



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000

October 8, 2009 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

Ken Johnson  
Weyerhaeuser Company, CH3-H35  
P.O. Box 9777  
Federal Way, WA 98063-9777

**Notice of Periodic Review Conducted at the following Hazardous Waste Site:**

- Name: Weyerhaeuser Everett West
- Address: 101 East Marine View Drive, Everett, Washington
- Facility/Site No.: 10

Dear Mr. Johnson:

The Model Toxics Control Act, Chapter 70.105D Revised Code of Washington, which governs the cleanup of hazardous waste sites in Washington State, requires the Department of Ecology to conduct a periodic review of sites with institutional controls (covenants) every five years. This letter serves to inform you that a periodic review has been conducted at the Weyerhaeuser Everett West (Site).

The periodic review process includes the following steps:

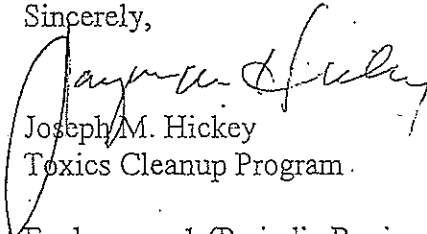
1. review cleanup information including any recent monitoring data,
2. confirmation that the covenant is active and recorded with the title to the property,
3. visit the Site to confirm the institutional controls and conditions of the covenant are effective.

The Site appears to meet the requirements of Chapter 173-340 Washington Administrative Code for soil cleanup based on the information examined during this review, and the selected remedy is protective of human health; however, the environment (groundwater) may not be protected due to arsenic. While the arsenic may be from another off-property source, this has not been proven.

A periodic review will be required every five years as long as institutional controls are required to protect human health and/or the environment. The next review will be due in 2014.

Please call me at 425-649-7202 if you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites.

Sincerely,

  
Joseph M. Hickey  
Toxics Cleanup Program

Enclosures: 1 (Periodic Review Document)





## **PERIODIC REVIEW**

**Weyerhaeuser Everett West  
Facility Site ID#: 10**

**101 East Marine View Drive,  
Everett, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**August 2009**

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Weyerhaeuser West (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were conducted under Consent Decree. The cleanup actions resulted in concentrations of arsenic remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- (b) New scientific information for individual hazardous substances of mixtures present at the site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the site register and provide an opportunity for public comment.

## 2.0 SUMMARY OF SITE CONDITIONS

### 2.1 Site Description

The Site is located at 101 East Marine View Drive, Everett, Washington. Weyerhaeuser Company (Weyerhaeuser) and Ecology entered a Consent Decree which outlined the actions necessary to remediate the Site on October 21, 1994.

The site consists of approximately 35 acres located on the western portion of the former Weyerhaeuser Everett property and is referred to as Weyerhaeuser West. The site is relatively flat and is bordered on the north by the Snohomish River and on the east, west, and south by the Burlington Northern Railroad tracks. Weyerhaeuser began operations in the Everett in 1902. Weyerhaeuser West consists of the former Mill C, Mill D, and the Kraft Pulp Mill. The former Mill C which manufactured wood boards began operation in 1926 and closed in 1976. The Kraft Pulp Mill operations began in 1953 and closed in 1992. The former Mill D which manufactured wood boards began operation in 1963 and closed in 1971. Mills C and D are demolished. Wood waste landfills, aeration lagoons and log sorting operations which supported the West site are located north of the site, across the Snohomish River on Smith Island. Known historical land uses near the site include:

- A lead smelter and ore refinery operated by the American Smelting and Refining Company (ASARCO) from approximately 1893 to 1914 on property immediately southeast of the West site, near what is now the intersection of East Marine View Drive and State Route 529. The Puget Sound Reduction Company operated the smelter to refine the ore for lead, copper, gold, and silver. ASARCO bought the smelter in 1903. The lead smelter operated until 1907. An arsenic processing plant also operated at the smelter site from approximately 1898 until 1913. The smelter and processing plant were dismantled in 1914.
- Burlington Northern Railroad currently operates and maintains a railroad right-of-way immediately south and east of the West site.
- There is a residential area located west of the site and south of Marine View Drive at an elevation about 75 feet above and 1/8 mile south of the Weyerhaeuser facility and is separated from the site by the heavily used Burlington Northern Railroad right-of-way.

Weyerhaeuser West was divided into eight separate units designated as Areas 11 through 18. These area designations were developed from previous investigations and were used for purposes of investigation and remediation, based on the location of former structures and past areas of activity. The following are brief summaries of the West Site Areas 11 through 18:

- Area 11 Sandblast Fill - Area 11 contained the cement foundations used to support a hog fuel burner, a former transformer and an abandoned clarifier associated with Mill C. A

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fill area is also present along the eastern half of Area 11. The fill consists of soils, debris, and sandblast grit. The western boundary of area 11 is adjacent to Area 12.

