

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**The Port of Everett, Weyerhaeuser
Company, and Washington State
Department of Natural Resources**

AGREED ORDER for

**Remedial Investigation/Feasibility Study
and Draft Cleanup Action Plan –
Weyerhaeuser Mill A Former Site**

No. DE **8979**

TO: Port of Everett
Attention: Les Reardanz
P.O. Box 538
Everett, WA 98206

Weyerhaeuser Company
Attention: Ken Johnson
P.O. Box 9777
Federal Way, WA 98063-9777

Washington State Department of Natural Resources
Attention: Peter Goldmark
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Olympia, WA 98504-7000

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- ATTACHMENT A: PREVIOUS ENVIRONMENTAL INVESTIGATION ACTIVITIES

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology), Port of Everett (the Port), Weyerhaeuser Company (Weyerhaeuser), and Washington State Department of Natural Resources (DNR) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the Port, Weyerhaeuser, and DNR (collectively the potentially liable persons [PLPs]) to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and WAC 173-204-560, and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 and WAC 173-204-560 through WAC 173-204-580, addressing both potential upland and in-water (i.e., adjacent marine sediment) contamination for the Site. Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each Party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such Party to comply with the Order. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLPs' responsibility under this Order. The PLPs shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

A. Site: The Site (or Facility) is referred to as the Weyerhaeuser Mill A Former Site (the Site) and is generally located at the Port's marine terminal area between Pier 1 and Pigeon Creek Road off Terminal Avenue, Everett, Washington. Part of the Site is owned by the Port and includes the area formerly occupied by Weyerhaeuser's Mill A and a portion of the adjacent tidelands. Part of the Site consists of State Owned Aquatic Lands and is managed by DNR. However, the final boundaries of the Site will be determined in the RI/FS and the acreage estimates above may increase or decrease based on where contamination is found to be located.

The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site and is not limited by property boundaries. The Site includes areas where hazardous substances have been deposited, stored, disposed of, placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is more particularly described in **Exhibit A** to this Order, which includes site and tax parcel maps (**Exhibit A**, Figures 1 to 13), a site location description, and property information from the Snohomish County Assessor's Office. Based on the results of previous investigations (*see Attachment A* to this Order), the Site includes both upland and in-water areas (i.e., adjacent marine sediment) as defined below. The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology, the Port of Everett, Weyerhaeuser Company, and Washington State Department of Natural Resources (defined below).

C. Potentially Liable Persons (PLPs): Refers to the Port of Everett, Weyerhaeuser Company, and Washington State Department of Natural Resources.

D. Agreed Order or Order: Refers to this Order and each of the exhibits and attachments to the Order. All exhibits and attachments are integral parts of this Order. In

addition, **Exhibits A** through **D** are integral and enforceable parts of this Order. The terms “Agreed Order” or “Order” shall include all exhibits and attachments to the Order.

E. Upland Area: Refers to areas of the Site that fall outside the In-Water Area, as generally depicted in **Exhibit A**, Figures 9 and 12.

F. In-Water Area: Refers to the intertidal (areas exposed to air at low tide) and subtidal (areas always covered by water) parts of the Site associated with adjacent marine waters, as generally depicted in **Exhibit A**, Figures 9 and 12. This area contains both privately owned tidelands and State owned aquatic lands.

G. Port Management Agreement (PMA): Refers to the agreement made on September 1, 2002 in which DNR delegated to the Port the management of “State-owned aquatic lands” (*see* **Exhibit A**, Figures 9 to 11). The PMA is effective until August 31, 2032. RCW 79.105.420 authorizes DNR and the port district, upon request of a port district, to enter into an agreement to manage “State-owned aquatic lands” that front property owned or controlled by the port district.

V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

A. The Site is generally located at the Port’s south marine terminal area between Pacific Terminal and Pigeon Creek Road off Terminal Avenue, Everett, Snohomish County, Washington. The Site location is depicted in the diagrams attached to this Agreed Order as **Exhibit A**. Historical and current (as of 2009) depictions of the facility are presented in **Exhibit A** (Figures 2 to 9 and 12). **Exhibit A** also contains a legal description of the property (located after Figure 12 of **Exhibit A**). The Site is listed on the Department of Ecology’s Hazardous Sites List as “Weyerhaeuser Mill A Former”. The Facility Site ID No. is 1884322 and the Cleanup Site ID No. is 2146.

B. The Port is an owner and an operator at the Site, and has owned the Site continuously since 1983.

C. DNR is the manager of the State-owned aquatic lands under constitutional and statutory mandates. Title 79 RCW authorizes DNR to lease state-owned aquatic lands.

D. Information in this paragraph provides a summary of the historical operations at the Site. A more extensive history will be provided as part of the Remedial Investigation. Portions of the Site were first developed around 1896 with the construction of the Bell-Nelson sawmill. Other portions of the Site were developed shortly thereafter with a shingle mill, shipyards, and a wire and steel company. In 1901, Weyerhaeuser purchased the Bell-Nelson sawmill. Between 1904 and 1914 Weyerhaeuser purchased the shingle mill and shipyards at the Site, and had expanded its sawmill operations to cover those properties. In 1926, Weyerhaeuser completed its acquisitions at the Site by buying a lumber mill that was located on the old wire and steel company property. Weyerhaeuser continued lumber production on the Site until around 1933, when it closed and dismantled the lumber mill. In 1936, Weyerhaeuser constructed an unbleached sulfite pulp mill (known as Mill A) on the Site, and in 1941 added simple bleaching facilities to the mill. In 1975, Weyerhaeuser converted the mill from a sulfite to a thermomechanical pulping process. Pulping operations at the Site ceased in 1980 and all process buildings, as well as most of the other buildings, were demolished around this time. The Port purchased the property in late 1983 and, in 1987, developed the property for use as a log yard. Log handling operations were performed there until around the mid-2000s. The Site is currently being used as a break bulk cargo terminal and is mostly paved.

E. Weyerhaeuser leased from the State harbor areas fronting the mill for wharves, docks, and other aids to navigation from 1924 to 1984, at which time the leases were assigned to the Port. In 1984, the Port applied to DNR for a PMA pursuant to Ch. 221, Session Laws 1984, and in 2002 the State and the Port entered into a PMA.

F. While Weyerhaeuser operated the sulfite pulp mill, the Weyerhaeuser Mill A facility produced about 300 tons of pulp per day. The pulp was produced by digesting wood

chips in a calcium sulfite solution. To produce the cooking liquor, elemental sulfur was burned and the resulting sulfur dioxide absorbed into a lime solution. The pulp was subsequently bleached with a chlorine solution. The thermomechanical pulping process, which began in 1975, manufactured pulp without the use of chemicals. However, the same bleaching process was used as with the sulfite process. These processes were located on privately owned land.

G. Prior to 1951, discharges from the Site included: untreated wastewater from washing, bleaching, and drying processes (Outfalls WT002 and WT003); stormwater runoff and wastewater from limestone cleaning operations including surface drainage from what is known as Mill A Creek (Outfall WT004); and stormwater runoff from other areas of the mill including hydraulic barker effluent (Outfall WT006); *see Exhibit A*, Figure 12. Mill A Creek is located on the eastern portion of the property (*see Exhibit A*, Figures 4 and 12). In addition to normal surface runoff, Mill A Creek reportedly received wastes from various washdown and cleanup operations and from spillages. It was reported in 1949 that approximately 25 million gallons of waste water per day were discharged through Outfalls WT002 and WT003 located between two of the mill's piers. One of these outfalls handled about 12 million gallons of diluted sulfite waste liquor¹ while the other discharged the wastes from the bleaching process. These outfalls were located on privately owned land.

