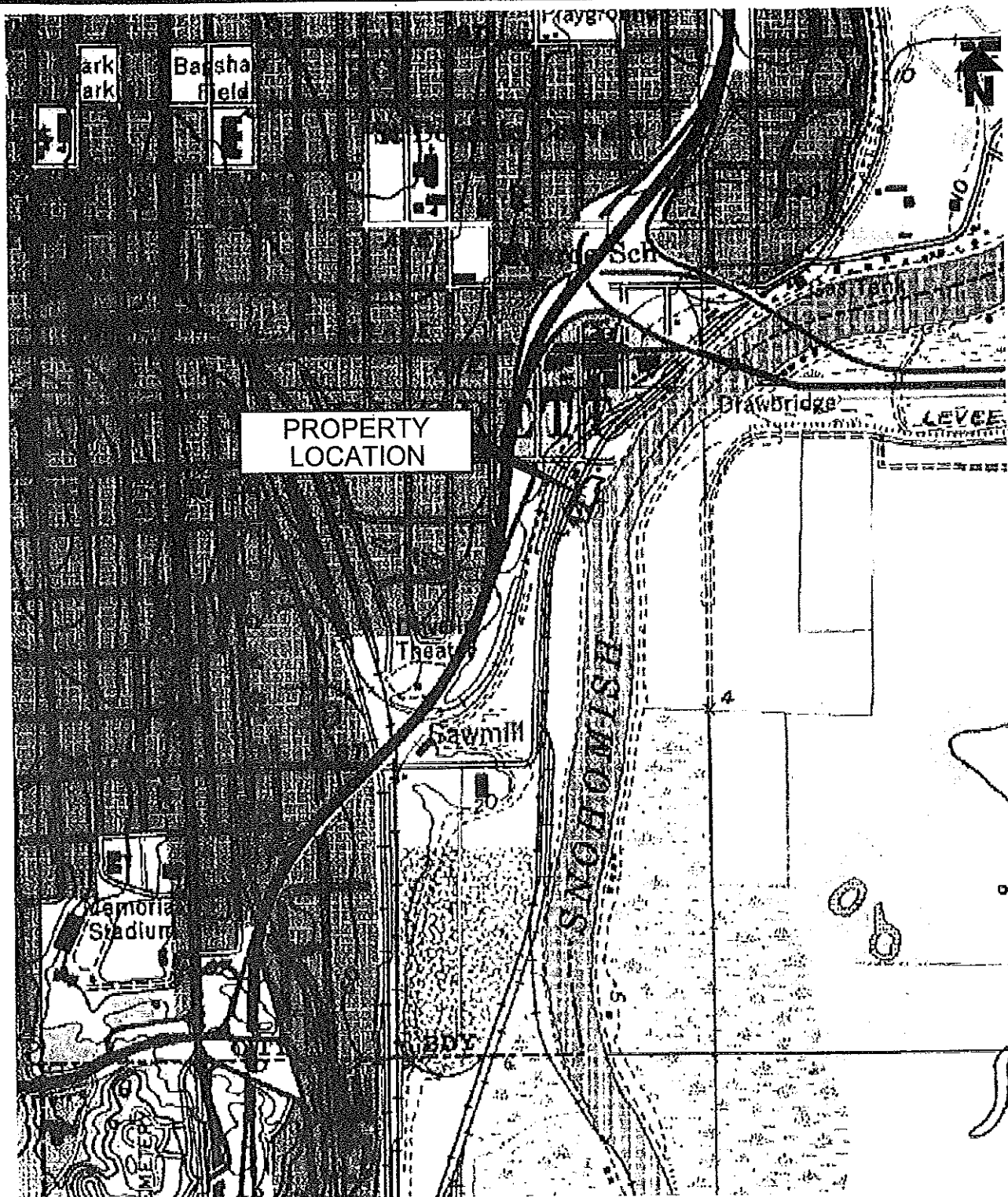
In 1899, a shingle mill was constructed on the Newland Property and the adjoining properties to the south and southwest. In 1902 the mill was converted to the Eclipse Lumber Mill. The Property under consideration here (the Newland Property and the Eclipse Property) made up the northern 2.6 acres of the Eclipse Lumber Mill, which occupied a total of approximately 13 acres.

The Eclipse Lumber Mill operated until 1962, when it was destroyed by a fire. An estimated one to three feet of fill soil was placed on the Property between 1962 and 1970. The source of the fill material is not known. The existing office building was constructed on the Newland Property in 1970. Former mill structures not damaged by the fire were removed in the early 1980's.

Historical mill facilities and activities included a gasoline underground storage tank (UST), maintenance shop, oil storage, a turbine room, refuse burning, wood treating, and lumber drying kilns.

Soil borings, test pits and ground water sampling in 2001, 2005, and 2010 confirmed petroleum contamination in soil up to 110,000 mg/kg for TPH-Oil, as well as TPH-G, PAHs, benzene, xylenes, and mineral spirits above MTCA cleanup levels. Arsenic and cPAHs were found at levels exceeding MTCA cleanup levels in ground water. PCBs initially were found in soil, but subsequent sampling did not find them.

Site Diagrams



REFERENCED FROM : USGS 7.5 MINUTE TOPOGRAPHIC MAP
EVERETT, WASHINGTON

FORMER ECLIPSE MILL PROPERTY NEWLAND AND ECLIPSE PROPERTIES EVERETT, WASHINGTON

Report

SITE HEALTH AND SAFETY PLAN

Drawing

PROPERTY LOCATION MAP

Date February 17, 2010

Scale AS SHOWN

Fig. No.

File Name 008.0411.00001.0004-3-1

Project No.

1