- Area 12 Former Mill C - No buildings currently exist in this area. Mill C previously operated in this area as a lumber mill facility where logs were processed and cut into lumber. The area contained a structural sand/gravel fill, parking area and adjacent areas of debris/fill including wood waste, buried dock pilings and subdrains.
- Area 13 Powerhouse, Recovery and Causticizing - Area 13 was used for power generation and recovery, causticizing and sandblasting, activities associated with the Kraft Mill. The area included the lime kiln and kiln trunions, the powerhouse, the portable compressor area, the main exhaust stack base, and a caustic lime pile. Two recovery boilers and the main stack were located adjacent to the powerhouse. A sandblast shed was located north of the powerhouse where equipment was sandblasted.
- Area 14 Northern Chip Storage - This area was created by sinking two wood barges onto a tidal flat and filling them with river sediment and wood chips.
- Area 15 Fuel Storage Tanks - Area 15 consisted of a bermed yard containing one 577,500-gallon aboveground Bunker C tank. A former 1,000-gallon diesel tank was also located within the containment area.
- Area 16 Pulp Mill - Area 16 contained the Kraft pulp mill, warehouse, machine room, offices, maintenance building, chip silos, pulp processing storage tanks, bleach plant, and a lube-oil storage shed. Pulping operations, including storage of chips and paper products, occurred in this area. The lube oil shed was used for storage of petroleum products and solvents. Drums were also stored next to the storage shed.
- Area 17 Warehouse and Filter Plant - Area 17 contained a warehouse, the water filter plant, a bank of non-PCB-containing transformers, one underground gasoline storage tank (UST), and a former sandblast shed. The water filter plant processed incoming water for use in the pulping process. Sandblasting of equipment was done in the sandblast shed.
- Area 18 Former White Liquor Storage - No buildings or tanks exist in this area. White liquor was stored in temporary tanks as part of a short-term research and development project. No other practices are reported for this area.

## 2.2 Sample Results

Petroleum hydrocarbons were the primary contaminant of concern on the site, but there were also arsenic, chromium, mercury, and polychlorinated biphenyls (PCBs) in some areas. Soil and groundwater samples contained petroleum hydrocarbons that were initially analyzed as total petroleum hydrocarbons (TPH). TPH was then quantified into one of three ranges:

1. gasoline range (light end hydrocarbons (TPH-G),
2. diesel range (TPH-D), and
3. oil range / heavy end hydrocarbons (TPH-O).

The primary contaminant at the site is TPH. It fell in the oil (TPH-O) and the diesel (TPH-D) ranges. The site was also sampled for toxicity characteristic leachate procedure (TCLP) metals including silver (Ag), arsenic (As), barium (Ba), cadmium (Cd), chromium (Cr), lead (Pb), mercury (Hg) and selenium (Se); and total metals including As, Cr, copper (Cu), Pb, and Hg. A relatively small volume of soil containing these other contaminants exceeded Method A Industrial Soil Cleanup Levels.

## 2.3 Cleanup Levels

Six of the 8 sites were selected for cleanup. These were: Areas 11, 12, 13, 14, 15, and 16. Cleanup methodologies used on the site were soil excavation and off-site landfill/capping. Cleanup of the site was accomplished under a Consent Decree recorded in 1994; therefore, the long-term monitoring plan has been in place since then. During the last five years the samples have indicated that soil and groundwater have all been below cleanup levels that were determined by the terms of the Consent Decree Site Investigations and Cleanup, except recent tests that indicate groundwater is contaminated with arsenic.

- Area 11 Sandblast Fill Area - Weyerhaeuser was required to excavate soil to the cleanup action level of 500 mg/kg Chromium and 10 mg/kg PCBs or the surface of groundwater. Chromium and PCBs in soil were the constituents of potential concern (COPC)s in this area.
- Area 12 Old Mill C. - Weyerhaeuser was required to excavate soil to the cleanup action level of 1,000 mg/kg Total Petroleum Hydrocarbons (TPH) or the surface of groundwater. TPH in soil was the COPC in this area.
- Area 13 Powerhouse, Recovery and Causticizing Areas - Weyerhaeuser was required to excavate soil to the cleanup action level of 1,000mg/kg TPH or the surface of groundwater. TPH in soil was the COPC in this area.
- Area 14 Wood Chip Pile - Weyerhaeuser was required to excavate soil to the cleanup action level of 1,000 mg/kg TPH and 1.0 mg/kg Mercury or the surface of groundwater. TPH and mercury in soil were the COPCs in this area.
- Area 15 Fuel Tank Area - Weyerhaeuser was required to dismantle and scrap the 577,000 gallon fuel tank, remove the contaminated foundation located below the tank and excavate soil to the cleanup action level of 1,000 mg/kg TPH or the surface of groundwater. TPH in soil was the COPC in this area.
- Area 16 Pulp Mill - Weyerhaeuser was required to excavate soil around the old lube oil shed to the cleanup action level of 1,000 mg/kg TPH or the surface of groundwater. TPH

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in soil was the COPC in this area.

Weyerhaeuser was required to backfill each excavation with clean fill. This was done during each of the listed efforts. This work was completed in 1995 with the findings memorialized in the document entitled *Soil Remediation Completion Report for Weyerhaeuser Everett West Site*, drafted in February, 1995 by EMCON Consultants. EMCON concluded in this report that all soil remediation work required by the Consent Decree had been completed. Ecology concurred with EMCON's conclusions in a July 25, 1995 Memorandum to William Miller, Plant Manager, Weyerhaeuser-Everett Site by Mike Palko where Mr. Palko states, "Ecology believes that Weyerhaeuser has satisfactorily completed the remedial actions set forth in the Consent Decree. The department certifies that in our best professional judgment the property has met all the requirements stated in the West Site Consent Decree." This statement obviously does not include the requirement to monitor groundwater or any subsequent actions determined to be necessary as a result of groundwater monitoring.