H. On April 6, 1951, the Soundview Pulp Company (predecessor to Scott Paper Company and Kimberly-Clark [K-C]) and Weyerhaeuser placed in operation an underwater disposal line (i.e., deep water diffuser) capable of dispersing 22 million gallons daily of concentrated digester liquor and wash waters. The deep water outfall (i.e., Outfall SW001) extended about 3,000 feet offshore; the terminal one third was a multiple-port diffuser that discharged in depths from about 300 to 340 feet (*see Exhibit A*, Figure 12). Analysis of sediment sampling data collected in 2004 and 2008 indicates that there have been no recent

¹ Historic reports on the pollution of Everett Harbor including waste discharges for the Mill A facility indicate that the presence of sulphite waste liquor in water results in the reduction of dissolved oxygen and a lower pH, causing the water to be acid. These reports indicate that these conditions, either separately or together, may inhibit the growth and development of salmonoid fish and eggs, and are toxic to oyster and clam larvae.

exceedances of contaminants above SMS cleanup levels in the same general area of historic outfall diffuser SW001. Therefore, this deep water diffuser area is not included within the Site.

I. In 1973, it was reported that over 14,000,000 gallons per day of industrial wastes were discharged from Mill A to the waters of Port Gardner through three different outfalls (i.e., WT002, WT003, and WT004) as presented below.

- WT002 and WT003 – A total of about 14 million gallons per day were discharged through Outfalls WT002 and WT003. Wastes discharged at these locations include the salt water used for cooling, wastes from the bleach plant and acid plant, and from the hydraulic log barker.
- WT004 – Outfall WT004 handled surface drainage from what is known as Mill A Creek. Discharges from the creek ranged from 0.5 to 1 million gallons per day as reported in 1973. In 1975, a layer of pulp ½ to 1 inch thick was observed in the beach area around Outfall WT004.

J. In 1975, Outfalls WT002 and WT003 were reportedly sealed and abandoned. After 1975, Outfalls WT004 and WT006 were reportedly used only for stormwater discharge. Current outfalls are identified on **Exhibit A**, Figure 12.

K. During sediment investigations conducted in 1992 as part of the Port's Marine Terminal Improvement Program, a deposit of sawdust was found adjacent to the former Mill A facility (*see Exhibit A*, Figure 12.). The historical operations of sawmill and pulp facilities at the Site resulted in the deposition of sawdust, wood chips, and rafting debris over native sediments in the in-water area at the Site. This deposit is located in the vicinity of the former cargo dock adjacent to the west bulkhead of the former Mill A facility. Additional information on the sawdust deposit is located in **Attachment A** to this Order.

L. In accordance with a final Cleanup Action Decision issued by Ecology in September 1996 and two suitability determinations issued by Ecology, and the Corps of Engineers and the United States Environmental Protection Agency in 1994 and 1996, the Port remediated contaminated sediment in the berthing areas of Piers 1 and 3. These areas were listed on Ecology's Contaminated Sediment Site List published in 1996. The project included dredging contaminated sediment and creating a confined disposal facility in the historic log pond

area, now known as the Pacific Terminal. The Port performed the work in accordance with the final Cleanup Action Decision. In 2008, following 10 years of post construction monitoring at the confined disposal facility, Ecology issued a No Further Action Letter to the Port's environmental consultant for the project.

M. Environmental investigations at the Site have documented the presence of hazardous substances in various media including soil, groundwater, and marine sediments. Compounds identified in these investigations as exceeding published MTCA cleanup levels and/or Sediment Management Standards (SMS) for Puget Sound Marine sediments (WAC chapter 173-204) include (*see Attachment A* for more details):

- **Soil** – Carcinogenic polycyclic aromatic hydrocarbons (cPAHs), naphthalene, and total petroleum hydrocarbons in the gasoline range (TPH-Gasoline).
- **Groundwater** – Metals, cPAHs, TPH-Gasoline, bis(2-ethylhexyl)phthalate, and carbazole.
- **Sediment** – Metals, polychlorinated biphenyls (PCBs), PAHs, and other semi-volatile organic compounds (SVOCs). Exceedances of SMS biological standards have also been documented (WAC 173-204-520(3)).

N. The following is a listing of primary environmental characterization investigations that have been conducted at the Mill A area and in the general vicinity of the historical Mill A area:

1. Dames & Moore, 1987. *Sediment Sampling and Analysis Program, Hewitt Avenue and South Terminal Projects, Everett, Washington*. June 8, 1987.
2. PTI and Tetra Tech. 1988. *Everett Harbor Action Program: Analysis of Toxic Problem Areas*. Final Report. Prepared for U.S. Environmental Protection Agency Region X. TC-3338-26. September 1988.
3. Pentec, 1991. *Sampling and Analysis Plan for Partial Characterization of Sediments for South Terminal Expansion Port of Everett, Washington*. December 24, 1991.
4. Pentec, 1992. *Site Characterization Report. South Terminal Expansion Project*. October 22, 1992.
5. Pentec, 1993. *Sediment Management Study Plan for South Terminal Expansion Project, Port of Everett, Washington*. DMMO Ref. 91-2-00014. May 14, 1993.
6. Anchor, 2004. *Sampling and Analysis Report, Outfall 100 Baseline Sediment Sampling for NPDES Permit #WA-00062-01 and Associated Permits*. June, 2004.

7. Geomatrix, 2007. *Data Report Former Mill A MTCA Support Sample Collection Everett, Washington*. Project No. 13116.000. November 2007.
8. GeoEngineers 2010. *Stage 1 Upland Source and Groundwater Investigation Data Report*, Port of Everett South Terminal, Weyerhaeuser Mill A Former Site, 3500 Terminal Avenue, Everett, Washington. Prepared by GeoEngineers, March 24, 2010.

VI. ECOLOGY DETERMINATIONS

Ecology makes the following determinations, without any express or implied admissions of such determinations by the PLPs:

A. The Port and DNR are “owners or operators” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

B. Weyerhaeuser Company is a former “owner or operator” RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

C. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

D. Based upon credible evidence, Ecology issued a PLP status letter to the Port, Weyerhaeuser, and DNR dated June 21, 2011, pursuant to RCW 70.105D.040, RCW 70.105D.020(21), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that the Port, Weyerhaeuser, and DNR are PLPs under RCW 70.105D.040. Ecology notified the Port, Weyerhaeuser, and DNR of this determination by letters dated July 28, 2011.

E. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050(1), Ecology may require the PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

F. The previous Port-conducted investigations described in Section V, Subsection N, numbers 7 and 8 are remedial actions for the Site and Ecology incorporates such previous remedial actions into this Order. Reimbursement for specific project tasks under a grant agreement with Ecology is contingent upon the determination by Ecology's Toxic Cleanup Program that the work performed complies with the substantive requirements of Chapters 173-340 and 173-204 WAC and is consistent with the remedial action required under this Order.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs take the following remedial actions at the Site, as more fully described in the Scope of Work & Schedule attached to this Order as **Exhibit B**, and that these actions be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

A. The PLPs shall conduct the remedial actions fully described in **Exhibit B** to this Order. Generally, the PLPs shall perform the following:

- Develop a work plan for an RI/FS to fill any remaining data gaps identified based on a review of the previous site investigations. The RI/FS work plan shall address both upland and in-water areas of the Site. The results of past investigations should be described in the RI/FS work plan along with identifying data gaps that need filled.
- Perform an RI/FS study.
- Prepare an RI/FS report.
- Develop a draft cleanup action plan (CAP) for the Site.

B. The PLPs shall perform the remedial actions required by this Order according to the work schedule set forth in **Exhibit B**.

C. If at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required under the Scope of Work & Schedule (**Exhibit B**), Ecology may complete and issue the final deliverable.

VIII. TERMS AND CONDITIONS OF ORDER

A. Public Notices

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations that indicate to Ecology that the Order is inadequate or improper in any respect.

B. Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The PLPs shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

Pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

C. Implementation of Remedial Action

If Ecology determines that the PLPs have failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to the PLPs, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of

the remedial action because of the PLPs' failure to comply with their obligations under this Order, the PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that the PLPs are not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs in writing with such additional remedial actions.

D. Designated Project Coordinators

The project coordinator for Ecology is:

Andy Kallus
Toxics Cleanup Program
P.O. Box 47600, Olympia, WA 98504
Phone: 360-407-7259
E-Mail: akal461@ecy.wa.gov

The project coordinator for the Port and Weyerhaeuser is:

Erik Gerking
Port of Everett
P.O. Box 538
Everett, Washington 98206
Phone: 425-259-3164
E-Mail: erikg@portofeverett.com

The project coordinator for DNR is:

Erika Shaffer
Department of Natural Resources
Aquatic Resources Division
1111 Washington St SE
Olympia, Washington 98504-7000
Phone: 360-902-1086
E-Mail: Erika.Shaffer@dnr.wa.gov

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, and all

documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working-level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Ecology and the PLPs may change their respective project coordinators. Written notification shall be given to other party at least ten (10) days prior to the change.

E. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted that contain geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

The PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s), and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

F. Access

Ecology or any Ecology-authorized representative shall have the full authority to enter and freely move about all property at the Site that the PLPs either own or control, and have access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLPs unless an emergency prevents such notice. All persons who access the Site pursuant to this paragraph shall comply with the approved Health and Safety Plan(s), if any. Ecology employees and their representative shall not be required to sign any liability release or waiver as a condition of Site property access.

G. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results they generate or that are generated on their behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal. Attached as **Exhibit C** is Ecology Policy 840, Data submittal Requirements.

If requested by Ecology, the PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any

sample collection or work activity at the Site. However, Ecology may waive this notification requirement and accept samples when they were collected during construction projects or other circumstances where sampling was prudent or necessary but unplanned. Ecology, shall upon request, allow the PLPs and/or their authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.F (Access) of this Order, Ecology shall notify the PLPs at least seven (7) days prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses and/or toxicity tests shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved in writing by Ecology.

H. Public Participation

A Public Participation Plan (*see* WAC 173-340-600) that is required for this Site, has been developed and is included as **Exhibit D**. Ecology shall maintain the responsibility for public participation at the Site. However, the PLPs shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, draft cleanup action plan, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior

Ecology approval, the PLPs shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, and subject to the availability of the PLPs or their representatives, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Everett Public Library
2702 Hoyt Ave
Everett, WA 98201
- b. Department of Ecology
Toxics Cleanup Program
Headquarters Office
300 Desmond Drive SE
Olympia, Washington 98504-7600

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

I. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

J. Resolution of Disputes

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator or an itemized billing statement under Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, the PLPs have fourteen (14) days within which to notify Ecology's project coordinator of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. The PLPs may then request regional management review of the decision. This request shall be submitted in writing to the Headquarters Land and Aquatic Lands Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of the PLPs' request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to utilize the dispute resolution process only in good faith and agree to expedite to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

K. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

- a. The deadline that is sought to be extended;
- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause includes, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, earthquake, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the PLPs written notification of any extensions granted pursuant to the Order.

A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.L (Amendment of Order) when a schedule extension is granted.

4. An extension shall be granted only for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology (including delays caused by Ecology); or
- c. Endangerment as described in Section VIII.M (Endangerment).

5. Ecology may extend the period for reviewing and commenting on a document (as specified in Exhibit B) by providing oral or written notification to the PLPs, prior to expiration of the comment period. Ecology will provide an estimate of the time required for completion of its review.

L. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within fourteen (14) days of verbal agreement.

Except as provided in Section VIII.N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may be formally amended only by the written consent of both Ecology and the PLPs. The PLPs shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to the Order represents a substantial change, Ecology will provide additional public notice and opportunity to comment. Reasons for the disapproval

of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.J (Resolution of Disputes) of this Order.

M. Endangerment

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

N. Reservation of Rights

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology's rights or

authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

O. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the PLPs' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLPs shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the PLPs shall notify Ecology of said transfer. Upon transfer of any interest, the PLPs shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

P. Compliance with Applicable Laws

1. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal,

state, or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), the PLPs are exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW

70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits and any affected schedule shall be extended by an appropriate time as determined under Section VIII.K (extension of schedule).

Q. Land use Restrictions

In the event that a restrictive covenant or other land use restriction will be required under WAC 173-340-440(4), the PLPs shall record a Restrictive Covenant with the office of the Snohomish County Auditor within ten (10) days of the completion of the remedial action. The Restrictive Covenant shall restrict future uses of the Site. The PLPs shall provide Ecology with a copy of the recorded Restrictive Covenant within thirty (30) days of the recording date.

R. Indemnification

The PLPs, including DNR to the extent permitted by law, agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of the PLPs, their officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent or willful acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

1. The Attorney General may bring an action to enforce this Order in a state or federal court.
2. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for remedial actions and orders related to the Site.
3. In the event the PLPs refuse without sufficient cause, to comply with any term of this Order, the PLPs will be liable in an action brought by the Attorney General for:
 - a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and
 - b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.
4. This Order is not appealable to the Washington Pollution Control Hearings Board.

This Order may be reviewed only as provided under RCW 70.105D.060.

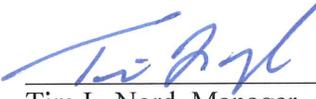
Effective date of this Order: August 9, 2012

THE PORT OF EVERETT



Les Reardanz
Chief Administrative Officer
The Port of Everett
P.O. Box 538
Everett, Washington 98206
(425) 259-3164

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

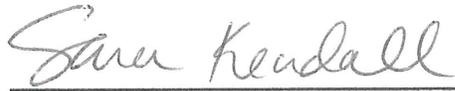


Tim L. Nord, Manager
Land and Aquatic Lands Cleanup Section
Toxics Cleanup Program
Headquarters Office
300 Desmond Drive Southeast
Lacey, Washington 98503
(360) 407-7226

//

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WEYERHAEUSER COMPANY



Sara Kendall
Vice President - Corporate Affairs and
Sustainability
P.O. Box 9777
Federal Way, WA 98477-9777

STATE OF WASHINGTON
DEPARTMENT OF NATURAL
RESOURCES

Bridget Moran
Deputy Supervisor for Aquatics and
Environmental Protection
1111 Washington St SE
Olympia, WA 98504-7001

WEYERHAEUSER COMPANY

Sara Kendall
Vice President - Corporate Affairs and
Sustainability
P.O. Box 9777
Federal Way, WA 98477-9777

**STATE OF WASHINGTON
DEPARTMENT OF NATURAL
RESOURCES**

J.S. Young
~~Bridget Moran~~ *Leonard Young*
~~Deputy Supervisor for Aquatics and~~
~~Environmental Protection~~
1111 Washington St SE
Olympia, WA 98504-7001

Constance A. ...

