



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Response to Comments**

**Kimberly-Clark Worldwide, Inc. Site | Everett, WA**

**March 13 – April 11, 2019**

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*Summary of a public comment period and  
responses to comments*

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Lacey, Washington

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# Puget Sound Initiative

## Protecting and Restoring Puget Sound

The Puget Sound Initiative, established by the Washington State Legislature, is a collaborative effort between local, tribal, state and federal governments, business, agricultural and environmental interests, and the public to restore and protect the Puget Sound.

Contaminated sites around the shorelines are a leading source of pollution to the Puget Sound. Ecology has accelerated its efforts to clean and restore these contaminated sites within identified priority bays. Within these bays, Ecology is cleaning up 50-60 sites within one-half mile of the Sound. Cleanup actions will help to reduce pollution and restore habitat and shorelines in Puget Sound, resulting in larger areas of usable shoreline habitat for fish, wildlife and people.



## Port Gardner Baywide Cleanup

In Port Gardner Bay, local, state and federal agencies, local tribes, businesses and property owners are working to restore the waterfront – cleaning up several old industrial sites and restoring waterfront areas for fish, animals and people. This unique, baywide collaboration means cleanup and restoration are happening faster. Important waterfront uses shipbuilding, parks, recreation, housing, fishing, cultural uses and others – can thrive in a revitalized and healthy waterfront environment.

Sites in the Port Gardner Bay area include (see map on page 21):

- Bay Wood Products
- East Waterway
- Everett Shipyard, Inc.
- Everett Smelter (Lowlands)
- ExxonMobil ADC
- Jeld-Wen
- Kimberly-Clark Worldwide, Inc.
- North Marina Ameron/Hulbert
- North Marina West End
- TC Systems, Inc.
- Weyerhaeuser Mill A Former

For more information on these sites visit:

[http://www.ecy.wa.gov/programs/tcp/sites\\_brochure/psi/everett/psi\\_everett.html](http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/everett/psi_everett.html)

# Kimberly Clark Worldwide Inc. - Site

## Site Background Cleanup and Status

### Background

The property was first developed in the early 1900s and was used for pulp and paper manufacturing from 1931 to 2012. Other uses included bulk petroleum storage and sawmilling. All manufacturing operations at the facility stopped in 2012, and the former structures were demolished with the exception of the warehouse building on the south side and wastewater treatment facilities on the north side. The property includes about 56 acres of uplands and 12 acres of adjacent tidelands.



In 2012, Ecology entered into a legal agreement, called an Agreed Order (Order), with the Kimberly-Clark Worldwide company for the upland portion of their property. Kimberly-Clark is the Potentially Liable Person at the Site. The in-water area of the Site, known as East Waterway, will be addressed under a separate Order. This will allow cleanup of the upland area to keep pace with potential redevelopment opportunities.

Under the upland Order, Kimberly-Clark conducted a significant interim cleanup action beginning in 2013, to address contaminated soil and groundwater encountered during mill demolition. An interim action is a remedial action that cleans up part of a site. The 2013 interim action removed about 39,000 tons of contaminated soil and more than 6,000 gallons of petroleum contaminated water.

The main contaminants that were addressed as part of the 2013 interim action were metals such as copper and lead, petroleum, polycyclic aromatic hydrocarbons (PAHs), and xylenes. After the interim action, Kimberly-Clark conducted a 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 is being prepared for the upland portion of the Site.

### Cleanup Status

In December 2012, Ecology and the Potential Liable Person (PLP) - Kimberly-Clark Worldwide, Inc. - entered into an Agreed Order for Site cleanup of the uplands area. The Agreed Order required the PLP to develop a Remedial Investigation and Feasibility Study (RI/FS) work plan to evaluate the nature extent of Site contamination, an RI/FS report, and a draft Cleanup Action Plan (CAP) for upland remediation.

The in-water area of the Site is within Everett's East Waterway and is being addressed under a separate Agreed Order (See East Waterway Site).

Work to date includes:

**First Interim Action, 2013:** K-C conducted an interim action in the upland portion of the Site during the mill demolition activities. As part of the interim action, K-C removed about 39,000 tons of contaminated soil and more than 6,000 gallons of petroleum contaminated water.

