PROPOSED MITIGATED DETERMINATION OF NON-SIGNIFICANCE
SEPA 18-022

Date of Issuance: March 13, 2019

Applicant: Kimberly-Clark Worldwide, Inc. c/o Bryan Lust
1611 Grand Avenue
Everett, WA 98201

Location: 2600 Federal Avenue, Everett, Snohomish County, Washington.

Additional Permit: SMA 18-002

Zoning: M-2, Heavy Manufacturing

General Plan: 5.1, Heavy Industrial

Lead Agency: City of Everett, Office of Community Planning and Economic Development

Co-Lead Agency: Department of Ecology, Toxics Cleanup Program/Headquarters

Agency Contact: Steve Ingalsbe (City of Everett) Phone: (425)257-7135

Note: The project file can be found online at https://pw.everettwa.gov/ under Land Use Projects 'Search', Project Number SEPA18-022. The Department of Ecology public review document can be found online at https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569.

Description of Proposal:
Background: The Kimberly-Clark (K-C) Worldwide, Inc. site (Site) operated as a pulp and paper mill from 1931 to 2012. All manufacturing operations at the facility ceased in 2012, and the former structures have since been demolished with the exception of the warehouse building on the south side and wastewater treatment facilities on the north side. A Final Mitigated Determination of Non-Significance, SEPA12-010, was issued by the City of Everett (City) on May 25, 2012 for the demolition of these structures upland from the shoreline.

Ecology entered into an Agreed Order (Order) with K-C for the upland portion of their property in 2012. Under the upland Order, K-C conducted a significant interim cleanup action under the Model Toxics Control Act (MTCA) beginning in 2013 to address contaminated soil and groundwater encountered during mill demolition. Following completion of the 2013 interim action, K-C conducted a

supplemental remedial investigation (RI)/feasibility study (FS) that identifies the nature and extent of contamination in soil and groundwater at the Site along with cleanup alternatives. A draft RI/FS report has been prepared and resolution of comments is ongoing.

Proposed Action: The proposed actions are as follows: A second Interim Cleanup Action under MTCA and the removal of approximately 120,000 cubic yards of crushed material (CM) from the previous demolition action. A shoreline permit, SMA 18-002, was submitted with this SEPA application. Actions associated with the removal of the CM are not part of the MTCA Interim Cleanup Action. K-C is working separately with the Snohomish Health District to remove the CM that was incorporated into the Site as part of the demolition of the mill in 2013.

MTCA Second Interim Action
The RI identified additional contamination in upland soil that needs to be addressed in an expeditious manner due to pending redevelopment projects planned for the Site. In addition to addressing the contaminated soil, inactive pipes, including the City's Combined Sewer Overflow (CSO) pipe that discharges at PS04 underneath the wharf, need to be plugged to prevent them from serving as a potential pathway for discharge of upland area shallow groundwater to adjacent surface water. The interim action also includes monitoring of groundwater pH during the removal of CM on the Site, and potential implementation of contingency action(s) to neutralize groundwater pH if the removal action creates an increase in groundwater pH that poses a risk to the adjacent East Waterway. To accommodate the actions described above, Ecology has developed an Amended Agreed Order that allows for a second interim action at the Site.

A total of nine areas are targeted for soil removal as part of the second interim action. The contaminants targeted in one or more of the soil removal areas include copper, lead, mercury, zinc, petroleum, polychlorinated biphenyls (PCBs), and PAHs. Over 20 inactive pipes have been identified for plugging along with the City's CSO. The CSO pipe is old and deteriorated and its current location may interfere with planned redevelopment. The City will temporarily re-route the existing CSO pipe and then permanently install a new CSO pipe at a different location. Monitoring of groundwater pH will be conducted for each area of the Site where CM is present including down gradient areas towards East Waterway.

Removal of Crushed Material
As part of the demolition of the mill in 2012-2013, K-C independently crushed up concrete, bricks and masonry from the mill and used approximately 120,000 cubic yards of the resulting crushed material (CM) to resurface the Site pending redevelopment. The CM caused impacts to Site groundwater and must be removed to comply with applicable local and state laws. As a result, K-C will remove all the material that it placed on the Site with excavation depths anticipated to range from 1 to 5 feet over approximately 32 upland acres, including a 2.3 acre area where the material is suspected to exist. The removal of the CM will be done in accordance with the *Plan of Operations for Crushed Material Removal* that has been developed in coordination with the Snohomish Health District. As part of the CM removal, K-C will also remove other types of demolition wastes along with the concrete, brick and

masonry. Examples of other types of demolition wastes that will be removed from the site include asphalt, metals, plastics, and electronics, among others.

The CM removal excavation will be backfilled with geotechnically suitable granular materials (sand, gravel barrow or similar) imported from a known source of uncontaminated fill. The imported replacement fill, which will be documented to be clean via analytical testing, is estimated to be 45,000 to 55,000 cubic yards (cy).

Determination:
The lead agency for this proposal, with concurrence from Ecology, has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c). This determination assumes compliance with State law and City ordinances related to general environmental protection including but not limited to right-of-way improvement requirements, drainage, etc. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This Mitigated Determination of Non-Significance is specifically conditioned on compliance with the conditions attached hereto which are incorporated by reference as if fully set forth herein.

Mitigation of Adverse Impacts by SEPA
The environmental impacts of this proposal are documented in the Environmental Checklist and other information on file with the City. The following requirements are placed in response to our review of this information:

1. Any grading/fill on this site shall be done so as to not impact the surrounding properties. (SEPA Earth, Land and Shoreline Use Policies.)

This Proposed MDNS is issued under 197-11-350. The City as the lead agency, with concurrence from Ecology, has determined that significant adverse environmental impacts are unlikely; therefore through the optional DNS process, comments must be submitted by **April 11, 2019** or thirty (30) days after the date shown on the notarized copy of the notice of posting, whichever date is later.

Comments should be directed to Steve Ingalsbe, at the City of Everett at singalsbe@everettwa.gov, or by mail to:

City of Everett,
Community Planning and Economic Development
2930 Wetmore Ave., Suite 8A
Everett, WA 98201

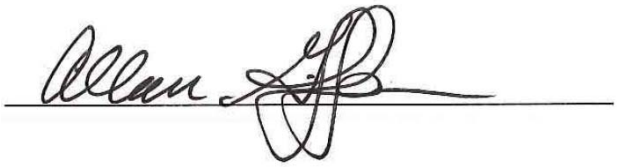
Attention: Steve Ingalsbe

Ecology has issued a concurrent public notice for the MTCA Interim Cleanup Action at the Site. Ecology invites the public to review the Amended Agreed Order and the Interim Action Work Plan during this public review period at https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569. The Interim Action Work Plan contains the approach and procedures for managing contaminated soil and groundwater in the soil removal areas and also details the approach for plugging pipes and monitoring pH in groundwater.

Responsible Official (Lead Agency): Allan Giffen, Director Phone: (425)257-8731

Title: Community Planning and Economic Development Director

Address: 2930 Wetmore Avenue, Suite 8-A, Everett, WA 98201

Signature: 

Responsible Official (Co-Lead Agency): Barry Rogowski Phone: (360)407-7226

Title: Section Manager of HQ Cleanup Section

Address: P.O. Box 47600, Olympia, WA 98504-7600

Signature: 

Date of Issuance: March 13, 2019

INFORMATION FOR DEVELOPER:

The following information is provided for the developer's benefit. These are not SEPA conditions but are associated with other laws or requirements. All requirements are preliminary in nature, and are based upon the preliminary site plan and the ordinances in effect at time of submittal for SEPA review. **The proposal must comply with all ordinances in effect at the time a complete building permit application is filed, including those not specifically set forth herein.** Contact the Office of Community Planning and Economic Development for information regarding appeals processes for the requirements listed in this document.

If in the future this project is subdivided into additional lots, tracts or parcels using the Binding Site Plan process, the applicant is advised that some building code standards will be different. The applicant is encouraged to contact the City's Building Department, at (425)257-8810 to determine how these standards will apply.

