



CITY OF EVERETT
Community, Planning & Economic
Development Department
Planning Division



**FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE
SEPA 18-022**

Date of Issuance: May 1, 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



2930 Wetmore Ave, Ste 8-A
Everett, WA 98201



425.257.8731
425.257.8742 fax



planning@everettwa.gov
everettwa.gov

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.)

A 30-day public comment period for this proposal has been completed. This Final MDNS is issued under WAC 197-11-350.

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:

 FOR ALLAN GIFFEN



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:



You may appeal this determination by filing an appeal on forms provided by the Office of Planning and Economic Development and a fee to the Permit Services Counter at 3200 Cedar Street, 2nd Floor. The appeal period ends on May 15, 2019. Contact Steve Ingalsbe to read or ask about the procedures for SEPA appeals.

Notes:

1. A MDNS may be withdrawn in the event of significant changes in the proposal, disclosure of new significant information, misrepresentation by the applicant, or failure to comply with the conditions upon which this Mitigated Determination of Non-Significance is predicated.
2. This land use permit shall terminate if applicant does not apply for a building permit within 18 months (or, with an extension, 24 months), except where a time limit on the land use permit is otherwise established under federal or state law, city ordinance, or an executed development agreement.
3. The issuance of this Determination of Non-Significance does not constitute project approval. The applicant must comply with all applicable requirements of Everett's Municipal Code (EMC) prior to receiving any permits.

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. The 50-foot buffer near the north end of the site by where a pier used to be in 2012 may need to be restored 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 reseeded 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.