Groundwater: Weyerhaeuser was required to perform groundwater monitoring. The results of recent groundwater monitoring indicate that arsenic is present above acceptable levels. There is evidence from an upgradient monitoring well that the arsenic may be coming from off-site, but the process to prove that has not been completed. The Consent Decree required groundwater monitoring specifies a "Five Year Review" and exchange of proposals addressing the question on whether continued groundwater monitoring is necessary to protect public health and the environment. This five year review did not occur; however, it seems reasonable that it could occur at a later time, and that omission does not affect this current periodic review or its conclusions, which is done for different purposes. A proposal to end groundwater monitoring and to remove the Consent Decree has been presented to and received by Ecology, but according to the current Site Manager, that is likely premature; however, the Site Manager is considering options which ultimately should allow closure in one form or another. Two options for example which may be available would be showing area wide contamination or establishing a conditional point of compliance at the groundwater/surface water interface for the arsenic.

## 2.4 Restrictive Covenant

Based on industrial site use and calculated cleanup levels, it was determined that the Site would be protective of human health if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1995 which imposed the following limitations:

Section 1. No groundwater may be taken for domestic purposes from any well at the West Site. No residential development may take place on the site.

Section 2. Any activity on the West Site that may interfere with the Cleanup Action is prohibited. Any activity on the West Site that may result in the release of a hazardous substance that was contained as part of the Cleanup or Interim Cleanup Action(s) is prohibited; provided, however, if future activity on the West Side disturbs or otherwise releases hazardous substances remaining on-site, such substances shall be either (a) removed from the site and disposed of in accordance with the terms and conditions of the Consent Decree or (b) re-contained on the site in accordance



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with the terms and conditions of the Consent Decree. In accordance with the terms and conditions of the Consent Decree, a final report titled Soils Remediation Completion Report for Weyerhaeuser Everett West Site was prepared, and identified two locations (CS-1513 and CS-1514) that have contained residual concentrations of petroleum substances that exceed cleanup action levels. CS-1513 is located at N 373,867.1 and E 1,306,845.3. CS-1514 is located at N 373,876.5 and E 1,306,829.0.

Section 3. The owner of the West Site must give written notice to the Department of Ecology, or to a successor agency, of the owner's intent to convey any interest in the West Site. No conveyance of Title, easement, lease or other interest in the West Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action.

Section 4. The owner must notify and obtain approval from the Department of Ecology, or from a successor agency, prior to any use of the West Site that is inconsistent with the terms of this Restrictive Covenant. The Department of Ecology or its successor agency may approve such a use only after public notice and comment.

Section 5. The owner shall allow authorized representatives of the Department of Ecology, or of a successor agency, the right to enter the West Site at reasonable times for the purpose of evaluation compliance with the Cleanup Action Plan and the Consent Decree, to take samples, to inspect Cleanup Actions conducted at the West Site, and to inspect records that are related to the Cleanup Action.

Section 6. The owner of the West Site and the owner's assigns and successors in interest reserve the right under WAG 173-340-740 and WAC 173-340-440 (1991 ed.) to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the West Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or successor agency. The Department of Ecology or a successor agency may consent to the recording of such an instrument only after public notice and comment.

It is alleged that no known soil remains above the cleanup standards for this Site, in spite of wording in Section 2 of the covenant to the contrary, and a request has been made to Ecology that this deed restriction be amended to restrict only the withdrawal of groundwater for domestic purposes. Ecology has yet to agree to this request.

The Restrictive Covenant is available as Appendix 6.4.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the site visit conducted on August 12, 2009 the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required for those routes of exposure. The Site is still operating as a storage yard and [insert other current activity]. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is isolated, contained and controlled.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the site was governed by [insert appropriate edition, like: Chapter 173-340 WAC (1996 ed.)]. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Arsenic	20	20	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500
<b>NL = None listed</b>				

### 3.4 Current and projected site use

The site is currently used for industrial purposes. There have been no changes in current or projected future site or resource uses.

### 3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### 3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

## 4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions for the soil contamination completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site as two areas have TPH remaining (CS-1513 and CS-1514) according to Section 2 of the covenant; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met. The covenant may be amended if warranted, after concurrence by Ecology.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action. There is also a Consent Decree and Cleanup Action Plan (Exhibit B of the Consent Decree) in effect.
- Groundwater remains contaminated with arsenic and thus this route of exposure is still present, and the cleanup is incomplete. Efforts are being made to resolve this issue as a possible off-site source could be contributing or causing it.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions for the soil contamination are required by the property owner. It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the remedy is maintained.

### 4.1 Next Review

The next review for the site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

Additional information regarding possible off-site sources of arsenic contamination in the groundwater may be desirable since that is a remaining issue.