Planning –Steve Ingalsbe (425)257-7135

1. Any future developments will need to comply with Chapter 26 of Title 19 of the Everett Municipal Code.

2. There may be additional conditions that may apply under shoreline permit SMA 18-002.

3. Restore the 50-foot buffer near the north end of the site by where a pier used to be in 2012 as required by SMA 97-011 for the construction of a parking lot for trucks.

4. Work on the site must immediately stop and the City and the Tulalip Tribes must be notified if anything possible of archaeological interest is uncovered during excavations and the applicant shall consult a professional archaeologist to inspect and evaluate the site.

Public Works – Sabrina Fandler (425)257-7813

1. Construction permits, inspections and final approvals are required for this project from City of Everett Permit Services.

2. The construction plans must be designed from a site survey performed by a licensed State of Washington land surveyor.

3. A Public Works Permit is required for this project. Detailed drawings in accordance with the current City of Everett Design and Construction Standards and Specifications for Development shall be submitted to the Public Works Department, showing all proposed work for the scope of the permit being applied for. This may include but is not limited to demolition, grading, paving, landscaping, utility work, storm drainage mitigation, temporary construction erosion and sedimentation control (TESC), and any work in the public right-of-way. Public Works Department approval of these drawings is required prior to any permits being issued. All improvements shall be completed, approved, and warranted before final approval is granted to close out the permit.

4. A Construction Stormwater General Permit, administered by the Department of Ecology, will be required for this project since it will disturb an acre or more of land. Additional information as well as an application form can be found on the DOE website at: www.ecy.wa.gov/programs/wq/stormwater/construction/

5. Stormwater management shall comply with the applicable provisions of the current version of the City of Everett Stormwater Management Manual and the Design and Construction Standards and Specifications for Development manual (chapter 4).

6. Placement of surfacing material which meets the definition of "Hard Surface" in the Stormwater Management Manual may necessitate a more extensive level of stormwater design and documentation.

7. If any work generates wet waste or the need for dewatering discharge, a Discharge Authorization Permit will be required for discharging to the sanitary sewer. Contact the City's Maintenance Superintendent, Grant Moen (GMoen@everettwa.gov).

8. A haul route must be coordinated with and approved by City of Everett prior to commencement of work. The City of Everett does not require legal dimension trucks to follow designated truck routes but construction activity (particularly along W Marine View Dr near 18th St) may adversely impact certain routes. City of Everett can provide information about anticipated conflicts along the proposed haul rout and assist with identifying alternative routes if advisable.

9. The railroad crossing along 25th St just west of W Marine View Dr has been closed and physically blocked by BNSF. Approval to reactivate this crossing would be required from BNSF prior to its use during this project. This is informational only and does not affect the haul routes as proposed.

10. Temporary erosion and sedimentation control (TESC) measures for construction activity must be operational prior to commencement of any clearing or earthwork. An approved permit and Stormwater Pollution Prevention Plan (SWPPP) for this work is required prior to set-up of TESC measures on-site. All Best Management Practices (BMPs) must comply with City of Everett Design and Construction Standards and Specifications for Development as well as the Department of Ecology (DOE) standards.

11. All exposed ground must be reseeded within 30 days of the completion of construction. If reseeding is not practical due to weather or seasonal restraints, the ground must be covered with mulch as directed by the City Engineer.

12. City streets are to be kept clear of dirt and debris at all times during construction. Dust suppression and street cleaning must occur as directed by the Public Works Inspector.

13. Any grading/fill on this site shall be done so as to not impact the surrounding properties.

14. Any broken or damaged sidewalk/ public right-of-way shall be repaired/ replaced in accordance with current City of Everett Standards, accessibility standards, and per the direction of the City Public Works Inspector.

15. After completing all required Land Use processes, please submit a public works permit application accompanied by a minimum of four (4) sets of civil plans and two (2) sets of drainage reports, SWPPP's and any additional reports necessary for the project.

Department of Ecology – Andy Kallus (360) 407-7259

1. Comments on the checklist submitted by the Department of Ecology are attached. Comments related to the Everett Terminal and Cold Storage project are not to be included with this review.

2. Measures must be taken to suppress airborne dust that may result from the construction project such that it does not impact surrounding properties and complies with Puget Sound Clean Air Agency regulations. Early coordination with Puget Sound Clean Air Agency is needed which may include the agency performing periodic inspections during the removal of material

3. Site groundwater will be monitored for potential changes in pH during the removal of the CM. Implementation of contingency action(s) to neutralize groundwater pH will be taken if the removal action creates an increase in groundwater pH that poses a risk to the adjacent East Waterway.

SEPA Environmental Checklist

A. BACKGROUND

1. **Name of proposed action, if applicable:**

There are two proposed actions: An Interim Cleanup Action under the Model Toxics Control Act (MTCA) and a removal of Crushed Material (CM), at the Kimberly-Clark Worldwide Site Upland Area (Site)

2. Name of applicant:

Kimberly-Clark Worldwide, Inc. (K-C)

3. Address and phone number of applicant and contact person:

Kimberly-Clark Worldwide, Inc.
Bryan Lust, Site Manager
1611 Grand Avenue
Everett, WA 98201
425-210-3284

4. Date checklist prepared:

July 2018

5. Agency requesting checklist:

City of Everett and Washington State Department of Ecology (Ecology)

6. Proposed timing or schedule (including phasing, if applicable):

September 2018 through January 2019: Perform an interim cleanup action (interim action) in selected areas to (1) remove and transport contaminated soil from the Site for landfill disposal, and (2) plug pipes open to the East Waterway to prevent them from serving as a potential pathway for groundwater discharge to the East Waterway. The interim action is a MTCA remedial action to be conducted in accordance with the *Work Plan for Second Interim Action* (July 2018) under Agreed Order No. DE 9476 between Washington State Department of Ecology (Ecology) and K-C.

October 2018 through October 2019: Remove CM from the entire Site for off-Site recycling/reuse and/or landfill disposal. The CM removal would be conducted in accordance with the *Plan of Operations for Crushed Material Removal* (July 2018) that was developed in coordination with the Snohomish Health District.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

K-C has no plans for future additions, expansion or further activity related to the proposed actions. However, following completion of the proposed actions, the Site is expected to be redeveloped by others. Any redevelopment projects would undergo SEPA review separate from the proposed actions. For example,

Everett Terminal and Cold Storage LLC (ETCS) plans to develop a cold storage facility on 20 acres along

the southwestern shoreline of the Site (see Figure 1). That facility would undergo SEPA review in connection with the City of Everett's review of ETCS's permit applications.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

See Ecology's comments page 2 and 3

Interim Action. The documents listed below are relevant to the interim action and are available on Ecology's website (https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569) or available upon request from the Applicant.

- Agreed Order for the Kimberly-Clark Worldwide Site Upland Area, including prior Interim Action Work Plan (December 2012)
- Remedial Investigation/Feasibility Study (RI/FS) Work Plan, including Archaeological Resources Assessment and Cultural Resources Monitoring and Discovery Plan (November 2013)
- Draft Remedial Investigation (March 2016)
- Work Plan for Second Interim Action (July 2018)
- Storm Water Pollution Prevention Plan (SWPPP) – Interim Action

CM Removal.

- Plan of Operations for Crushed Material Removal (July 2018)
- Storm Water Pollution Prevention Plan (SWPPP) – CM Removal

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Yes. ECTS has submitted to the City of Everett a land use application for development of their Everett Terminal and Cold Storage project on the Site.

10. List any government approvals or permits that will be needed for your proposal, if known.

For interim action, a remedial action conducted under Agreed Order with Ecology:

- City of Everett Discharge Authorization, for discharge of dewatering water to sanitary sewer
- Storm Water Pollution Prevention Plan (SWPPP) – Interim Action

Shoreline permit

For CM removal:

- City of Everett public works permit
- City of Everett Discharge Authorization, for discharge of dewatering water to sanitary sewer
- Department of Ecology, Construction Stormwater General Permit
- Storm Water Pollution Prevention Plan (SWPPP) – CM Removal

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe

certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Site consists of 13 tax parcels with a total area of approximately 68 acres, 56 acres of which constitute the Upland Area under the Agreed Order. These proposals are limited to activities in the Upland Area.