EXHIBIT A

**SITE LOCATION AND PROPERTY LOCATION
INFORMATION**

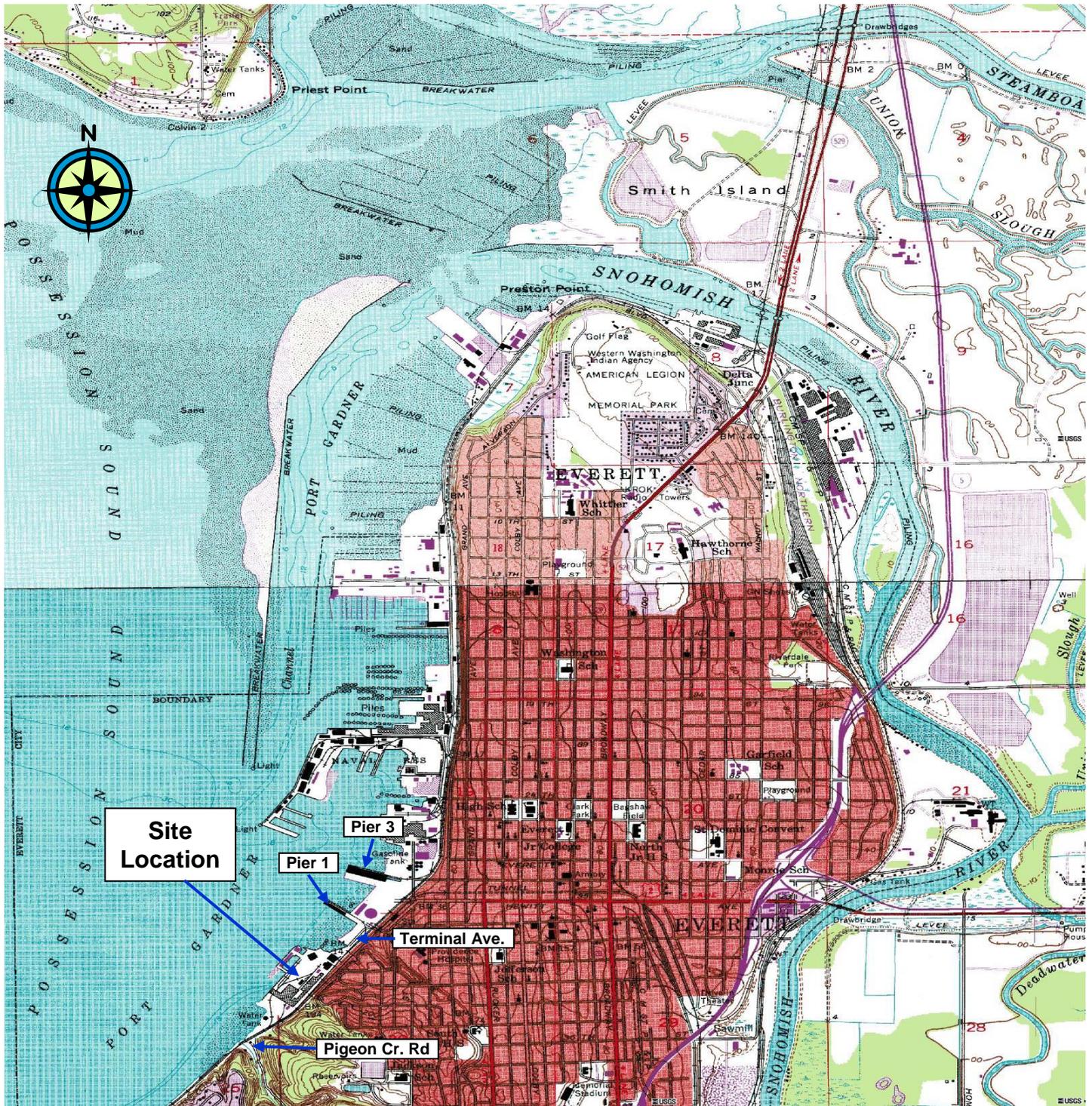
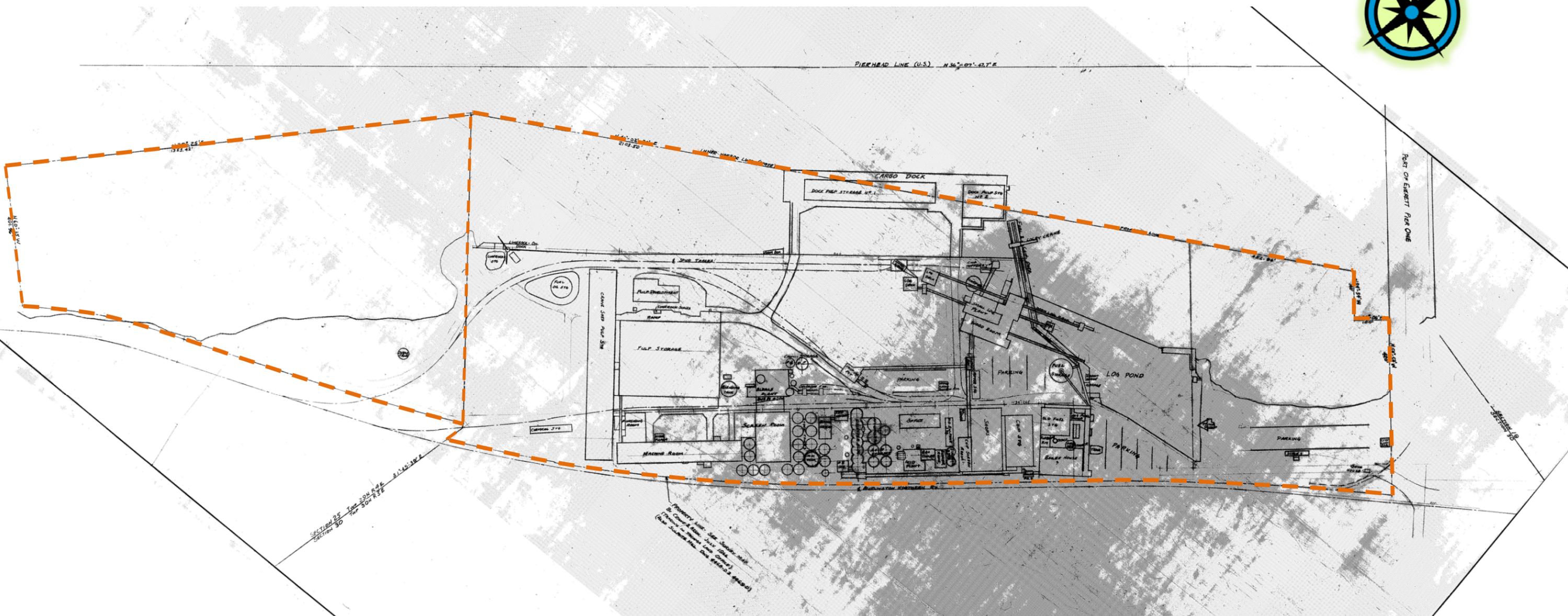


Exhibit A – Figure 1 Site Location Map

Source: USGS 7.5 Minute Quadrangle Maps (Everett and Marysville Quadrangle Maps; Photo Revised – 1968 and 1973)





----- Former Weyerhaeuser Mill A Property Boundary

NOT COMPLETED

Exhibit A – Figure 2
Weyerhaeuser Mill A Former
1972 Weyerhaeuser Site Drawing

TABLE OF REVISIONS			DATE	DESCRIPTION	BY
DATE	DESCRIPTION	BY			



Weyerhaeuser Company
Pulp Division
Everett Sulphite Mill

MILL SITE
EVERETT SULPHITE MILL
UNDERGROUND WATER LINES

DRAWN BY: DJH
APPROVED: _____
DATE: NOV. 22, 1972
SCALE: 1" = 100'