## 5.0 REFERENCES

Consent Decree entered in State of Washington, Department of Ecology v. Weyerhaeuser Company, Snohomish County Superior Court No. 94-2-07559-2 regarding the Weyerhaeuser Everett West Site, October 1994;

Declaration of Restrictive Covenant for the Weyerhaeuser Everett West Site, Snohomish County Auditor No. 9506010274, April 1995;

1999 Annual Evaluation Including Fourteenth Round Compliance Monitoring Groundwater Sampling Results — Weyerhaeuser Everett West Site, October 1999;

Groundwater Compliance Monitoring Plan for Weyerhaeuser Everett West Site, Everett Washington, March 1995;

Soil Remediation Completion Report for Weyerhaeuser Everett West Site, February 1995;

Compilation of Assessment Documents for Weyerhaeuser Everett West Site, Volumes 1,2, and 3, May 1994;

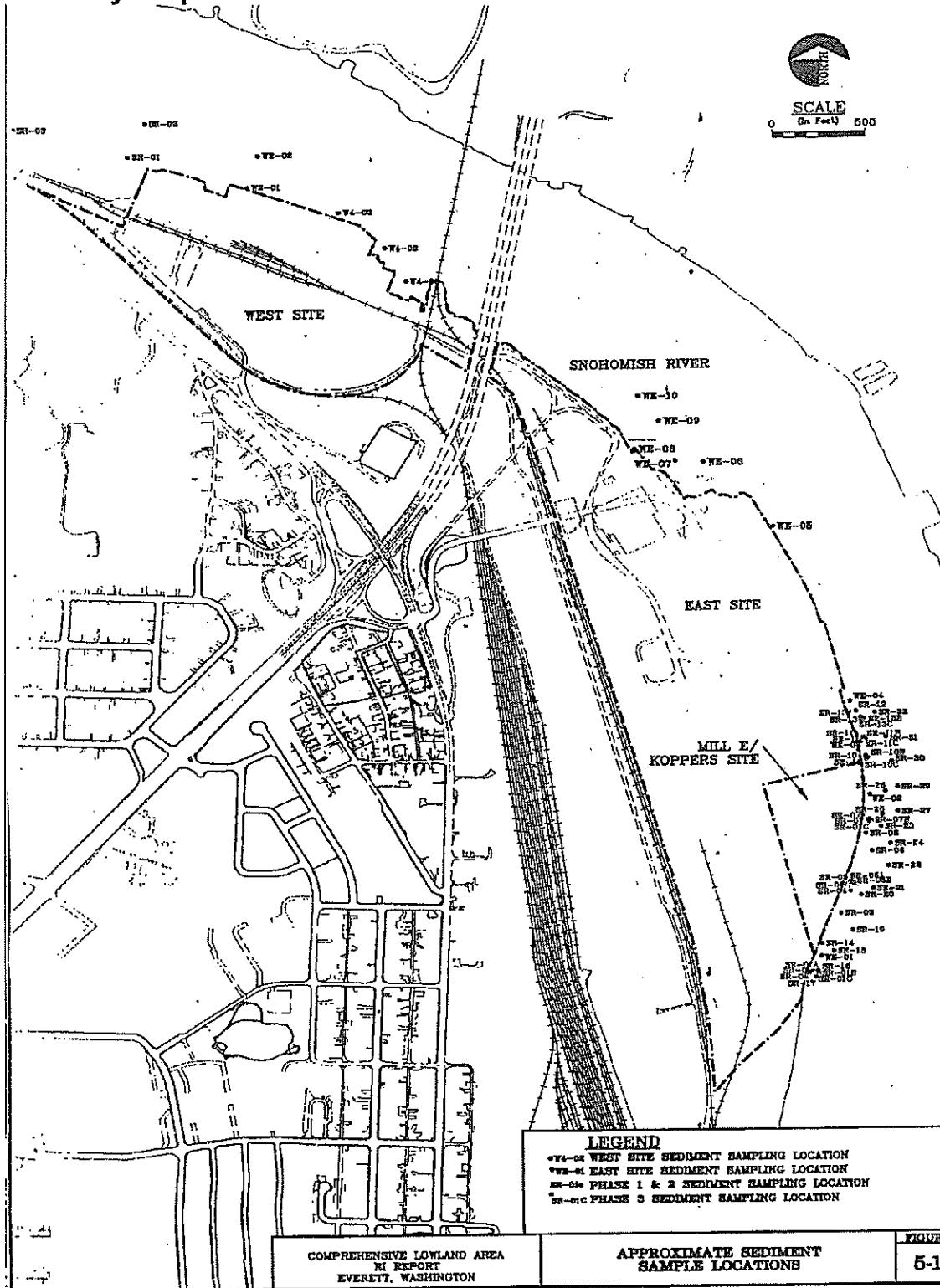
Comprehensive Lowland Area Remedial Investigation Report, Everett Smelter Site, Everett, Washington, January 2000;

Ecology, November 18, 2003, Letter from M. Edens to Judy Tuohy, Executive Director, Arts Council of Snohomish County;

Ecology, 2009, Site Visit.

## 6.0 APPENDICES

### 6.1 Vicinity Map







### **6.3 TPH-Dx Concentration Map** [not available]

## 6.4 Environmental Covenant

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TACOMA WA 98477

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BOB TERWILLIGER AUDITOR  
SNOHOMISH COUNTY, WASH

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### DECLARATION OF RESTRICTIVE COVENANT

The property that is the subject of this Restrictive Covenant has been the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the property (hereafter the "Cleanup Action") is described in the Consent Decree entered in State of Washington Department of Ecology v. Weyerhaeuser Company, Snohomish County Superior Court No, 94-2-07559-2, and in attachments to the Decree and in documents referenced in the Decree. This Restrictive Covenant is required by Ecology under Ecology's rule WAC 173-340-440 (1991 ed.) because the Cleanup Action on the Site resulted in residual concentrations of petroleum contaminants which exceed Ecology's Method A cleanup levels for soils established under WAC 173-340-745(2) and ground water concentrations of arsenic which exceed Ecology's Method A cleanup levels for ground water established under WAC 173-340-720(2).