Under the terms of its 2012 Agreed Order with Ecology, K-C is performing a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of hazardous substances in Upland Area environmental media (i.e., soil and groundwater). While the RI/FS was underway, K-C completed in 2013-2014 a first interim cleanup action that removed from the Site approximately 38,500 tons of contaminated soil and debris. Based on the data collected to support the RI/FS, K-C now proposes to conduct a second interim cleanup action to remove additional contaminated soil from nine areas and plug approximately 20 inactive pipes that are open at the shoreline and thus represent a potential pathway for upland groundwater discharge to the East Waterway. In general, the pipes would be exposed, breached, and plugged in the upland at the shoreline and at a distance of 75 feet inland if present there. K-C will also provide access for the plugging of the City of Everett's combined sewer outfall (CSO) pipe that discharges underneath K-C's wharf (outfall PS04). The proposed interim action would be accomplished in accordance with the *Work Plan for Second Interim Action* that will undergo public comment and Ecology approval prior to implementation.

In 2012-2013, K-C removed former mill structures to a depth of two feet below the previous ground surface. This included buildings with foundations, above-ground retention ponds with foundations, equipment with foundations, roads and utility infrastructure. To restore an even, firm grade over the resulting demolition footprint, K-C needed large quantities of stone-like material. Rather than import stone, K-C followed the standard industry practice of crushing concrete, bricks and masonry from former site structures and used approximately 120,000 cubic yards of the resulting mix to resurface the site pending redevelopment. Asphalt, C&D debris, metals and plastics were all removed to the maximum extent practicable before the remaining material was crushed and reused.

K-C now intends to remove the crushed material (consisting of concrete, brick, masonry) it had previously placed on the site. K-C plans to remove all the material that it placed from the site with excavation depths that range from 1 to 5 feet over approximately 32 upland acres in accordance with the *Plan of Operations for Crushed Material Removal* that has been developed in coordination with the SnohomishHealth District.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The Site Upland Area is located at 2600 Federal Avenue, City of Everett, Snohomish County, Washington. All of the property is located in Section 19 of Township 29 North, Range 5 East. Figure 1 is a Site location map. Figure 2 is a Site plan depicting locations targeted for interim action soil removal and shoreline pipe plugging. The drawings associated with the Plan of Operations for Crushed Material Removal show the anticipated extent and depth of the CM to be removed. The latitude and longitude in the approximate center of the Upland Area is 47.983400 and -122.217100, which was used for the records search radius.

SEE ECOLOGY COMMENT PAGE 3

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (underline one): Flat, rolling, hilly, steep slopes, mountainous, other_____

b. What is the steepest slope on the site (approximate percent slope)?

<2%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Soils within the Upland Area are generally dredge fill (silty sand) with localized areas of other fill materials. As described above, a 1- to 5-foot thick layer of CM occurs at the surface across approximately 32 acres of the Site. No agricultural soils exist on the Site.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The historical dredge fill soils underlying the Upland Area and all surrounding shoreline properties have poor bearing capacity and are liquefiable, but we are aware of no surface indications or history of seismic movement or instability at the Site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

SEE ECOLOGY COMMENTS PAGE 3

The interim action project would remove contaminated soil from nine discrete areas of the Site, and would include plugging approximately 20 underground pipes that are open to the shoreline, as shown on Figure 2. Where the surficial veneer of CM is present in an excavation area, it would be removed and managed in accordance with the *Plan of Operations for Removal of Crushed Material* prior to excavating the underlying soil. In portions of three excavation areas, clean backfill material that was placed during the prior interim action would also require removal to access underlying contaminated soil; that clean material would be temporarily stockpiled, and, assuming there are no indications of it being contaminated, it would then be reused as backfill in the new excavation. The estimated quantities of materials to be excavated during the interim action are 2,600 cubic yards of CM, 1,700 cubic yards of clean aggregate used as backfill in prior interim action excavations, and 7,800 cubic yards of contaminated soil (estimated 12,100 cubic yards of total material). Removal of contaminated soil at each location would proceed based on verification soil sampling and analysis results within the excavation, and therefore actual quantities will likely be somewhat different than those estimates. Each interim action excavation would be backfilled to match surrounding grade using granular soils imported from a known source of uncontaminated fill (e.g. WSDOT-approved borrow source). Prior to placement, the imported backfill material would be documented to be not contaminated. The quantity of clean backfill imported for the interim action project would approximately match the quantity of contaminated soil removed from the excavation areas.

Plugging of shoreline pipes would require excavation in the upland to expose and breach the pipes to allow video inspection and removal of accumulated solids to the degree practical, and then filling them with controlled density fill, using procedures described in Appendix C to the *Work Plan for Second Interim Action*. It is estimated that, for purposes of plugging the approximately 20 pipes, a total of approximately 300 cubic yards of material would be excavated. All CM present in an excavation area would be removed and managed in accordance with the *Plan of Operations for Removal of Crushed Material* prior to

excavating the underlying soil. The soil excavated from these locations would be temporarily stockpiled and then placed back in the excavation and compacted to match surrounding grade, unless there are indications of gross contamination in which case the soil would be landfilled and replaced with imported clean aggregate.

During the CM removal project, K-C intends to remove the 120,000 cubic yards of crushed material (consisting of concrete, brick, masonry) it had previously placed on the site as part of a temporary site stabilization effort in an effort. K-C expects to remove all of material that was placed (during demolition) from the site to depths that range from 1 to 5 feet over approximately 32 upland acres. Because of the uneven surface that resulted from the demolition activities removal of placed crushed material will proceed based on a visual basis.

The imported replacement fill is estimated to be 45,000 cy to 55,000 cy as depicted in the Plan of Operations for Crushed Material Removal and the construction drawings but will depend heavily on the depth and extent of excavation and the depth and extent of the crushed material removed. The imported backfill material will undergo chemical testing to demonstrate it is not contaminated, prior to use.

Geotechnical investigations have determined that specific future developments may require specific sub-grade improvements to handle specific load conditions. These improvements (later development), will require specific soil qualities and specific compaction characteristics thus K-C has decided to let future developers make those selections with the remaining fill during their development projects.

The planned site grading work will be done in accordance with the *Plan of Operations for Removal of Crushed Material* developed through coordination with of the Snohomish Health District and the Kimberly –Clark Mill Site Crushed Material Removal construction drawings.

Dewatering would be conducted within the interim action and CM removal excavations as needed to effectively and efficiently remove the intended materials and, as appropriate, to conduct performance monitoring, in accordance with the *Work Plan for Second Interim Action* and the *Plan of Operations for Crushed Material Removal.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Erosion of soils exposed during the excavations, and/or during handling of excavated soil, could occur. Given the flat slope and permeable surface of the Site, all construction-related storm water is expected to infiltrate and the potential for runoff leaving the Site is low.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

These proposals involve removal of materials from the Site at locations currently not covered by impervious material, and no impervious surfaces would be added or removed.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Best Management Practices (BMPs) would be used for erosion and sediment control throughout the materials excavation, stockpiling, loading, transport, and backfill activities of the interim action and CM removal projects. The BMPs for the interim action project are specified in the project-specific construction Storm Water Pollution Prevention Plan (SWPPP) – Interim Action included as Appendix D to the *Work Plan for Second Interim Action.* The BMPs for the CM removal project are specified in the project-specific construction SWPPP – CM Removal included as an Appendix to the *Plan of Operations for Crushed Material Removal.* Erosion and runoff did not pose a problem during the extensive excavation activities conducted during the prior (2013-2014) interim action.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

SEE ECOLOGY COMMENTS PAGES 4 AND 5

Generation of dust from materials handling and vehicle tracking on site, and greenhouse gas emissions from vehicles transporting materials to off-site facilities, are the primary air emissions of concern from the proposals.

For the interim action project, emissions generated by construction traffic would be minimal. Emissions related to traffic delays during the 3- to 4-month construction period would not be significant, nor would emissions from construction equipment and vehicles. This project would remove a relatively small quantity of material, much of which would be removed from beneath the water table and thus would be moist; therefore, dust emissions would be minimal.