DRAWING NO.
5041 D

PORT GARDNER BAY



OUTER HARBOR LINE

FOOTPRINT OF CURRENT PIER

WEST BULKHEAD

PIER NO. 1

Photo Courtesy of Walker and Associates



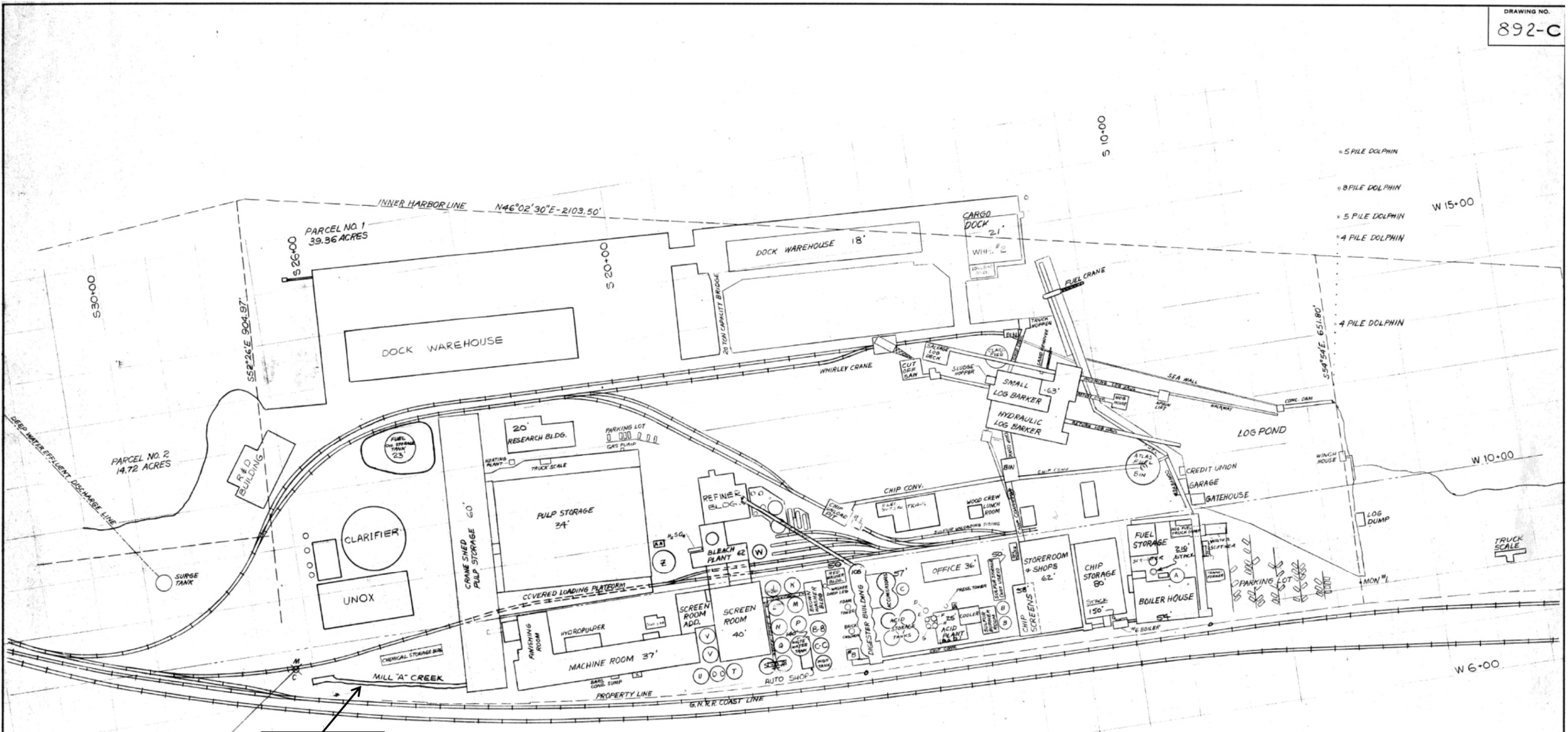
— 2007 Approximate Shoreline
Geomatrix 2007. *Data Report. Former Mill A MTCA Support Sample Collection.* Everett, Washington. November 2007.

1947 SOUTH TERMINAL VICINITY
Former Mill A MTCA Support Sample Collection
Everett, Washington

By: GSM Date: 11-1-07 Project No. 13116.000



Exhibit A – Figure 3
Weyerhaeuser Mill A Former
1947 Aerial Photograph
(Geomatrix, 2007)



Mill A Creek

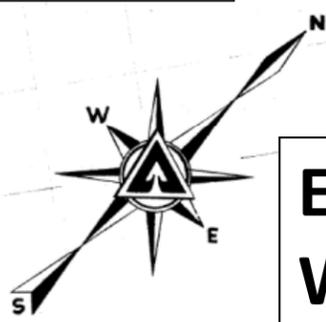


Exhibit A – Figure 4 Weyerhaeuser Mill A Former 1965 Plot Plan

(Source: Port of Everett – File POE_Mill_A-061726.pdf)

	ELEV.		ELEV.	NOTE	
A FIRE PROTECTION WATER TANK	100'	N SCREEN BLENDING TANK	32'	ELEVATIONS ABOVE GROUND LEVEL NOTED FOR PROMINENT STRUCTURES. GROUND LEVEL APPROX. 18 1/2' ABOVE LOWER LOW WATER LEVEL.	
B SULFUR STORAGE TANKS	20'	P HIGH FIBER TANK NO 2	32'		
C RED LIQUOR TANK		Q SCREEN ACCEPTS NO 2	32'		
D NUISANCE TOWER	84'	R BROKE HOLDING TANK	52'		
E ROCK RECOVERY TOWER	117'	S LONG FIBER STORAGE	52'		
F JENSSEN TOWER	117'	T PRIMARY SCREEN REJECTS	32'		
G TILE RECOVERY TOWER	117'	U BROKE STORAGE	24'		
H JENSSEN TOWER	117'	V MACHINE CHESTS	32'		
J DISC FILTER FILTRATE	32'	W DISC FILTER STOCK TANK	94'		
K EFFLUENT COLLECTION LOW FIBER TANK	32'	X TRANSFORMER			
L SCREEN ACCEPTS NO. 1	32'	Z BLENDING TANK			
M HIGH FIBER TANK NO. 1	32'				
					D-D LONG FIBER HOLDING TANK
					C-C REFINED STOCK TANK NO 2
				B-B REFINED STOCK TANK NO. 1	
				A-A MOTOR CONTROL-SUB STA.	

NOT USED
ACID PLANT (NOT USED)

DATE	DESCRIPTION	BY
1-5-65	REDRAWN TO BRING UP TO DATE	L.A.K.
1-24-66	ADDED MOTOR STOR., FINISH RM. ADIT., WASH B.	S.P.C.
2-2-66	ADDED #8 DIG. & WATER SOFTENER	C.A.B.
11-5-67	ADDED ADDN. TANKS & PIPES	S.A.C.
11-5-67	SKETCHED WEST END CANALS THRU	S.A.C.

DATE	DESCRIPTION	BY
1/10/77	BROUGHT TO DATE	PCK

Weyerhaeuser Company
Pulp and Paperboard Division
Everett Sulphite Mill

**EVERETT SULPHITE MILL
PLOT PLAN**

DRAWN BY: KNUITSEN
APPROVED: [Signature]
DATE: 1-5-65
SCALE: 1" = 100'