The undersigned, Weyerhaeuser Company, is the fee owner of real property in the County of Snohomish, State of Washington (see Exhibit A attached, for legal description), hereafter referred to as the "Weyerhaeuser Everett West Site" (West Site). Weyerhaeuser Company makes the following declaration as to limitations, restrictions, and uses to which the Weyerhaeuser West Site may be put, and specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the West Site.

Section 1. No groundwater may be taken for domestic purposes from any well at the West Site. No residential development may take place on the site.

Section 2. Any activity on the West Site that may interfere with the Cleanup Action is prohibited. Any activity on the West Site that may result in the release of a hazardous substance that was contained as part of the Cleanup or Interim Cleanup Action(s) is prohibited; provided, however, if future activity on the West Site disturbs or otherwise releases hazardous substances remaining on-site, such substances shall be either (a) removed from the site and disposed of in accordance with the terms and conditions of the Consent Decree or (b) re-contained on the site in accordance with the terms and conditions of the Consent Decree. In accordance with the terms and conditions of the Consent Decree, a final report titled *Soils Remediation Completion Report For Weyerhaeuser Everett West Site* was prepared, and identified two locations (CS-1513 and CS-1514) that have contained residual concentrations of petroleum substances that exceed cleanup action levels. CS-1513 is located at N 373,867.1 and E 1,306,845.3. CS-1514 is located at N 373,876.5 and E 1,306,829.0.

FIRST AMERICAN 0/5/2/3

THIS document is filed for record by FIRST AMERICAN TITLE INSURANCE CO, as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

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Section 3. The owner of the West Site must give written notice to the Department of Ecology, or to a successor agency, of the owner's intent to convey any interest in the West Site. No conveyance of Title, easement, lease or other interest in the West Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action.

Section 4. The owner must notify and obtain approval from the Department of Ecology, or from a successor agency, prior to any use of the West Site that is inconsistent with the terms of this Restrictive Covenant. The Department of Ecology or its successor agency may approve such a use only after public notice and comment.

Section 5. The owner shall allow authorized representatives of the Department of Ecology, or of a successor agency, the right to enter the West Site at reasonable times for the purpose of evaluation compliance with the Cleanup Action Plan and the Consent Decree, to take samples, to inspect Cleanup Actions conducted at the West Site, and to inspect records that are related to the Cleanup Action.

Section 6. The owner of the West Site and the owner's assigns and successors in interest reserve the right under WAC 173-340-740 and WAC 173-340-440 (1991 ed.) to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the West Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or successor agency. The Department of Ecology, or a successor agency may consent to the recording of such an instrument only after public notice and comment.

Dated this 4 day of APRIL, 1995.

WEYERHAEUSER COMPANY

By: William V. Miller  
Its: Vice President

Attest: Garry E. Bernstein  
Its: Assistant Secretary

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STATE OF WASHINGTON     )  
                                  )   ss.  
COUNTY OF KING         )

Personally appeared before me, the undersigned authority in and for said county and state, on this 4 day of APRIL, 1995, within my jurisdiction, the within named WILLIAM P MILLER and KATHY E BERNSTEIN, who acknowledged that they are Vice President and Assistant Secretary of WEYERHAEUSER COMPANY, a Washington corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

David A Young

Notary Public  
My appointment expires: April 1, 1997

DAVID A. YOUNG  
STATE OF WASHINGTON  
NOTARY -- PUBLIC  
My Commission Expires 4-1-97

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THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF SNOKOMISH AND IS DESCRIBED AS FOLLOWS:

TRACT 26-1:

Beginning at the point of intersection of the Westerly property line of the Great Northern Railway Company 100 foot wide right of way, which right of way is 50 feet wide on each side of the main track center line as constructed along the Easterly side of Government Lot 6, Section 8, Township 29 North, Range 5 East of the Willamette Meridian, with the Northerly property line of the Northern Pacific Railway Company right of way, which point is referred to hereinafter as POINT "A"; thence North 10° 02' 20" East, along the Westerly property line of said Great Northern Railway Company right of way, a distance of 477.79 feet to the Government Pier Head Line; thence North 59° 12' 12" West, along said Government Pier Head Line, a distance of 30.96 feet; thence North 69° 42' 12" West, along said Government Pier Head Line, a distance of 1526.78 feet to the Easterly property line of the Northern Pacific Railway Company Log Dump Tract; thence South 23° 50' 38" West, along the Easterly line of said Northern Pacific Railway Company Log Dump Tract, a distance of 373.28 feet to the Northerly property line of the Northern Pacific Railway Company right of way; thence South 66° 09' 22" East, along said Northerly property line of the Northern Pacific Railway Company right of way, a distance of 1668.60 feet to the True Point of Beginning. Containing 15.64 acres, more or less.