**RI/FS:** Following completion of the upland interim action, over 1,000 samples consisting of a combination of soil, groundwater, intertidal porewater, and air were collected as part of a comprehensive Remedial Investigation to assess the nature and extent of contamination in the upland area. K-C prepared and submitted a draft RI/FS report in March 2016 and collected additional data to fill data gaps that Ecology identified during their review of the draft report. The RI/FS report and draft cleanup action plan (DCAP) are expected to be completed in 2019.

The project is now entering a **Second Interim Action** to address additional contamination identified in the Remedial Investigation. This contamination needs to be resolved quickly to respond to pending redevelopment projects.

**The planned interim action consists of:**

- Addressing additional contamination in upland soil.
- Decommissioning inactive pipes that may discharge to upland area shallow groundwater and adjacent surface water. This includes the City of Everett's Combined Sewer Overflow (CSO) pipe that discharges at the PS04 location under the wharf.
- Monitoring groundwater pH throughout the removal of crushed material (CM) on the Site, and potential implementation of contingency action(s) to neutralize groundwater pH if needed.

## Proposed Cleanup

The following documents have been issued for the Kimberly-Clark Worldwide, Inc. Site and describe the anticipated cleanup actions for the Site.

### **Overview of the Amended Agreed Order**

The RI showed additional contamination in upland soil. This contamination needs to be resolved more quickly to respond to pending redevelopment projects. In addition, inactive pipes need to be plugged to prevent the potential discharge of shallow groundwater from the upland area to adjacent surface water. This includes the City of Everett's Combined Sewer Overflow (CSO) pipe that discharges at the PS04 location under the wharf.

The interim action also includes monitoring groundwater pH levels and any necessary groundwater treatment while the crushed material is removed from the Site. The material, primarily composed of concrete, brick, and masonry, was spread on the Site during the mill demolition in 2013. The removal of the material is not part of Ecology's Interim Cleanup action (see more details in the next section).

Ecology prepared an Amended Agreed Order to allow for the actions described above at the Site. The Interim Action Work Plan (Appendix G to the Amended Order) describes the process for managing contaminated soil and groundwater in the soil removal areas and details the approach for plugging pipes and monitoring groundwater pH.

Nine areas are targeted for soil removal as part of this interim action. The contaminants 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 including the city's CSO. The CSO pipe is deteriorated and its current location may interfere with planned redevelopment. The city will temporarily re-route the existing CSO pipe and then install a CSO pipe at a different location. Groundwater pH levels will be monitored for areas where crushed materials are present including down gradient areas towards East Waterway.

### **Overview of the SEPA Checklist and Determination of Non-significance**

SEPA makes sure that environmental impacts are considered during agency decision-making. The interim action is being conducted in accordance with the states Model Toxics Control Act (MTCA) and will occur at about the same time as another project that is taking place at the Site.

Kimberly-Clark is working separately with the Snohomish Health District to remove the crushed material. Both actions will occur before the Site can be redeveloped. A SEPA checklist was prepared to identify potential environmental impacts of the combined projects on the surrounding environment. It was led by the City of Everett with Ecology as co-lead. The checklist and determination were available for public comment thru the City of Everett webpage: <https://everettwa.gov/CivicAlerts.aspx?CID=37>.

The city and Ecology determined that the environmental cleanup of the Site and removal of the crushed material will not have a probable significant adverse impact on the environment and have issued a Mitigated Determination of Non- Significance.

## Introduction to Summary Response

A significant milestone was reached recently with the issuance of the following draft documents at the Kimberly-Clark Worldwide, Inc. Site:

- Amended Agreed Order
- Interim Action Work Plan (Exhibit G to the Amended Agreed Order)
- SEPA Mitigated Determination of Non-significance

These draft documents were issued for a public comment period from March 13, 2019 through April 11, 2019. During the public comment period, Ecology provided the following public involvement materials and opportunities:

1. Distributed a fact sheet describing the Site and the documents through a mailing to addresses in the area and other interested parties.
2. Published a paid display ad in *The Daily Herald* and the *Snohomish County Tribune*.
3. Published a notice in the Toxics Cleanup Program Site Register.
4. Posted draft documents on the Ecology website.
5. Provided copies of the documents through information repositories at:
  - Ecology's Headquarters Office
  - Everett Public Library

This summary response to public comment provides information about the Kimberly-Clark Worldwide, Inc. Site and responds to comments received during the public comment period. Ecology has reviewed and carefully considered all comments received on the draft documents and determined that no significant changes to the documents issued for public review were needed.