The CM removal project involves removal and off-Site transport of a materials quantity approximately ten times greater than the interim action project and would therefore generate greater emissions from construction equipment and transporting vehicles. Because the vast majority of the CM would be removed from above the water table, the CM removal has a higher potential for dust generation relative to the interim action activities.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Appropriate BMPs, as described in the SWPPP for each project, would be taken as warranted to minimize fugitive dust during materials handling during the interim action and CM removal projects. During materials excavation and handling, dust would be controlled by wetting materials and surfaces as necessary during dry periods. Construction vehicles and equipment would be fitted with properly maintained pollution prevention control devices as required by applicable laws and regulations. In addition, contractors would be required to follow applicable regulations regarding air pollutant emissions.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The western property boundary of the Site Upland Area is adjacent to the marine environment of the East Waterway in Port Gardner Bay. There are no wetlands or other surface water bodies on the property.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Two IA excavation areas exist within 200 feet of the East Waterway ordinary high water mark. The estimated extent of the Old Machine Shop area excavation is approximately 3,500 square feet, to an average depth of 5 feet, for a total volumetric removal of approximately 650 cubic yards of contaminated soil. The BA-MW-7 area excavation is estimated as 10 feet by 10 feet around well BA-MW-7 (100 square feet), with an assumed depth of 13 feet, for a total volumetric removal of approximately 50 cubic yards, all of which is contaminated soil (no CM is present). In addition all of the pipe plugging locations for the interim action occur within 200 feet of the East Waterway. The interim action soil removal and pipe plugging locations, and the 200-foot buffer are shown on Figure 2.

SEE ECOLOGY'S COMMENTS PAGE 5

Only a fraction of the CM to be removed from the site occurs within 200 feet of the East Waterway ordinary high water mark and the volume is estimated to be less the 3000 cubic yards. The 200 foot buffer and the visible extents of the CM to be removed are depicted on Sheet 4 of the Kimberly-Clark Everett Mill Site, Crushed Material Removal Drawings.

No in-water work would be conducted in in either project.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

The proposals would not require fill or dredge material to be placed in or removed from surface waters or wetlands.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The proposals would not involve surface water withdrawals or diversions.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Neither project would take place within the 100-year floodplain. However, note that the current FEMA flood map shows a small narrow area directly adjacent to the East Waterway at the north end of the Site as within the 100-year floodplain. The map is incorrect, as this area is inland of the bulkhead and the entire property is at the approximately same elevation from the western upland boundary at the rock bulkhead on the East Waterway to the far eastern boundary on Lower Norton Avenue.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

There is a potential for excavated waste materials to mix with storm water within the work areas, but the proposals would not involve any discharge to surface waters. The project-specific SWPPPs for both the interim action and CM removal projects provide BMPs for dealing with this potential condition to prevent discharge to surface waters.

b. Ground Water:

Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

1)

Construction dewatering (groundwater withdrawal) would be conducted during the interim action to facilitate performance monitoring (soil sampling) within excavations to confirm that cleanup goals are met, and to facilitate handling of contaminated soils. Construction dewatering would also be conducted during the CM removal as needed to facilitate effective removal of CM located beneath the water table. K-C would apply to City of Everett for a Discharge Authorization to discharge dewatering water to the sanitary sewer. In accordance with the *Work Plan for Second Interim Action* and the *Plans of Operations for Crushed Material Removal,* groundwater withdrawn during the removal actions would be treated with tankage and filters to reduce suspended solids and meet the Discharge Authorization water quality criteria prior to discharge to sanitary sewer. Monitoring would be conducted to confirm compliance with water quality effluent criteria, and document discharge quantities, in accordance with the Discharge Authorization requirements.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material would be discharged into the ground.

c. Water runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Within the project areas, storm water currently infiltrates into the pervious surface and this would continue throughout the proposed work. BMPs would be implemented, in accordance with the project-specific SWPPPs, included in the *Work Plan for Second Interim Action* and *Plan of Operations for Crushed Material Removal*, to prevent runoff from leaving the Site.

2) Could waste materials enter ground or surface waters? If so, generally describe.

See Ecology's comment page 5

The proposals would remove CM and contaminated soil and associated groundwater, and thereby improve groundwater quality in the Upland Area further reducing the potential for impacts to the East Waterway. During both projects there is a potential for waste materials to mix with storm water. The project-specific SWPPPs provide BMPs to minimize this potential condition.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Surface water runoff to the East Waterway would be prevented through the use of BMPs outlined in the project-specific SWPPPs.

4. Plants

a. Check or underline types of vegetation found on the site:

X deciduous tree: alder, maple, aspen, other
X evergreen tree: fir, cedar, pine, other
X shrubs
___ grass
___ pasture
___ crop or grain
___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
___ water plants: water lily, eelgrass, milfoil, other
___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No vegetation would be removed or altered as part of the proposals.

SOME VEGETATION WILL BE REMOVED SUCH AS BUTTERFLY BUSH.

c. List threatened or endangered species known to be on or near the site.

No threatened or endangered plant species are known to occur on or near the Site. This is based on information from United States Fish and Wildlife Service and City of Everett, as presented in the site-specific *Habitat Assessment for the Kimberly-Clark Everett Mill Site Demolition Project*, prepared by Anchor QEA in February 2012.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Both proposals would remove material from the Site and replace it with clean aggregate; no measures would be performed to preserve or enhance vegetation on the Site.

e. List all noxious weeds and invasive species known to be on or near the site.

The majority of vegetation has been removed from the Site. During a site visit, butterfly bush, Scotch broom, Himalayan blackberry, and grasses were observed.

5. **Animals**

a. List any birds and animals which have been observed on or near the site or are known to be on or near the site.

Wildlife species on the Site include birds (crows, house sparrows, black-capped chickadees, terns, gulls, osprey), rabbits, nutria, and coyotes.

b. List any threatened or endangered species known to be on or near the site.

Based on Anchor QEA's February 2012 Habitat Assessment for the Kimberly-Clark Everett Mill Site Demolition Project, no Endangered Species Act (ESA) listed animal species are known to occur within the Site. Marbled murrelets are found in the open water of Port Gardner Bay. Marine mammal and sea turtle species (humpback whale, killer whale, Steller sea lion, and leatherback sea turtle) typically occur in the deep-water habitat of Puget Sound and could occur in Possession Sound offshore of the Site but are very unlikely to occur in the East Waterway adjacent to the Site. Chinook salmon, steelhead, and bull trout occur in Possession Sound and may migrate near the East Waterway shoreline. The fish species bocaccio, canary rockfish, green sturgeon, Pacific eulachon, and yelloweye rockfish are associated with deep water habitats of Puget Sound and typically breed and forage near the ocean floor. Adults of these species are very unlikely in the marine environment of the East Waterway. Juveniles of these species do migrate in near shore habitats and could occur in the offshore habitat of the Site.

The five ESA-listed terrestrial species (Canada lynx, gray wolf, grizzly bear, marbled murrelet, and northern spotted owl) are all associated with habitat that includes large undeveloped areas, which do not occur on or near Site. Based on the Washington Nature Mapping Program, potential habitat for these five species, and critical habitat for northern spotted owl and marbled murrelet, is not present within 20 miles of the Site (Anchor QEA, 2012).

c. Is the site part of a migration route? If so, explain.

Yes, the Site lies within the Pacific flyway.

d. Proposed measures to preserve or enhance wildlife, if any:

The proposals would not disturb native habitat for wildlife.

e. List any invasive animal species known to be on or near the site.

The Site has limited habitat for animals, and there are no invasive animal species known on the Site.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Portable fuel-powered generators would be used to generate electrical power as needed for the projects' requirements (e.g., security lighting and dewatering pumping). Construction equipment would be powered by internal combustion engines.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Based on environmental investigations to date, the interim action would involve permanent removal of contaminants typical of industrial properties – primarily heavy metals and polychlorinated biphenyls (PCBs). Generation of contaminated dust may occur during the proposed construction activities, and generation of greenhouse gas emissions would occur during off-Site transport of materials for the proposal. There is a slight risk that a small spill or release of hazardous material (e.g. fuel) could occur during the proposal's construction and transportation activities.

SEE ECOLOGY'S COMMENTS ON PAGE 6

1) Describe any known or possible contamination at the site from present or past uses.