TRACT 26-2:

That portion of Government Lots 5 and 6, and that portion of the Northwest Quarter of the Southeast Quarter of Section 8, Township 29 North, Range 5 East of the Willamette Meridian, described as follows: Commencing at the point of intersection of the Westerly property line of the Great Northern Railway Company 100 foot wide right of way, which right of way is 50 feet wide on each side of the main track center line as constructed along the Easterly side of said Government Lot 6 with the Northerly property line of the Northern Pacific Railway Company right of way, which point is referred to herein as POINT "A"; thence South 10° 02' 20" West, along the Westerly property line of said Great Northern Railway Company right of way, a distance of 73.36 feet; thence, on a curve to the right, having a radius of 409.28 feet, through a central angle of 4° 06' 48", an arc distance of 29.38 feet, to the intersection of the Southerly property line of said Northern Pacific Railway Company right of way with the Westerly property line of said Great Northern Railway Company right of way, which point is the True Point of Beginning; thence continuing on the same curve of said Great Northern Railway Company right of way, to the

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right, having a radius of 409.28 feet, through a central angle of  $76^{\circ} 56' 30''$ , an arc distance of 549.62 feet; thence North  $88^{\circ} 54' 22''$  West along said Great Northern Railway Company right of way, a distance of 42.08 feet; thence, on a curve of said Great Northern Railway Company right of way, to the right, having a radius of 666.78 feet, through a central angle of  $44^{\circ} 43' 00''$ , an arc distance of 520.39 feet; thence North  $44^{\circ} 11' 22''$  West, along said Great Northern Railway Company right of way, a distance of 1134.16 feet; thence continuing North  $44^{\circ} 11' 22''$  West, along said right of way a distance of 14.94 feet to the point of curve, as described in that Deed from Everett Improvement Company to Seattle and Montana Railroad Company, dated March 26, 1902, and recorded May 1, 1902, under Auditor's File No. 71398, records of Snohomish County, Washington; thence along said curve of the Great Northern Railway Company right of way, to the left, having a radius of 1482.68 feet, through a central angle of  $4^{\circ} 06' 48''$ , an arc distance of 106.44 feet to the point of intersection with said Southerly property line of the Northern Pacific Railway Company right of way; thence South  $66^{\circ} 09' 22''$  East, along the Southerly property line of said Northern Pacific Railway Company right of way, a distance of 1956.99 feet to the True Point of Beginning. Containing 14.35 acres.

TRACT 30:

A strip of land 60 feet wide in Government Lots 5 and 6 of Section 8, Township 29 North, Range 5 East of the Willamette Meridian, and the shore lands in front of said Lot 5, said strip of land being described as follows: Beginning at a point distant 50 feet Westerly, measured at right angles, from the center line of the main track of the Great Northern Railway Company Main Line as constructed, and 20 feet Southwesterly, measured at right angles, from the center line of the Northern Pacific Railway Company switching lead track (formerly the main track of its Everett Branch) as constructed; thence Southerly parallel with the center line of the Great Northern Railway Company most Westerly track as constructed to a point distant 80 feet Southwesterly, measured at right angles, from said switching lead track center line; thence Northwesterly along the Southwesterly boundary of the Northern Pacific Railway Company right of way, parallel with said switching lead track center line, to an intersection with a line drawn at right angles to said switching lead track center line from a point therein distant 2109 feet Northwesterly, measured along said switching lead track center line, from said center line of the Great Northern Railway Company main track; thence Northeasterly along said right-angle line 60 feet; thence Southeasterly parallel with said switching lead track center line to the point of beginning. Containing 2.85 acres.

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TRACT 60:

All that portion of Burlington Northern Railroad Company 40 foot wide Everett Branch Line right-of-way (formerly Northern Pacific Railway Company), now discontinued, being 20 feet wide on each side of the main track centerline as originally located and constructed over, upon and across Government Lots 5 and 6 of Section 8, Township 29 North, Range 5 East of the Willamette Meridian, Snohomish County, Washington, lying between the Westerly line of the Great Northern Railway Company (now Burlington Northern Railroad Company) 100 foot wide right-of-way being 50 feet wide on each side of the main track centerline as now constructed along the Easterly side of said Lot 6, and a line drawn perpendicular to said Northern Pacific main track center line approximately 2109 feet Northwesterly from the center line of said Great Northern Railway Company main track as measured along the said Northern Pacific Railway main track center line: the herein described parcel lies North of, parallel with, and adjacent to that particular 60 foot wide strip of land conveyed to the Weyerhaeuser Timber Company by the Northern Pacific Railway Company by Warranty Deed dated November 27, 1951. Containing 1.89 acres.

TRACT 38:

That portion of PD Tract No. 38, as shown on survey recorded in Volume 37 of Surveys, Pages 196 to 206, records of Snohomish County, Washington, being in Section 8, Township 29 North, Range 5 East of the Willamette Meridian, described as follows: Commencing at the true point of beginning of those tracts of land as conveyed by American Smelting and Refining Company to Weyerhaeuser Timber Company by deeds dated November 19, 1924, and recorded February 10, 1925, under Auditor's File Nos. 350972 and 350973, records of Snohomish County, Washington, which point is the most Easterly corner of Lot 39, MOUNT BAKER VIEW ADDITION, according to the plat thereof recorded in Volume 12 of Plats, page 25, records of said County: thence North 21° 57' 50" West, along the Northeasterly line of Lots 39, 40 and 41, in the first said plat, a distance of 168.11 feet to the angle point on the Northeasterly line of said Lot 41; thence continuing North 21° 57' 50" West a distance of 4.17 feet to the first angle point of said tract described in said deed recorded under Auditor's File No. 350972; thence North 36° 51' 50" West a distance of 263.99 feet to a point on the center line of that certain City of Everett street known as Marine View Drive, which center line coincides with the "E" line, as shown on Sheet 1 of 1 Sheets, Primary State Highway No. 1, City of Everett, Walnut Street Interchange, bearing

