



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 8, 2007

Mr. Mark Sadler
Maintenance Superintendent
Department of Public Works
City of Everett
3200 Cedar Street
Everett, WA 98201

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: Riverside SE Area (Parcels O and V)
- Address: East Terminus of Railway Avenue, Everett, WA 98201
- Facility/Site No.: 5026253
- VCP No.: NW 1848

Dear Mr. Sadler:

Thank you for submitting your application for the Riverside SE Area (Parcels O and V) (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

The City of Everett (City) submitted a VCP application (VCP NW 1730) which covers Parcels O and V of this property as well as 5 other parcels in February 2007. As requested by the City, the original VCP has been replaced by three separate VCPs, and this VCP covers only Parcels O and V.



Mr. Salder
November 8, 2007
Page 2

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Phase 2 Environmental Site Assessment, Former Riverside Chip Mill/Storage Areas, prepared by Aspect Consulting dated December 2006 Final.
2. Phase I Environmental Site Assessment, Kimberly-Clark Worldwide, Inc., Riverside Woodyard, Everett, Washington, prepared by Delta Environmental Consultants, Inc. dated 28 December 2005.

The documents listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7190.

The Site is defined by the extent of contamination caused by the release of oil range total petroleum hydrocarbon (TPH-O) and metals in soil as described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Although TPH-O and metals were detected in soil samples as described in Enclosure A, the concentrations were below their respective MTCA Method A/B cleanup level for unrestricted land use. Ecology believes that contamination at this level will not pose a threat to human health and the environment at this time.

Based on a review of the documentations listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by the City of Everett.

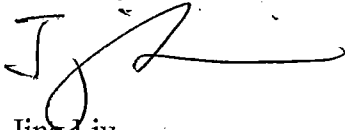
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

Mr. Salder
November 8, 2007
Page 3

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (425) 649-4310.

Sincerely,

A handwritten signature in black ink, appearing to be 'JL' with a long horizontal stroke extending to the right.

Jing Liu
NWRO, Toxics Cleanup Program

jl:mm




Enclosure: 1

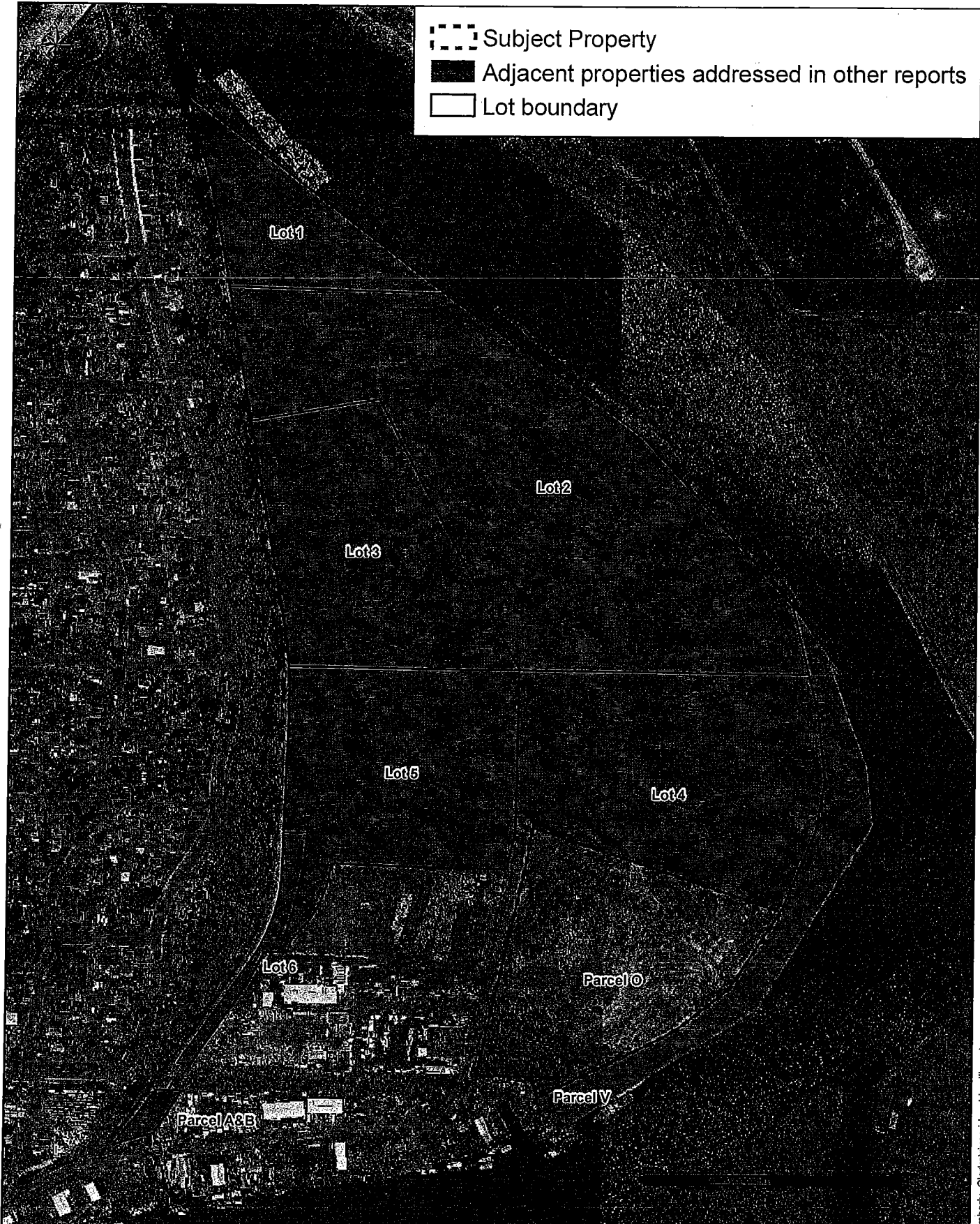
cc: Christine Kurtz, Kimberly-Clark Inc.
Ken Weiner, K&L Gates
Steve Germiot, Aspect Consulting
Ray Stephanson, City of Everett

Enclosure A

The site is located at east terminus of Railway Avenue in Everett, Snohomish County. It consists of Parcels O and V and is bordered on the east by the Snohomish River as shown in the attached site diagram. The site was used historically for storage of permitted dredged sediments, sand and gravel excavated during construction at Kimberly Clark's Everett Mill, sludge from wastewater treatment plant. The City of Everett acquired the site from Kimberly-Clark Worldwide, Inc. in December 2005. It is currently zoned for heavy manufacturing industrial use.

Soil sampling results showed detection of oil range petroleum hydrocarbon and metals, including arsenic, chromium, copper, lead, nickel and zinc. However, all the concentrations were below their respective MTCA Method A/B cleanup levels for unrestricted land use.

 Subject Property
 Adjacent properties addressed in other reports
 Lot boundary



 **Aspect consulting**
 W-DEPTM PERSPECTIVE
www.aspectconsulting.com

Parcels O and V
 Riverside SE Area
 Everett, Washington

DATE	Nov 2007	PROJECT NO.	060050
DESIGNED BY	SJG	FIGURE NO.	1
DRAWN BY	ACM		
REVISED BY	Ppw		

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