The Site has been investigated for contamination under Ecology's supervision through the Model Toxics Control Act process. Reports documenting those findings are available online at the address given in A.8, above.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The proposals would not be affected by such conditions. They are both planned to address existing conditions, and the plans for both account for potential hazards. The *Work Plan for Second Interim Action* will be reviewed and approved by Ecology prior to start of the interim action. The *Plan of Operations for Crushed Material Removal* was developed through coordination with Snohomish Health District.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Diesel fuel would be used in the heavy equipment used during the proposal to excavate and handle materials on Site and in vehicles to transport the materials off Site.

4) Describe special emergency services that might be required.

The availability for fire protection and emergency services would be needed during the proposal's construction activities as a precaution.

5) Proposed measures to reduce or control environmental health hazards, if any:

The proposals would involve dewatering, materials excavation, stockpiling, handling, loading, and transporting to a permitted off-Site disposal facility, with replacement by clean aggregate to match existing grade. Visual monitoring would be conducted for fugitive dust emissions outside the work areas throughout the projects, and the interim action would include air monitoring for volatile organic contaminants in excavation areas where soils containing such contaminants are being removed. Dust control BMPs would be conducted within all work areas to minimize visible dust emissions in accordance

with Puget Sound Clean Air Agency (PSCAA) rules. In addition, the contractors would have onsite spill response materials to address small spills (e.g., fuel, oils) that occur. In the event of a spill or release during the interim action, approved remediation and cleanup methods would be used.

Adherence to project-specific health and safety plans and to site-specific safety requirements would minimize human and environmental exposure to contaminated materials. The Site is fenced, and access during the proposed construction activities would be controlled to authorized personnel only, so that the general public would not be at risk.

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Existing noise levels in the area are not expected to affect the proposals.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

The proposals' construction activities would require the use of heavy equipment, including trucks, excavator (track-hoe or backhoe), and loaders. These activities would occur mostly during daylight hours, 7 AM to 7 PM, for an expected duration of approximately12 months, and would comply with the City of Everett noise control ordinance.

3) Proposed measures to reduce or control noise impacts, if any:

Work would occur mostly during daylight hours. Work times and noise levels would comply with the City of Everett noise ordinance.

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The Site is a former pulp and paper manufacturing facility that has been in industrial use for more than 100 years, and is inactive pending redevelopment. The Site is currently zoned Industrial M-2 Heavy Manufacturing. The marine shoreline of the East Waterway forms the western boundary of the Site. Railroad tracks and West Marine View Drive (SR 529) are located east of the Site. Marine industrial properties are located south of the Site, and the U.S. Naval Station is located north of the Site.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?

No, the project Site has not been used as working farmlands or working forest lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

c. Describe any structures on the site.

The structures onsite consist of the former Distribution Warehouse in the southeast corner, and the former wastewater treatment infrastructure in the northern portion (see Figure 1).

d. Will any structures be demolished? If so, what?

No structures would be demolished, but subsurface pipelines would be plugged to prevent potential discharge of water from them to the East Waterway.

e. What is the current zoning classification of the site?

Industrial M-2 Heavy Manufacturing.

f. What is the current comprehensive plan designation of the site?

5.1
HEAVY INDUSTRIAL

The Site occurs within the Central Waterfront Planning Area, as designated by Central Waterfront Redevelopment Plan, as a Subarea Plan of the City of Everett Comprehensive Plan.

g. If applicable, what is the current shoreline master program designation of the site?

Urban Deep Water Port.

h. Has any part of the site been classified as a critical area by the City or County? If so, specify.

The Site is completely developed with facilities and structures associated with heavy industrial land use. The Site is located along the marine shoreline of the East Waterway. The marine environment adjacent to the Site is mapped as estuarine sub-tidal habitat. The entire shoreline within the Site is a bulkhead comprised mostly of riprap and large rock material, with vertical bulkheads located beneath the wharf and near the north end of the Site (former Navy dock). The City of Everett and WDFW maps identify the former log pond area of the Site as Dungeness crab priority habitat. This is a mapping error likely because this area of the Site used to be open water but was filled by the early 1980s. The City's critical areas maps identify the site as an area of liquefaction hazard.

i. Approximately how many people would reside or work in the completed project?

None. However, redevelopment of the Site by other parties is expected to follow completion of the projects, which are likely to provide employment.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposals are being performed principally to prepare the site for redevelopment and, by addressing existing conditions, would be compatible with the future industrial land use.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None.

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No new structures are proposed as part of these proposals.

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Minor lighting for security might be provided during darkness.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

A multi-purpose path (concrete sidewalk) is located on the west side of West Marine View Drive. The City of Everett's Maggie's Park exists at the northwest corner of Terminal Avenue and West Marine View Drive, just across the BNSF main line from the Site's southeast corner. In addition, Pigeon Creek trail and beach access exist approximately 1 mile south of the Site.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. **Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None of the structures on the Site are listed on an historic register.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

A detailed cultural and industrial history of the Site and surrounding area is provided in the *Archaeological Resources Assessment* prepared in 2013 by SWCA Inc. (formerly Northwest Archaeological Associates Inc.) and included as an appendix to the *RI/FS Work Plan for the Upland Area*. The ARA identified no archaeological sites on the Site. During the prior (2013-2014) interim action, a lithic artifact, an edge-altered cobble, associated with a few fire-modified rocks, was identified by SWCA during excavation. SWCA retained the isolate in curation until the end of the interim action, and then donated it on K-C's behalf for permanent curation at the Tulalip Tribe's Hibulb Cultural Center and Natural History Preserve.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

See response to 13 b.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

SEE ECOLOGY COMMENTS ON PAGES 7 AND 8

As conducted during the prior interim action at the Site, archaeological monitoring would be conducted by

a qualified person during interim action excavations in the eastern portion of the Site where fill thickness is less and penetration into the underlying native soil is possible, in accordance with the 2013 *Cultural Resources Monitoring and Discovery Plan* prepared by SWCA and included as an appendix to the *RI/FS Work Plan for the Upland Area.* The CM removal project excavation is not expected to disturb any resources because it will be limited to previously placed CM.

14. **Transportation**

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

West Marine View Drive (SR 529) and California Street. See attached Site Map (Figure 2).

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Yes, Everett Transit.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

No parking spaces would be eliminated or created by the projects.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. The Site abuts a deep water urban port to the west, and the BNSF railway to the east. However, the projects are not expected to use water, rail, or air transportation from the Site itself.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

The completed projects would result in no additional vehicular trips. However, during implementation of both projects, up to 50 truck trips per day are expected to occur during daytime hours for transporting contaminated soil and CM from the Site to and for importing clean aggregate backfill to the Site.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

The projects would comply with the City of Everett traffic ordinance. SR 529 is a designated freight mobility corridor, which was recently improved by the City of Everett, and no traffic impacts are anticipated.

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. **Utilities**

a. Underline utilities currently available at the site:

Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Electricity would be provided by portable diesel-powered generators provided by the contractor. Dewatering water generated would be treated and discharged to City of Everett sanitary sewer in accordance with a Discharge Authorization issued by the City.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Bryan Lust

Name of signee: Bryan Lust
Position and Agency/Organization: Kimberly-Clark Everett Site Manager

Date submitted: 10/25/2018

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

December 7, 2018

Steve Ingalsbe
City of Everett Planning Department
2930 Wetmore Avenue
Suite 8-A
Everett, WA 98201

Re: Comments on the Draft Kimberly-Clark Worldwide SEPA application, site plan, and checklist

- **Site Name:** Kimberly-Clark Worldwide
- **Facility Site ID No.:** 9

Dear Mr. Ingalsbe:

The Washington State Department of Ecology (Ecology) Toxics Cleanup Program (TCP) has completed its review of the Kimberly-Clark Worldwide (K-C) SEPA application, site plan, and checklist, related to the removal of approximately 120,000 cubic yards of crushed material and conducting a Model Toxics Control Act (MTCA) interim cleanup action. In addition, Ecology is providing comments on the Joint Aquatic Resources Permit Application (JARPA) Form. Some of the main comments are summarized below. More detailed comments are provided in **Attachment 1** to this letter.