DRAWING NO. 892-C

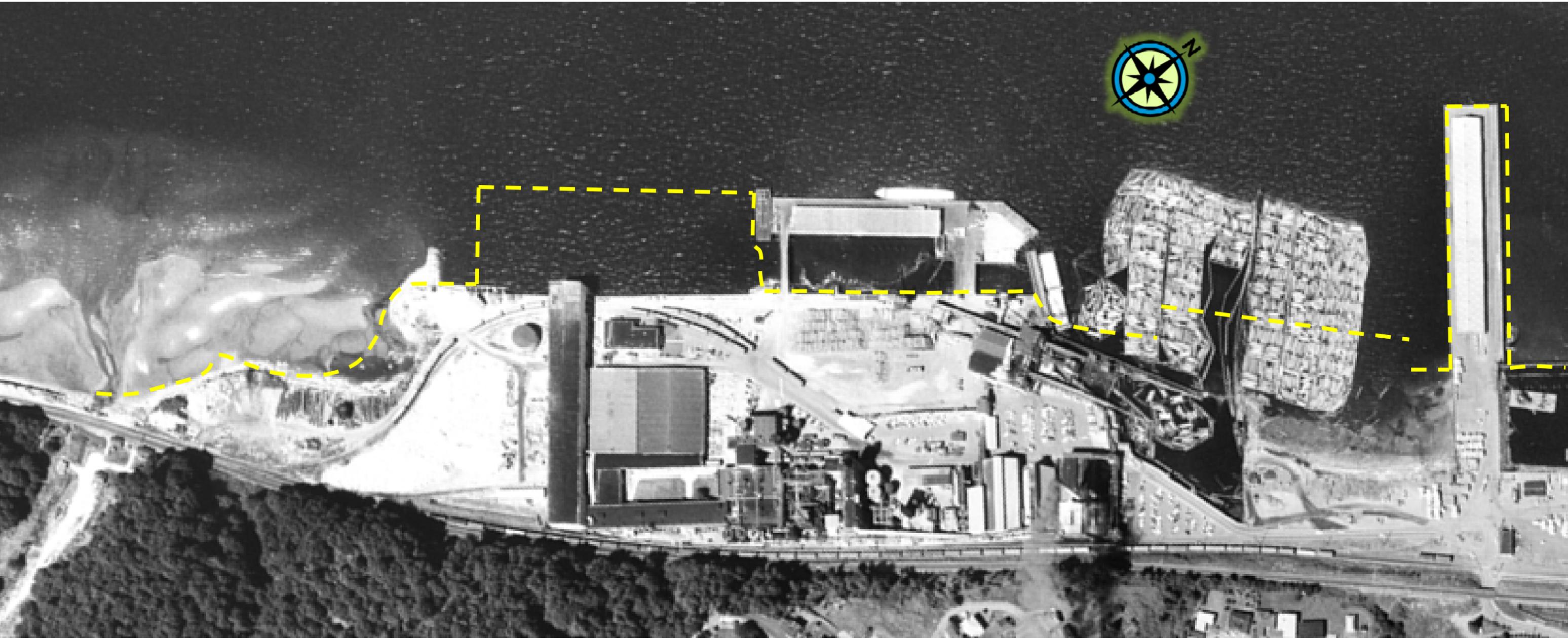


Exhibit A – Figure 5
Weyerhaeuser Mill A Former
1966 Aerial Photograph



2009 Approximate Shoreline

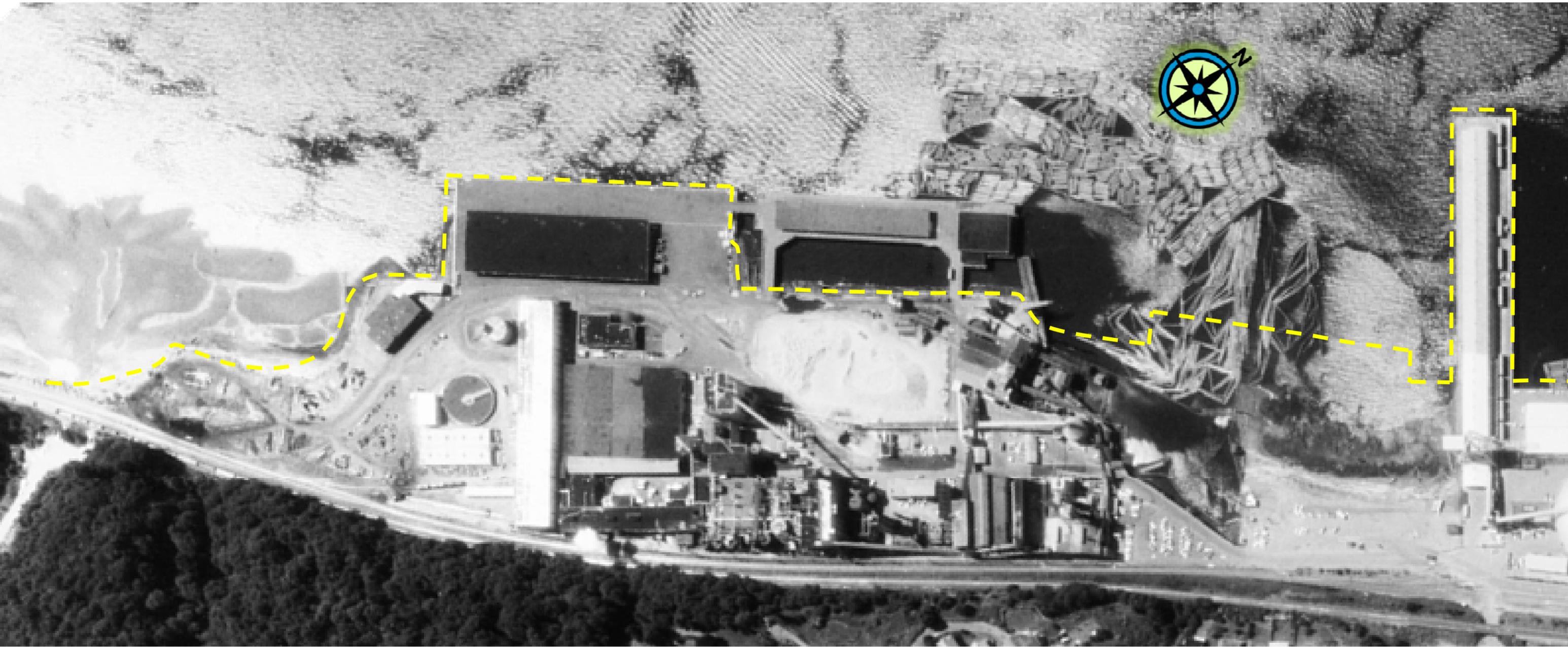


Exhibit A – Figure 6
Weyerhaeuser Mill A Former
1979 Aerial Photograph

 2009 Approximate Shoreline



Exhibit A – Figure 7
Weyerhaeuser Mill A Former
1985 Aerial Photograph

 2009 Approximate Shoreline



Exhibit A – Figure 8
Weyerhaeuser Mill A Former
1992 Aerial Photograph

 2009 Approximate Shoreline



Exhibit A – Figure 9
Weyerhaeuser Mill A Former
2009 Aerial Photograph

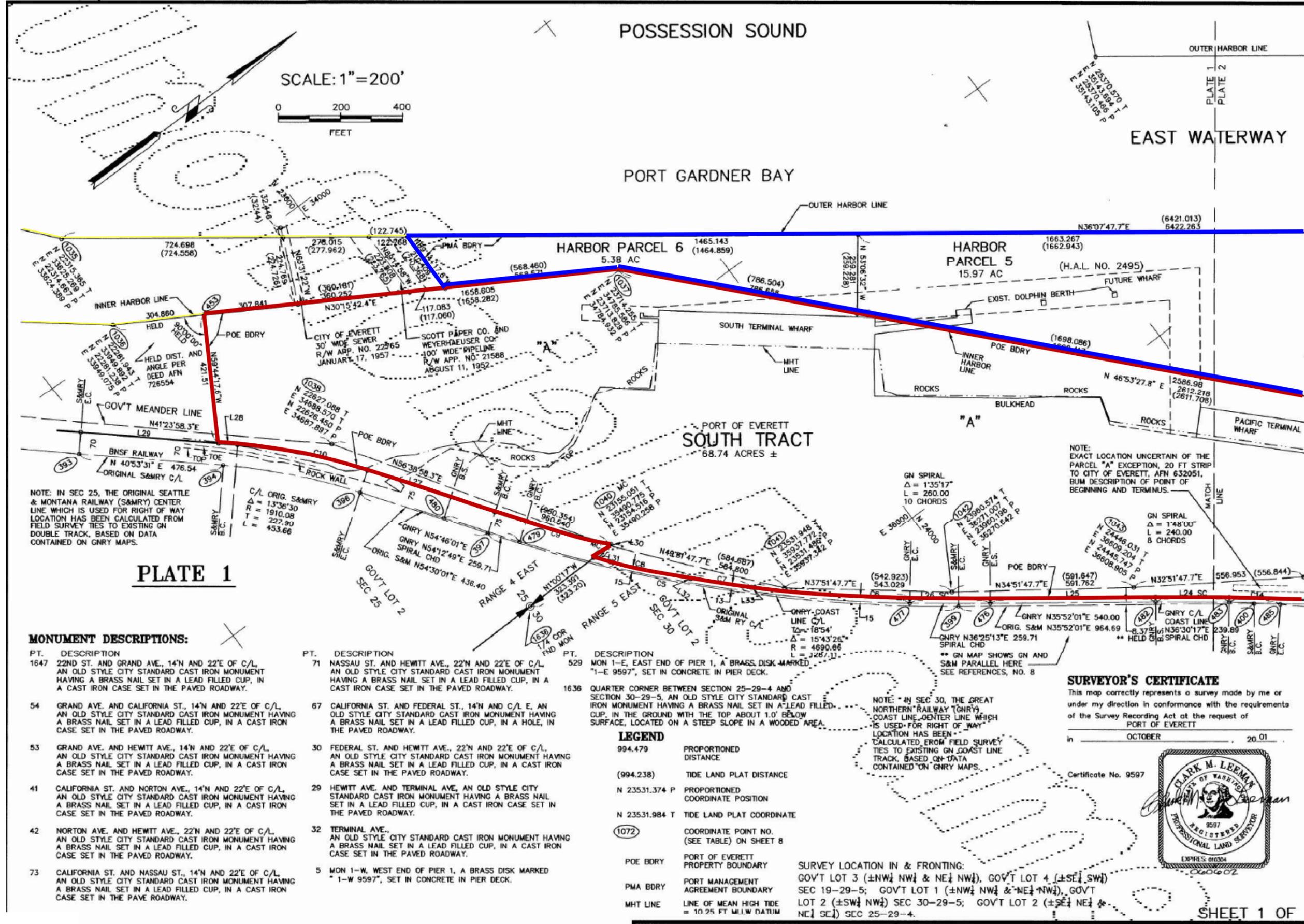
BDRY = Boundary

PMA = Port Management Agreement with DNR

POE = Port of Everett

— — — — — Former Weyerhaeuser Mill A Property Boundary

Source: 11/22/72 Weyerhaeuser Company Mill Site Drawing (Drawing No. 5041 D)



Blue line PMA Boundary (State-Owned Aquatic Lands)
Red line Port of Everett Boundary

PMA = Port Management Area

Source: Port Management Agreement 20-080027. September 1, 2002.

MONUMENT DESCRIPTIONS:

PT.	DESCRIPTION	PT.	DESCRIPTION
1647	22ND ST. AND GRAND AVE., 14'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	71	NASSAU ST. AND HEWITT AVE., 22'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.
54	GRAND AVE. AND CALIFORNIA ST., 14'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	67	CALIFORNIA ST. AND FEDERAL ST., 14'N AND C/L E, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A HOLE, IN THE PAVED ROADWAY.