## Comments and Responses

The comments received were reviewed and evaluated by Washington State Department of Ecology. Comments were categorized by commenter for response. The comments generally address the following topics:

1. *Human or environmental health, including quality of life*
2. *Contaminant discharge*
3. *Historical land use and cultural preservation*

A total of 4 persons provided comments regarding the draft documents. In the comment table, each commenter is referenced by an assigned commenter number.

### *List of Commenters:*

- Naval Station Everett (Thomas Dildine) - Commenter A-1
- Individual (Fay Valerie Patterson) - Commenter I-1
- Individual (David Gunderson) - Commenter I-2
- Stillaguamish Tribe of Indians (Kerry Lyste) - Commenter T-1

### *1. Human or environmental health, including quality of life*

Responses included in this category relate to comments about human or environmental health, including quality of life health during cleanup and future land development.

Comment	Ecology's Response
<p>Commenter A-1                      (SEPA comment sent to City of Everett and Ecology)</p> <p>Reference is made to the Proposed Mitigated Determination of Non-Significance, SEPA 18-022. Please accept the following comments on behalf of NAVSTA Everett:</p>	<p>The City of Everett can be contacted for response to issues concerning the quality of life for sailors and their families, maintaining environmental stewardship while maintaining readiness, and national security or about any future development at the site is of concern and interest.</p> <p>Future development of the site will require a Shoreline permit and/or a SEPA application which requires notice to surrounding properties.</p>

Comment	Ecology's Response
<p>* The subject site is located on property adjacent to NAVSTA Everett, and as such, our primary concerns include the quality of life of our Sailors and their families, maintaining environmental stewardship while maintaining readiness, and national security. Any future development at the site is of concern and interest and the SEPA proposed action should be clearly defined.</p> <p>* The BE submitted with the SEPA MDNS addresses probable impacts from a proposal for a cold storage facility, not the proposed action – MTCA Cleanup; and the removal of approximately 120,000 cubic yards of crushed materials. Why doesn't the BE address the proposed action?</p> <p>Thank you for the opportunity to comment.</p> <p>Respectfully Submitted, Thomas Dildine                      Environmental Program Director Naval Station Everett.</p>	<p>You may contact Steve Ingalsbe at the City of Everett Planning, Community and Economic Development Department at (425)257-7135 or at <a href="mailto:singalsbe@everettwa.gov">singalsbe@everettwa.gov</a> for further information.</p> <p>Ecology reviewed and provided comments about the BE (Biological Evaluation) to the City of Everett.</p> <p>In general, Ecology agrees with the effects determinations made in the BE for the listed species analyzed in the report. Below are the comments Ecology provide on the BE.</p> <ul style="list-style-type: none"> <li>• The supplemental Habitat Assessment recently provided is from 2012. This appears to be too old to be considered a supplement to the BE. We would like to review the 2018 Critical Areas Report and provide any additional comments by Monday.</li> <li>• The BE only addresses redevelopment actions and does not discuss the MTCA IA or demolition debris removal, all of which has actions within 200 ft. of the shoreline.</li> <li>• The overall shoreline development permit package which includes the SEPA and the BE is confusing as to the type of project K-C is applying for. Most of the documents only reference the MTCA IA and demo debris removal. The JARPA only refers to the demo removal while the BE only refers to the redevelopment.</li> </ul>

Comment	Ecology's Response
	<p>K-C needs to clarify the project description within the permit documents to include the MTCA IA, the demo debris removal, and the redevelopment. We understand that the MTCA IA and the debris removal is Phase 1 of the SEPA, and the redevelopment will go out for a separate SEPA review as Phase 2.</p> <ul style="list-style-type: none"> <li>• Phase 2 actions (Section 2.2, page 9) - Please clarify whether all work for Phase 2 will occur between depths of -10 to -32. This depth range is included for the proposed dredging to accommodate barges, but it is not clear if this depth range applies to all in-water activities.</li> <li>• Marine Impact Reduction Measures (Section 3.4, page 14) - In addition to the DNR BMPs for creosote piling removal, please reference and use the EPA (2016) BMPs for piling removal and installation, which were developed collaboratively by federal, state and local government agencies and tribes.</li> <li>• BMPs in Table 2 (Section 3.5, page 16) - Part of BMP #7 is focused on work that may occur in a streambed. Given that no streambeds occur in the project area or immediate vicinity, this BMP does not seem applicable to this project and the project-related BMPs described here.</li> <li>• Marine Mammals (Sections 5.2.2.2, 7.2.2, and 8) - Section 5.2.2.2 only identifies killer whales on the table(s) within this section of the report and briefly discusses sea lion and harbor seal presence.</li> </ul>