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date of approval March 25, 1952, now on record and on file in the office of the Secretary of Transportation, at Olympia, Washington, which point bears North 43° 03' 40" West, along said center line, a distance of 274.59 feet from State Highway Engineer's Station "E" 21+79.8 P.T. (Point of Tangency), as shown on said plan; thence continuing North 36° 51' 50" West a distance of 214.35 feet; thence North 37° 24' 30" West a distance of 69.65 feet to a point on the North margin of said Marine View Drive, which North margin is 30.00 feet Northerly of said center line, as measured at right angles thereto, and which point is the TRUE POINT OF BEGINNING of this description; thence North 37° 24' 30" West a distance of 342.52 feet; thence North 38° 54' 10" West a distance of 219.56 feet; thence North 42° 28' 10" West a distance of 219.20 feet; thence North 44° 21' 40" West a distance of 1055.80 feet; thence North 48° 07' 30" West a distance of 95.09 feet; thence North 59° 16' 00" West a distance of 136.87 feet; thence North 30° 43' 00" East a distance of 20.00 feet; thence South 59° 16' 00" East a distance of 138.83 feet; thence South 48° 07' 30" East a distance of 97.71 feet; thence South 44° 21' 40" East a distance of 1056.80 feet; thence South 42° 28' 10" East a distance of 220.15 feet; thence South 38° 54' 10" East a distance of 31.25 feet; thence South 44° 11' 22" East, along the Southerly property line of the Great Northern Railway Company right of way, a distance of 287.03 feet; thence, on a curve to the left, having a radius of 766.78 feet, through a central angle of 26° 33' 08", along said Southerly property line of the Great Northern Railway Company right of way, an arc distance of 355.34 feet to a point on the Westerly property line of that certain tract of land conveyed by the State of Washington to Weyerhaeuser Company, a Washington corporation, by Quit Claim Deed, recorded November 5, 1965, under Auditor's File No. 1822443, records of Snohomish County, Washington at which point the tangent to said curve bears South 70° 44' 30" East; thence South 40° 43' 20" West, along said Westerly property line, a distance of 161.60 feet to the Northerly Margin of Marine View Drive; thence North 43° 03' 40" West, along said Northerly Margin of Marine View Drive, a distance of 117.76 feet to the True Point of Beginning. Containing 1.70 acres, more or less.

TRACT 43:

All that portion of Government Lot 7, Section 8, Township 29 North, Range 5 East of the Willamette Meridian, Snohomish County, Washington, lying Southerly of right of way of Chicago, Milwaukee and St. Paul Railway Company and Northerly of Great Northern Railway Company right of way, except Primary State Highway No. 1. That part of Northwest Quarter of Southeast Quarter of Section 8, Township 29 North, Range 5 East of the Willamette Meridian, Snohomish

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County, Washington, lying Easterly of Great Northern Railway  
Company right of way and South of the right of way of  
Chicago, Milwaukee and St. Paul Railway Company. Containing  
0.91 acres, more or less.

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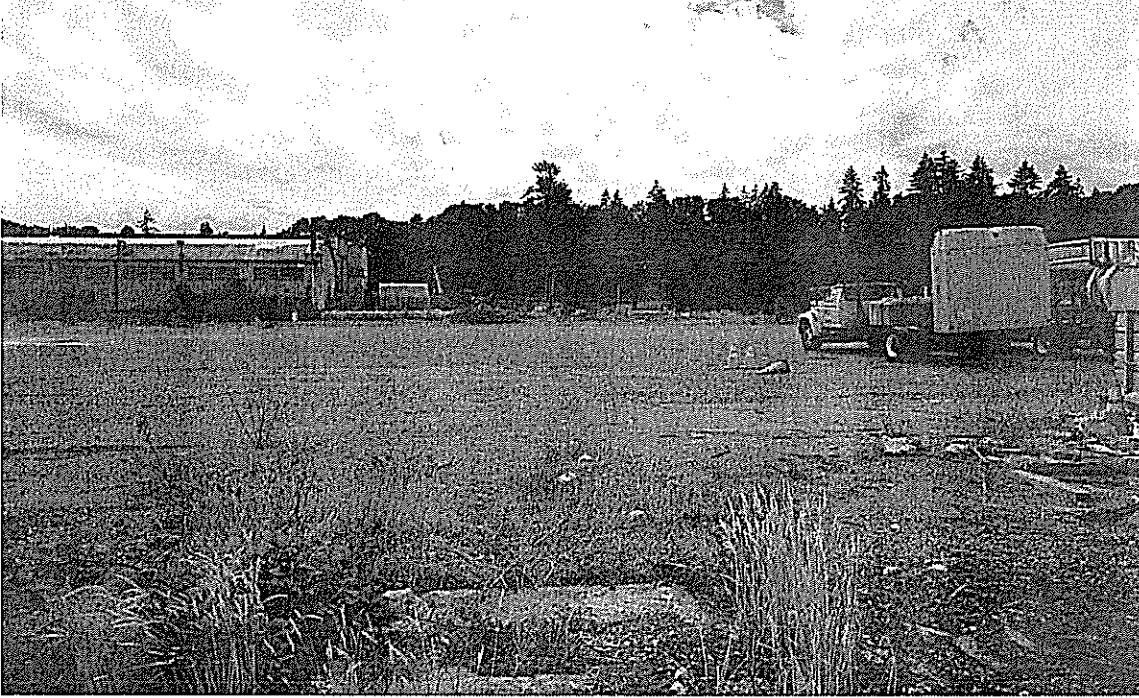
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## 6.5 Photo log