53	GRAND AVE. AND HEWITT AVE., 14'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	30	FEDERAL ST. AND HEWITT AVE., 22'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.
41	CALIFORNIA ST. AND NORTON AVE., 14'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	29	HEWITT AVE. AND TERMINAL AVE., AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.
42	NORTON AVE. AND HEWITT AVE., 22'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	32	TERMINAL AVE., AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.
73	CALIFORNIA ST. AND NASSAU ST., 14'N AND 22'E OF C/L, AN OLD STYLE CITY STANDARD CAST IRON MONUMENT HAVING A BRASS NAIL SET IN A LEAD FILLED CUP, IN A CAST IRON CASE SET IN THE PAVED ROADWAY.	5	MON 1-W, WEST END OF PIER 1, A BRASS DISK MARKED "1-W 9597", SET IN CONCRETE IN PIER DECK.

LEGEND

994.479	PROPORTIONED DISTANCE
(994.238)	TIDE LAND PLAT DISTANCE
N 23531.374 P	PROPORTIONED COORDINATE POSITION
N 23531.984 T	TIDE LAND PLAT COORDINATE
(1072)	COORDINATE POINT NO. (SEE TABLE) ON SHEET 8
POE BDRY	PORT OF EVERETT PROPERTY BOUNDARY
PMA BDRY	PORT MANAGEMENT AGREEMENT BOUNDARY
MHT LINE	LINE OF MEAN HIGH TIDE = 10.25 FT MLLW DATUM

SURVEY LOCATION IN & FRONTING:
 GOV'T LOT 3 (±NW¼ NW¼ & NE¼ NW¼), GOV'T LOT 4 (±SE¼ SW¼) SEC 19-29-5; GOV'T LOT 1 (±NW¼ NW¼ & NE¼ NW¼), GOV'T LOT 2 (±SW¼ NW¼) SEC 30-29-5; GOV'T LOT 2 (±SE¼ NE¼ & NE¼ SE¼) SEC 25-29-4.

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of PORT OF EVERETT in OCTOBER, 2001.



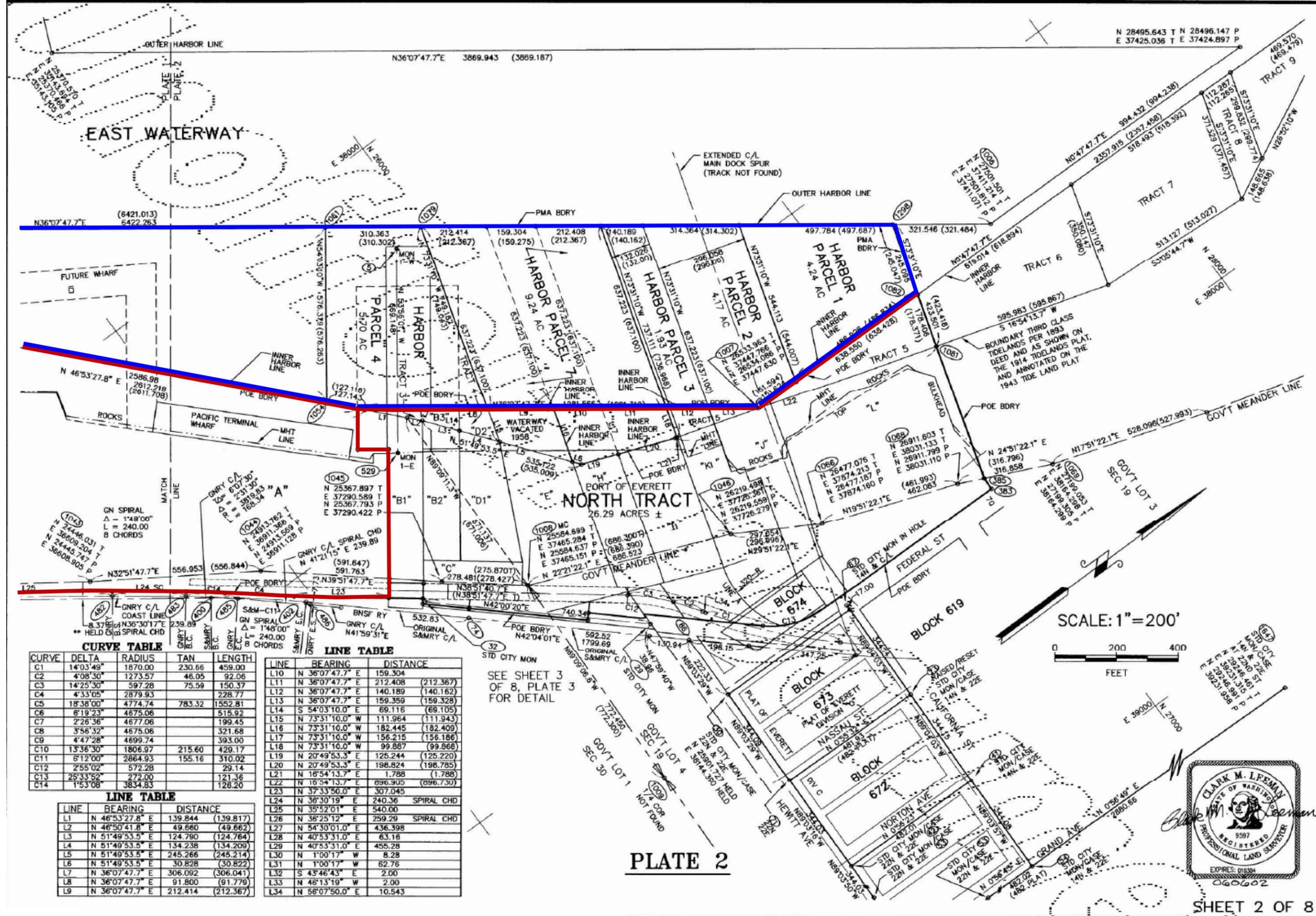
Exhibit A – Figure 10
 Weyerhaeuser Mill A Former
 Port Management Agreement Survey
 (Map 1 of 2)