Comment	Ecology's Response
	<p>Given work that occurred within the last 5 years at the Hat Island Marina involving extensive marine mammal monitoring, the presence of killer whales in the Whidbey Basin, and the imperiled status of the Southern Resident Killer Whales (SRKW) in Puget Sound, a larger discussion of this species and other marine mammals seems warranted. The in-water project actions will likely occur within the primary migration period of the SRKW (i.e., fall) and marine mammal monitoring may be warranted for activities with the potential to generate underwater noise that could influence their communication, behavior and related navigation through Possession Sound. This effects determination should be revisited following examination of other project marine mammal/SRKW monitoring requirements in the action area and in the vicinity of this project site.</p> <ul style="list-style-type: none"> <li>• Marbled Murrelet (Section 7.2.1, page 42) - Marbled murrelet are known to use areas within the lower Snohomish River Estuary and within East Waterway for foraging (personal experience as a MaMu monitor, Audubon surveys, Homeport project, and other observations). The BE states "they are not expected for forage regularly within the East Waterway due to lack of Pacific herring and sand lance, their preferred prey."</li> </ul>

Comment	Ecology's Response
	<p>However, one of their primary prey resources, sand lance, is documented as the most common and abundant fish species based on the NOAA seining data presented in Table 3 Marine Species Sampled in East Waterway on page 26. This section should be updated to reflect this and align the prey resource statement with the NOAA seining data.</p>
<p>Commenter I-1</p> <p>We (30 of us) here at 2514 Grand, are directly above the work site there at the Kimberly-Clark building and covered land along the waterfront. We have children and infants at this location, as well as elderly with COPD and Heart and Lung diseases. We are EXTREMELY concerned about the air quality that will impact us through the breeze and wind off the water blows right against our doors and windows. Even if these are shut tight, the dust particles will indeed leach in as well as settle on steps where we all walk barefoot and thus into our homes. The dust hazard is feared due to the asbestos, copper, mercury, and other microscopic debris.</p> <p>Ecology seemed to concentrate on the "ground" contaminates rather on the health of those whom will be breathing in this stuff. IE: groundwater, pipes and soil are not the only things to consider. We suggest either place large drop cloths down the West side of each apartment bldg. and home directly East of the site. And/or, a light water spray over the work areas would keep the "dust debris" to a minimum. If there is fear this water would "wash" debris into Port Gardner Bay, then further thought about that exact dust debris should be not only for our fish and wildlife but on Human Life as well.</p>	<p>Ecology included Best Management Practices (BMPs) and dust suppression requirements in the Interim Action Workplan and in the work plan for the crushed material. Ecology, the Puget Sound Cleanup Air agency, and the Snohomish Health District plan to attend a construction kick off meeting to discuss, in part, dust control. This includes measures that must be taken to suppress airborne dust that may result from the construction project so that it does not impact surrounding properties and will comply with Puget Sound Clean Air Agency regulations. Early coordination with Puget Sound Clean Air Agency is needed. This may include the agency performing periodic inspections during the removal of material.</p> <p>Concern or complaints about excessive dust should be directed to Puget Sound Clean Air Agency through their online complaint form: <a href="https://www.pscleanair.org/262/File-a-Complaint">https://www.pscleanair.org/262/File-a-Complaint</a>. Or contact Ecology's project manager Andy Kallus at (360) 407-7259 or <a href="mailto:andrew.kallus@ecy.wa.gov">andrew.kallus@ecy.wa.gov</a>.</p>