- Although not reflected in the current MTCA Work Plan for Second Interim Action, Ecology is in discussions with K-C about adding monitoring and/or treatment of the groundwater pH as an element of the MTCA interim action. This element, pending discussions, will need to be added to the SEPA.
- The SEPA should reflect that the energy applied to removing the crushed material may result in additional concrete fines entering the groundwater resulting in impacts on groundwater pH. The level of pH in groundwater should be kept monitored. If site work results in pH being increased, a contingency to stabilize pH should be employed immediately. Ecology has discussed this with K-C.
- The SEPA and JARPA Form materials should reflect that the redevelopment of the uplands is part of the overall project (Phase 2) and will undergo its own separate SEPA review.

- The SEPA generally says that the crushed material will be removed from 32 acres of the Site and minimizes the amount that may be present within 200 feet of the shoreline. The 32 acres does not include the additional area (about 2.3 acres) of suspected crushed material located in the southwest portion of the site (*see* attached **Ecology Exhibit 1** and Figure 4 of the SEPA). This area is identified in the *Plan of Operations for Crushed Material Removal* and should be reflected in the project acreage when discussed in the SEPA materials (it's about 2.3 acres). We know that there is crushed material in this area as it was encountered during trench work conducted by PacStev, it's just a question of the extent.
- The SEPA should reflect that K-C will be removing other types of demolition wastes along with the concrete, brick and masonry. Examples of other types of demolition wastes that will be removed from the site include metals, plastics, electronics, wire, asphalt, etc.). Ecology expects that all of these wastes will be removed from the Site.
- There should be a contingency plan in place to address potential contamination encountered during the removal of the crushed material. Operators should be trained on what potential contamination looks like and how to respond. K-C will need to coordinate with Ecology for management of any contamination encountered during the removal of the crushed material.
- The SEPA should reflect that groundwater pH and concentrations of dissolved metals have increased since 2012 as a result of the placement of crushed demolition material on the Site. The groundwater pH increased to levels above the state groundwater quality standard of 8.5 (maximum levels exceed 11.5). High groundwater pH is a concern with respect to increased mobilization of metals.

Thank for coordinating this SEPA review. We look forward to working with you for the successful completion of this project. If you have any questions, feel free to contact me at (360) 407-7259 or andrew.kallus@ecy.wa.gov.

Sincerely,

Andrew J Kallus

Andy Kallus
Site Manager
Toxics Cleanup Program, Headquarters

Enclosure

cc: Larry Altose, Ecology
Dawn Hooper, Ecology
Dawn Marie Maurer, Ecology
Tracy Nishikawa, Ecology
Greg Stegman, Ecology

K-C Everett Site Review of Draft SEPA Materials – Ecology TCP

Upland Area of the Kimberly-Clark Worldwide Site (Facility Site ID 9)

The comments in the table below provided by Ecology's Toxic Cleanup Program (TCP) pertain to the Kimberly-Clark Worldwide (K-C) SEPA application materials (SEPA18-022) for removal of approximately 120,000 cubic yards of crushed material and conducting a Model Toxics Control Act (MTCA) interim cleanup action. In addition, comments on the Joint Aquatic Resources Permit Application (JARPA) Form are also included.

Topic	Comment
General (Groundwater pH)	Although not reflected in the current MTCA *Work Plan for Second Interim Action*, Ecology is in discussions with K-C about adding monitoring and/or treatment of the groundwater pH as an element of the MTCA interim action. This element, pending discussions, will need to be added to the SEPA.
Project or Proposal Description	The project/proposal description on the SEPA on-line website and the City of Everett Project Review page only references the removal of the crushed material. The description should also reference the MTCA interim cleanup action. The redevelopment plans should also be described, and these will undergo separate SEPA review as Phase 2.
Land Use Application (Number 5)	The 32 acres does not include the additional area (about 2.3 acres) of suspected crushed material located in the southwest portion of the site (*see* attached Ecology Exhibit 1 and Figure 4 of the SEPA). This area is identified in the *Plan of Operations for Crushed Material Removal* and should be reflected in the project acreage when discussed in the SEPA materials (it's about 2.3 acres). We know that there is crushed material in this area as it was encountered during trench work conducted by PacStev, it's just a question of the extent.
Land Use Application (Tax Parcel Numbers)	Tax parcels that should be added to this list include: **29051900300100** and **29051900300200**. Other comments: **29051900200200** – This parcel is located in the in-water south of jetty island and west of the naval station. Should this be here? **29051900200100** – This parcel is located on the naval station property. Should this be here? **00437461700200** – This is the warehouse. Should this be listed here? **00437461803901** – This is the warehouse and old Everett Ave behind the warehouse. Should this be here?

Topic	Comment
Project Narrative (3rd Paragraph)	Ecology directed K-C to remove the crushed material from the Site. Ecology sent K-C a letter on January 24, 2018 that included a summary of violations concerning the placement of the crushed material along with a determination that there is no viable path which allows the demolition waste to remain on-site and still be in compliance with applicable local, state, and federal laws. Ecology determined that all of the crushed material needed to be removed from the site to come into compliance with local and state laws.
SEPA Checklist (Sect. A.7; p. 1)	The 20 acre area where ETCS plans to develop is not shown on Figure 1 or any of the figures. The current redevelopment plans for the 20 acres should be depicted in the figures and discussed in the SEPA as this is part of the overall project. Although the redevelopment will undergo a separate SEPA review, it's Ecology's understanding that this is Phase 2 of the overall project. This SEPA needs to reflect this and incorporate information that is known at this time about the redevelopment. It's Ecology's understanding that ETCS is a subsidiary of North American Stevedoring Company. Please indicate this in the SEPA.
SEPA Checklist (Sect. A.8; p. 2)	The draft RI will not be posted on our website during the SEPA review. It will be posted when ready for public comment along with the FS. Revise the interim action document description as follows: MTCA Interim Action. The documents listed below… <u>Documents for the Second MTCA Interim Action</u> • First Amendment to Agreed Order No. DE9476 • Draft Work Plan for Second Interim Action (Exhibit B to the Amended Order) which includes a Storm Water Pollution Plan (SWPPP) <u>Other Relevant MTCA Site Documents</u> • Agreed Order (No. DE9476) for the Kimberly-Clark Worldwide Site Upland Area which includes the prior Interim Action Work Plan as Exhibit C (December 2012) • Remedial Investigation/Feasibility Study (RI/FS) Work Plan, including Archaeological Resources Assessment

Topic	Comment
	and Cultural Resources Monitoring and Discovery Plan (November 2013) • RI Data Report and Appendices (September 2014) **Other Comments**: The MTCA Interim Action documents may be revised, pending discussions with K-C, to include the addition of treatment of the pH groundwater plume.
SEPA Checklist (Sect. A.10; p. 2)	**For the MTCA IA** – Describe that although K-C is exempt from the procedural requirements of certain laws since they are performing a remedial action under an Agreed Order, the SEPA should generally discuss that K-C shall meet the substantive requirements of the City of Everett Grading Permit, Shoreline Permit (for work within 200 ft. of the shoreline), and the federal Clean Water Act. **For the CM Removal** – Does K-C need to list a shoreline permit?
SEPA Checklist (Sect. A.12; p. 3)	The latitude and longitude for the center of the site is located in the southern portion of the site near the warehouse. This is not the center of the upland area. The center would better be represented by 47.98613611, -122.21675.
SEPA Checklist (Sect. B.1.e; p. 4)	Also describe plans for the city to plug the CSO in this section. **Add the following text after the second sentence of the first paragraph**: The crushed material that cannot be removed without mixing with underlying soil will be excavated and disposed of as contaminated soil. **Modify the text for the second to last sentence of the first paragraph as follows:** Prior to placement, the imported backfill material would be documented to not be contaminated based on sampling and chemical analysis results. **Modify the text for the last sentence of the second paragraph as follows:** The soil excavated from these locations would be temporarily stockpiled and then placed back in the excavation and compacted to match surrounding grade, unless field screening indicates potential contamination in which case the soil would be subject to follow up analytical testing and coordination with Ecology on the approach for managing the excavated soil in accordance with the *Work Plan for Second Interim Action*.