**Photo 1: Buildings near Access Road – looking south from a location towards the river**



**Photo 2: Same Location – looking north in the direction of the monitoring well (Photo 3)**



**Photo 3: Monitoring Well - near surface water (Snohomish River)**



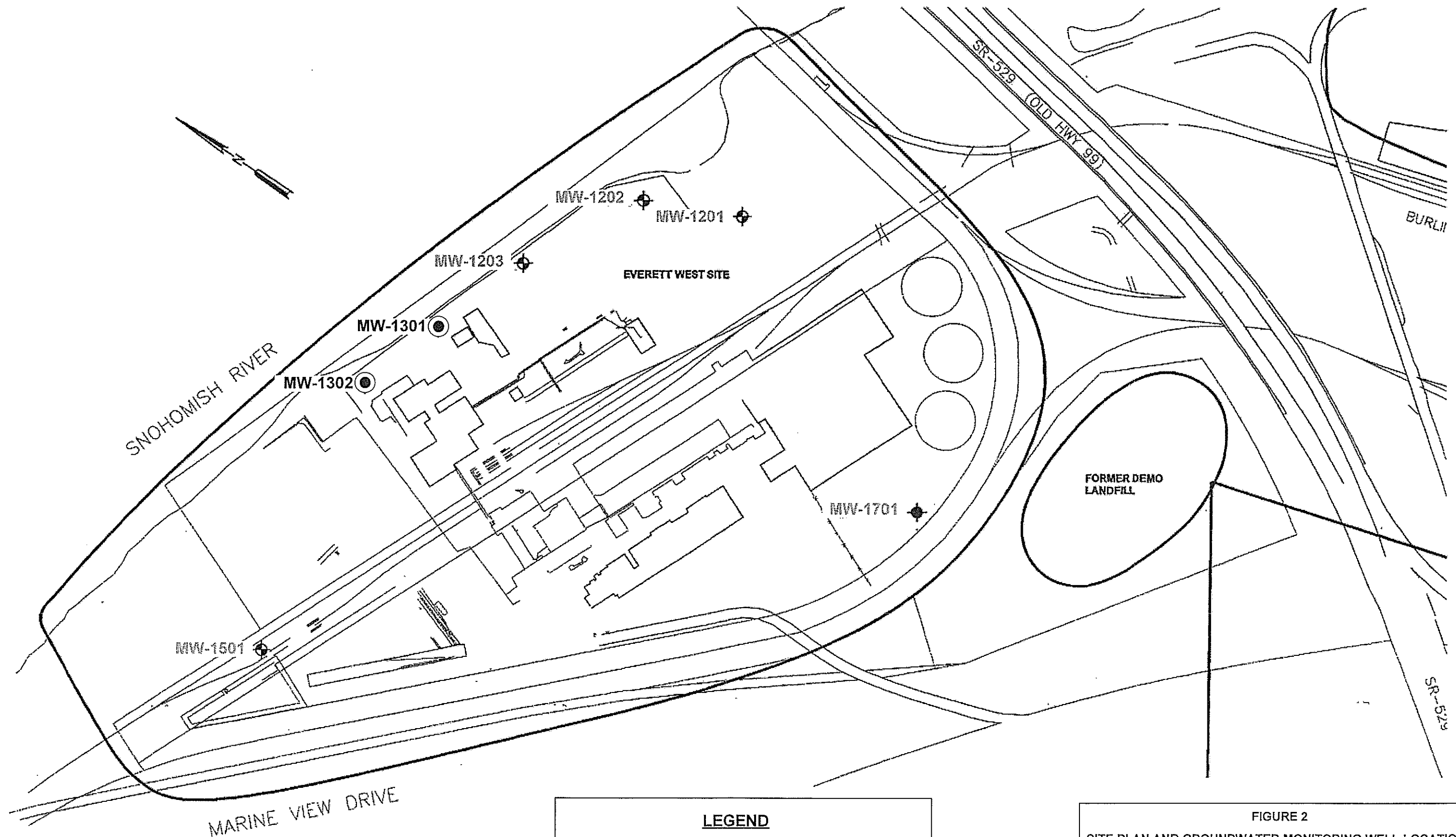
**Photo 4: Same Location – looking roughly east**



**Photo 5: Southwest Property Boundary – upgradient monitoring well near post**







**LEGEND**

●	MW-1301 Existing Groundwater Monitoring Well
⊙	MW-1501 Groundwater Monitoring Well Not Located
⊕	MW-1701 Abandoned Groundwater Monitoring Well

**FIGURE 2**  
**SITE PLAN AND GROUNDWATER MONITORING WELL LOCATIONS**  
 WEYERHAEUSER COMPANY  
 EVERETT WEST  
 EVERETT, WASHINGTON

PROJECT NO. PT05-300-5	DRAWN BY JN
FILE NO. PT05-300-5	PREPARED BY JN
REVISION NO.	REVIEWED BY

**Delta**  
Environmental  
Consultants, Inc.

FIGURE BASED ON SITE PLAN PREPARED BY SHAW ENVIRONMENTAL, INC. 12/17/04