Comment	Ecology's Response
<p>Why should the public be in fear if everything and everyone is protected to the most extreme.</p> <p>It seems there is more thought to the dirt and ground than there is to our air! Fresh, CLEAN, air. And who is going to take care of the dust we do get in our homes? The disabled are going to be exposed to dust and grit and no one is thinking of these folks breathing well in the near future to 10 years.</p> <p>As far as noise, its only temporary!!!</p> <p>But I AM concerned about waiting outside for Paratransit for 30 minutes and breathing in all this muck. Ugh!! I hope that you will take the "air" into great consideration. Those whom don't live here think it as minor. Yet those of us that do live directly above the sight are scarred and very frightened about further health issues due to the dust etc. Will we be safe? Only to find out 3 years from now we all end up with Mercury in our bloodstream and cancer due to the exposure to dust Ecology thought of as "not worth the work", or money, beforehand.</p> <p>Thank you most graciously for hearing me, us, out. I am one to want it done, but with as little risk to the public as "possible". And money should not be an issue, human well being and a full life is! Please, do not make this an issue of available funding.</p> <p>Money or human life, there shouldn't be a question.</p> <p>Most Sincerely</p>	

**2. Contaminant discharge**

Responses included in this category relate to comments about Site contamination.

Comment	Ecology’s Response
<p>Commenter I-2                      I worked at Scott Paper during the summers of 66-68 while attending UW. For much of this time, I was a go-fer in the instrument maintenance crew in the pulp mill. I know that there is mercury contamination in the bay in front of the site because we used liquid mercury in steam pressure gauges in the boiler house. Every once in an while, an over-pressure would blow the mercury out onto the floor where it was flushed down the surface water runoff pipes and into the bay. We would then fetch a pint or two from a stock room and re-fill the gauge. We always kept several gallons of mercury in stock for this purpose.</p>	<p>Kimberly-Clark Worldwide, Inc. is a cleanup site that is located on the former paper mill property. Impacts from mercury contamination will be considered and addressed as needed under the 2016 East Waterway Agreed Order. More information is available on the East Waterway <a href="https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297">project webpage</a>:  <a href="https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297">https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297</a></p>

**3. Historical land use and cultural preservation**

Responses included in this category relate to comments about pre-industrial land use and preservation of culturally-significant artifacts.

Comment	Ecology’s Response
<p>Commenter T-1                      (SEPA comment sent to City of Everett and Ecology)</p> <p>We have reviewed the project listed above. It is no more than 50 feet from SN629; a site where historic dredged materials were found to contain a dacite core and fire modified rock. We find this to really be part of a larger context of the Kimberly Clark site in understanding how the mill interacted with pre-historic sites that were there before it.</p>	<p>A cultural resources discovery plan has been developed that will guide the response during construction. We have identified sensitive areas on the site that will help to inform when an archeologist should be on site to monitor construction activities.</p> <p>The depth of discovery was determined to be 6.5 feet (not 2 feet) below the surface, correcting unit-of-measure of “feet” and “meters”. Two meters equals 6.5 feet). No additional work is planned for the area of discovery.</p>

Comment	Ecology's Response
<p>However, with the project at hand, since the discoveries previously were in disturbed context 2 fbs (feet below surface) we would either recommend a detailed monitoring plan and/or archaeological survey between 1-3 feet with mechanical methods (boring, etc.).</p> <p>We look forward to DAHP's comments and would request notification of fieldwork.</p> <p>Kerry Lyste                      THPO/GIS Database Administrator;                      Stillaguamish Tribe of Indians</p>	<p>Prior to initiating the previous Upland Area interim action, a professional archaeologist prepared an Archaeological Resource Assessment for the Upland Area (SWCA, 2013a) and a Cultural Resources Monitoring and Discovery Plan (M&amp;D Plan; SWCA, 2013b) specific to the Upland Area interim actions. The assessment mapped, based on readily available information, estimated probabilities for areas of native soil within the Upland Area to contain significant Native American archaeological materials (low, medium, high probability); the overlying fill materials would not contain such materials.</p> <p>While the M&amp;D Plan identifies the prior interim action areas, its monitoring and communication protocols remain applicable to the current interim action activities. The proposed interim action excavation work will be conducted in accordance with the archaeological monitoring and communication protocols outlined in the M&amp;D Plan (SWCA, 2013b), which is available on Ecology's <a href="https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569">Site webpage</a>, <a href="https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569">https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2569</a>.</p> <p>Additionally, the 2018 Interim Action Workplan guides how Ecology will engage with tribes on the Puget Sound Initiative Baywide cleanup work in Port Gardner Bay.</p> <p>Ecology will notify you of initiation of fieldwork for this project.</p>

# Explanatory Figures



Figure 1. Port Gardner baywide area cleanup sites under the Puget Sound Initiative.

## Ecology Contact Information

**For more information on the Kimberly-Clark Worldwide, Inc. Site, contact:**

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