Topic	Comment
	Other Comments: For the pipe decommissioning work, please indicate that accumulated solids will also be removed from the pipes being preserved for future use in accordance with the *Work Plan for Second Interim Action*. In the third paragraph, also discuss that K-C will be removing other types of demolition wastes along with the concrete, brick and masonry. Examples of other types of demolition wastes that will be removed from the site include metals, plastics, electronics, wire, asphalt, etc.). It is expected that all of these wastes will be removed from the Site. Please discuss contingency plans in case contamination is encountered during the removal of the crushed material. There should be a soil/groundwater management plan in place or contamination contingency plan. Operators should be trained on what potential contamination looks like and how to respond. K-C will need to coordinate with Ecology for management of any contamination encountered during the removal of the crushed material. Reflect in the SEPA that groundwater pumped during dewatering will be pretreated until compliance with city discharge limits, and discharged to the sanitary sewer (it won't be discharged back to the site). Any separate-phase petroleum if encountered in the groundwater during excavation activities will be collected to the extent practicable (either by vacuum truck or adsorbent material), characterized, and sent for off-Site disposal.
SEPA Checklist (Sect. B.1.g; p. 5)	It's been Ecology's understanding that the ETCS 20 ac. lease area will involve construction of a large building and will include paving. This should be reflected in the SEPA and the current plans depicted on the figures.
SEPA Checklist (Sect. B.2.c; p. 6)	Recommend to coordinate with the Puget Sound Clean Air Agency and have them review the proposed dust controls described in the *Work Plan for Second Interim Action* and the *Plan of Operations for Crushed Material Removal*. There were many citizen complaints of dust impacting their homes during the 2013 demolition of the mill including complaints of K-C not adequately responding. K-C received a warning from the Puget Sound Clean Air Agency. Early coordination with this agency is needed including the agency performing periodic inspections during the construction activity.

Topic	Comment
	Modify the text for the second sentence of the first paragraph as follows: During materials excavation and handling, dust would be controlled by wetting materials and surfaces as necessary during dry periods in accordance with the *Work Plan for Second Interim Action* and the *Plan of Operations for Crushed Material Removal*. **Add the following sentence after the sentence modified above**: This will include regular use of water trucks with a spray bar and, if needed, upgrading to dust suppression misting cannons.
SEPA Checklist (Sect. B.3.a.2; p. 7)	It should be reflected that a third IA area (REC5-MW-1 AREA) extends right up to the 200 foot shoreline buffer. The SEPA should reflect that there is a potential that this excavation could extend inside the 200 foot shoreline buffer. **Add the following sentence after the second sentence of the first paragraph**: The Old Machine Shop area excavation is located within an area suspected of having crushed material. **Other Comments:** The last sentence of the first paragraph says that the pipe locations are shown on Figure 2. Figure 2 does not show the pipe locations. In the second paragraph, saying that only a fraction of the CM to be removed is within 200 feet of East Waterway may be misleading since there is a 2.3 acre area of suspected CM within 200 feet (*see* Ecology attached Exhibit 1 and Figure 4 of the SEPA). This is currently not visible but was found when PacStev did some trenching in this area. The potential to encounter this material should be reflected in the SEPA and not minimized.
SEPA Checklist (Sect. B.3.b.1; p. 8)	The first question under "b. Ground Water" should be identified as "1)".
SEPA Checklist (Sect. B.3.c.2; p. 8)	The SEPA should reflect that the energy applied to removing the crushed material may result in additional concrete fines entering the groundwater resulting in impacts on groundwater pH. The level of pH in groundwater should be kept monitored. If site work results in pH being increased, a contingency to stabilize pH should be employed immediately. Ecology is in discussions with K-C about adding treatment of the groundwater pH as an element of the MTCA interim action. This element, pending discussions, will need to be added to the SEPA.

Topic	Comment
SEPA Checklist (Sect. B.4.b; p. 9)	The SEPA should reflect that the 2.3 acre area of potential crushed material is vegetated (mostly with butterfly bush).
SEPA Checklist (Sect. B.5.b; p. 10)	The discussion on threatened or endangered species was pulled from a 2012 report that is 6 years old. Ecology recommends that K-C conduct a current review of state and federally listed species that may occur at or near the site by consulting information from WDFW, USFW, NOAA fisheries, and/or the Washington State Natural Heritage Program. The status of listed threatened or endangered species in Washington state may have changed since the 2012 report. Perhaps they could get this information from the 2018 Draft Biological Evaluation.
SEPA Checklist (Sect. B.7.a; p. 11)	**Modify the text for the first sentence of the first paragraph as follows:** Based on environmental investigations to date, the interim action would involve permanent removal of contaminants typical of industrial properties – primarily heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs).
SEPA Checklist (Sect. B.7.a.1; p. 11)	**Add the following sentences after the second sentence of the first paragraph**: The primary contaminants found at the Site in soil and groundwater that exceed MTCA cleanup levels include heavy metals, PCBs, petroleum hydrocarbons, and PAHs. These contaminants have been found in both soil and groundwater at the Site above MTCA cleanup levels. In addition, these contaminants have also been found in the crushed material at concentrations above MTCA cleanup levels. Discuss that groundwater pH and concentrations of dissolved metals have increased since 2012 as a result of the placement of crushed demolition material on the Site. The groundwater pH increased to levels above the state groundwater quality standard of 8.5 (maximum levels exceed 11.5). High groundwater pH is a concern with respect to increased mobilization of metals.
SEPA Checklist (Sect. B.8.c; p. 13)	The SEPA should reflect that there is an existing electrical substation on the Site.
SEPA Checklist (Sect. B.8.i; p. 13)	It's Ecology's understanding that the PacStev redevelopment is part of the overall project, but is considered Phase 2 of this SEPA and will have its own review. Therefore, the response

Topic	Comment
	to how many people would reside or work in the complete project should not be none.
SEPA Checklist (Sect. B.10.a; p. 14)	The SEPA should describe the planned ETCS cold storage building within the 20 acre lease area. Again, Ecology considers this as Phase 2 of the project.
SEPA Checklist (Sect. B.10.b; p. 14)	Update this as necessary based on planned building structures as part of the ETCS redevelopment. Reflect that there are redevelopment plans that include the construction of a large building and those plans will undergo another SEPA review as Phase 2 of this project.
SEPA Checklist (Sect. B.12.c; p. 15)	It was Ecology's understanding that the city and K-C were working towards incorporating a public access trail at the north end of the Site. What is the status of this and does it need to be incorporated into this SEPA?
SEPA Checklist (Sect. B.13.d; pp. 15, 16)	**Modify the text for the first sentence of the first paragraph as follows:** As conducted during the prior interim action at the Site, archaeological monitoring would be conducted by a qualified person during interim action excavations in the eastern portion of the Site where fill thickness is less and penetration into the underlying native soil is possible, in accordance with the *Work Plan for Second Interim Action* and the 2013 *Cultural Resources Monitoring and Discovery Plan* prepared by SWCA and included as an appendix to the RI/FS Work Plan for the Upland Area. **Other Comments:** The *Plan of Operations for Crushed Material Removal* should include a reference to a plan to address the potential for inadvertent discovery of cultural resources during the removal of the crushed material. Perhaps it can reference back to the methods identified for the MTCA interim action and the 2013 *Cultural Resources Monitoring and Discovery Plan*.
JARPA Form (Part 1; p. 1)	The project description in the JARPA only references the removal of the crushed material. The redevelopment plans associated with the 20-acre ETCS lease area should be generally described within the JARPA. It is Ecology's understanding that this is Phase 2 of the overall project and will undergo a separate SEPA review. The redevelopment includes activities within 200 feet of the shoreline. Note that there are elements of the MTCA interim action that occur within 200 feet of the shoreline. These include

Topic	Comment
	contaminated soil excavations and pipe plugging. However, K-C is exempt from the procedural requirements of certain laws since they are performing a remedial action under an Agreed Order, however they must meet the substantive requirements. It may be helpful for agencies reviewing the JARPA to know that there are other construction activities, albeit under MTCA, that will occur within 200 feet of the shoreline. A general discussion of this may be helpful in the JARPA forms. Also, Ecology is in discussions with K-C about adding treatment of the groundwater pH as an element of the MTCA interim action. It is uncertain at this time whether this will occur within 200 feet of the shoreline.
JARPA Form (Part 4; p. 2)	One of the boxes should be selected such as "Same as applicant". Different K-C contact information was provided in Parts 3 and 4. Is this correct?
JARPA Form (Part 5, 5e; p. 3)	Reflect that the site is within all quarter sections: SW, SE, NW, and NE.
JARPA Form (Part 5, 5f; p. 3)	The project location coordinates provided by K-C place it in East Waterway. It's Ecology's understanding that there will be no in-water work. The JARPA pertains to upland work within 200 feet of the shoreline.
JARPA Form (Part 5, 5g; p. 3)	Additional tax parcels that appear to extend to within 200 feet of the shoreline include K-C Parcels 29051900200900 and 00597761803000.
JARPA Form (Part 5, 5h; p. 3)	Other adjoining property owners include BNSF and the former American Distributing Company parcel (currently owned by Ronan C Bonnie Trustee) south of the warehouse.
JARPA Form (Part 5, 5i; p. 4)	The description of vegetation should also include the volunteer shrubs have been established since the demolition of the facility in 2012/2013. The most prevalent is butterfly bush. For example, the 2.3 acre area of suspected crushed material is within an area that has been vegetated with volunteer shrubs. One of the MTCA interim action areas also occurs within this area. K-C should clarify that the narrow strip of vegetated land that they discuss in response to the question is a strip of grass and ornamental trees and shrubs that was managed as part of a walking trail inland of the bullheaded shoreline. This strip falls outside of areas where the crushed material will be removed.

Topic	Comment
JARPA Form (Part 5, 5n; p. 4)	Discuss the current use of the BNSF and the former American Distributing Company parcel (currently owned by Ronan C Bonnie Trustee) south of the warehouse.
JARPA Form (Part 6, 6a; p. 5)	The redevelopment plans associated with the 20-acre ETCS lease area should be generally described within the JARPA. It is Ecology's understanding that this is Phase 2 of the overall project and will undergo a separate SEPA review. In the third paragraph, also discuss that K-C will be removing other types of demolition wastes along with the concrete, brick and masonry. Examples of other types of demolition wastes that will be removed from the site include metals, plastics, electronics, wire, asphalt, etc.). It is expected that all of these wastes will be removed from the site. In the third paragraph, saying that only a fraction of the CM to be removed is within 200 feet of East Waterway may be misleading since there is a 2.3 acre area of suspected CM within 200 feet (*see* Ecology attached Exhibit 1 and Figure 4 of the SEPA). This is currently not visible but was found when PacStev did some trenching in this area. The potential to encounter this material should be reflected in the JARPA and not minimized. Some of this material could be with 25 feet of the ordinary high water mark. The 32 acres does not include the additional area (about 2.3 acres) of suspected crushed material located in the southwest portion of the site (*see* attached Ecology Exhibit 1 and Figure 1 of the SEPA). This should be reflected in the project description.
JARPA Form (Part 6, 6b; p. 5)	It should be reflected that some of the elevated groundwater pH occurs in areas where the crushed material did not directly come into contact with site groundwater. Concentrations of dissolved metals in groundwater have increased since 2012 as a result of the placement of crushed demolition material on the Site. High groundwater pH is a concern with respect to increased mobilization of metals. Removing the crushed material will help remove the source of the high pH and which should also result in lowering dissolved concentrations of metals in groundwater. This should be described as another purpose. The crushed material that needs removed is not just confined to the 32 acre portion (see yellow shaded area in Ecology Exhibit 1) but has also been identified within the 2.3 acre area

Topic	Comment
	of suspected crushed material (see red shaded area in Ecology Exhibit 1). The extent of the crushed material within the 2.3 acre area is still undefined, but it all needs to be removed.
JARPA Form (Part 6, 6d; pp. 5, 6)	Expand on the description of major elements of the project. These include removal of crushed material and the redevelopment should be described and referenced.
JARPA Form (Part 6, 6e; p. 6)	Also discuss any dewatering plans and generally describe and reference the redevelopment. The details for the redevelopment plans will be provided as Phase 2 of this project and will undergo a separate SEPA review. Reference that the crushed material removal will be done in accordance with the requirements specified in the *Plan of Operations for Crushed Material Removal* (2018). Indicate that the replacement fill will be documented to be clean based on sampling and analysis results.
JARPA Form (Part 8 p. 8)	Check the box to indicate that there is a waterbody adjacent to the project area.
JARPA Form (Part 8, 8a; pp. 8, 9)	Saying "No above grade upland development will occur as part of this project" is not correct. As commented earlier, the ETCS 20 acre redevelopment (includes a large cold storage building) is Phase 2 of this project and will undergo separate SEPA review. Parts of the proposed building appear to be within 200 feet of the shoreline. It's stated that "The Contractor will closely adhere to the requirements of the SWPPP to prevent any sediments from entering Waters of the State". Waters of the State also includes groundwater so please use different terminology as this is specifically asking about the aquatic environment. Discuss that BMPs would be implemented, in accordance with the project-specific SWPPP included in the *Plan of Operations for Crushed Material Removal*, to prevent runoff from leaving the Site. In the last paragraph, saying that only a fraction of the CM to be removed is within 200 feet of East Waterway may be misleading since there is a 2.3 acre area of suspected CM within 200 feet (*see* Ecology attached Exhibit 1). This is currently not visible but was found when PacStev did some trenching in this area. The potential to encounter this

Topic	Comment
	material should be reflected in the JARPA and not minimized and the extent is currently not known. The JARPA should reflect that the energy applied to removing the crushed material may result in additional concrete fines entering the groundwater resulting in impacts on groundwater pH. The level of pH in groundwater should be kept monitored. This is needed to avoid any potential impacts from elevated groundwater pH discharging to East Waterway.
JARPA Form (Part 8, 8c; p. 10)	See comment above regarding potential crushed material that may be encountered within 200 feet of the shoreline. Saying only a small percentage may be misleading. If site work results in groundwater pH being increased, a contingency to stabilize pH in groundwater should be employed immediately to help avoid potential impact to East Waterway.
JARPA Form (Part 8, 8g; p. 11)	Some of this material could be with 25 feet of the ordinary high water mark as shown on Ecology's Exhibit 1 and Figure 4 of the SEPA. Also discuss that K-C will be removing other types of demolition wastes along with the concrete, brick and masonry. Examples of other types of demolition wastes that will be removed from the site include metals, plastics, electronics, wire, asphalt, etc.). It is expected that all of these wastes will be removed from the site. Indicate that the crushed material will be disposed of off-site in accordance with the *Plan of Operations for Crushed Material Removal*, and that the off-site disposal and/or recycling options will be overseen by the Snohomish Health District. Indicate that prior to placement, the imported backfill material will be documented to not be contaminated based on sampling and chemical analysis results.
JARPA Form (Part 9, 9b p. 11)	Please update this reflect that the portion of Port Gardner and Inner Everett Harbor located adjacent to the Site contains the following listings for Sediment Bioassay (504342 and 504391). The Port Gardner and Inner Everett Harbor are in the impairment Category 5.

Topic	Comment
JARPA Form (Part 9, 9i p. 12)	K-C checked both the yes and no box. Only the yes box should be checked. Sediment sampling results show that cPAHs, PCBs, dioxins/furans, and some metals exceed the Washington State Sediment Management Standards Cleanup Levels. There are also wood waste and biological exceedances (i.e., sediment bioassay).
JARPA Form (Part 9, 9j pp. 12, 13)	Indicate that the property was also used for bulk petroleum storage operations and saw milling. Ecology does not have a MTCA branch. The upland cleanup is being overseen by Ecology's Toxics Cleanup Program. Note that the crushed material is not part of the MTCA cleanup.
Biological Evaluation	The biological evaluation (BE) is focused on the ETCS redevelopment. Is any BE required for the crushed material removal within 200 feet of the shoreline? Sediments within the proposed redevelopment in-water area are contaminated and will need to be remediated as part of the East Waterway cleanup. It's anticipated that an in-water sediment interim action cleanup would be required to implement the redevelopment plans along the shoreline. Ecology will provide additional comments on the BE by December 21, 2018.

Ecology Exhibit 1. Map showing areas of the K-C site with crushed material.