CLARK M. LEEMAN LAND SURVEYING
 3216 Wetmore Ave, Everett, WA 98201 (425) 259-6072

AUD. FILE NO. 200209195004
RECORDING CERTIFICATE
 Filed for record this 19 day of September 2002, at 2:54 P.M. in Volume _____ of Surveys at page _____ at the request of
 Bob Tenwilliger Auditor
 Snohomish County Auditor

PORT OF EVERETT SURVEY
 FOR PORT MANAGEMENT AGREEMENT NO. 20-80027
 IN & FRONTING SEC 19 AND 30, T29N, R5E WM & SEC 25, T29N, R4E WM
 EVERETT, WASHINGTON

DRAWN: VEE OCTOBER 2001 ACAD: 823P003R JOB NO.: 199823



— PMA Boundary (State-Owned Aquatic Lands)
— Port of Everett Boundary (owned by Port of Everett)

PMA = Port Management Area

Source: Port Management Agreement 20-080027. September 1, 2002.

CURVE	DELTA	RADIUS	TAN	LENGTH
C1	14°03'49"	1870.00	230.66	459.00
C2	4°08'30"	1273.57	46.05	92.06
C3	14°25'30"	597.28	75.59	150.37
C4	4°33'05"	2879.93	228.77	228.77
C5	18°38'00"	4774.74	783.32	1552.81
C6	6°19'23"	4675.06	515.92	515.92
C7	2°26'36"	4677.06	199.45	199.45
C8	3°56'32"	4675.06	321.68	321.68
C9	4°47'28"	4699.74	393.00	393.00
C10	13°36'30"	1806.97	215.60	429.17
C11	6°12'00"	2864.93	155.16	310.02
C12	2°55'02"	572.28	29.14	29.14
C13	25°33'52"	272.00	121.36	121.36
C14	1°53'08"	3834.83	126.20	126.20

LINE	BEARING	DISTANCE
L10	N 36°07'47.7" E	159.304
L11	N 36°07'47.7" E	212.408 (212.367)
L12	N 36°07'47.7" E	140.189 (140.162)
L13	N 36°07'47.7" E	159.359 (159.328)
L14	S 54°03'10.0" E	69.116 (69.105)
L15	N 73°31'10.0" W	111.964 (111.943)
L16	N 73°31'10.0" W	182.445 (182.409)
L17	N 73°31'10.0" W	156.215 (156.186)
L18	N 73°31'10.0" W	99.887 (99.868)
L19	N 20°49'53.3" E	125.244 (125.220)
L20	N 20°49'53.3" E	198.824 (198.785)
L21	N 16°54'13.7" E	1.788 (1.788)
L22	N 16°54'13.7" E	696.905 (696.730)
L23	N 37°33'50.0" E	307.045
L24	N 36°30'19" E	240.36 SPIRAL CHD
L25	N 35°52'01" E	540.00
L26	N 36°25'12" E	259.29 SPIRAL CHD
L27	N 54°30'01.0" E	436.398
L28	N 40°53'31.0" E	63.16
L29	N 40°53'31.0" E	455.28
L30	N 1°00'17" W	8.28
L31	N 1°00'17" W	62.76
L32	S 43°46'43" E	2.00
L33	N 46°13'19" W	2.00
L34	N 56°07'50.0" E	10.543

LINE	BEARING	DISTANCE
L1	N 46°53'27.8" E	139.844 (139.817)
L2	N 46°50'41.8" E	49.660 (49.662)
L3	N 51°49'53.5" E	124.790 (124.764)
L4	N 51°49'53.5" E	134.238 (134.209)
L5	N 51°49'53.5" E	245.266 (245.214)
L6	N 51°49'53.5" E	30.828 (30.822)
L7	N 36°07'47.7" E	306.092 (306.041)
L8	N 36°07'47.7" E	91.800 (91.779)
L9	N 36°07'47.7" E	212.414 (212.367)

Exhibit A – Figure 11
 Weyerhaeuser Mill A Former
 Port Management Agreement Survey
 (Map 2 of 2)

CLARK M. LEEMAN LAND SURVEYING
 3216 Wetmore Ave, Everett, WA 98201 (425) 259-6072

AUD. FILE NO. 200209195004
RECORDING CERTIFICATE
 Filed for record this _____ day of _____
 20____ at _____ M. in Volume _____
 of Surveys at page _____ at the request of _____

PORT OF EVERETT SURVEY
 FOR PORT MANAGEMENT AGREEMENT NO. 20-80027
 IN & FRONTING SEC 19 AND 30, T29N, R5E WM
 & SEC 25, T29N, R4E WM
 EVERETT, WASHINGTON



Exhibit A – Figure 12¹ Weyerhaeuser Mill A Former Historical and Current Outfalls

-  Current Deep Water Outfall 100
Source: Anchor, 2004. *Sampling and Analysis Report, Outfall 100 Baseline Sediment Sampling For NPDES Permit #WA00062-01 and Associated Permits.* June 2004.
-  Historic Deep Water Outfall SW001
Sources: 11/22/72 Weyerhaeuser Company Mill Site Drawing (Drawing No. 5041 D). CH2MHILL, 1998. *Technical Memorandum. Kimberly Clark Everett Outfall Replacement Project: Analysis of Sediment Chemistry Database of Stations Located in Port Gardner.* April 28, 1998.
-  Layout of historic sewer system and outfalls.
Source: USDI, 1967. *Pollutional Effects of Pulp and Paper Mill Wastes in Puget Sound. A Report on Studies Conducted by the Washington State Enforcement Project.* March 1967.
-  Historical Industrial Outfall
-  Current CSO
-  Former Combined Sewer Outfall (CSO)
-  Current Stormwater Outfall
-  Former Stormwater Outfall

-  Major Structures (1947)
-  Sawdust Deposit – Estimated Boundary. Geomatrix, 2007²
- BDRY = Boundary
- PMA = Port Management Agreement
Source: PMA No. 20-080027 between DNR, POE, and WA State
- POE = Port of Everett
-  Former Weyerhaeuser Mill A Property Boundary
Source: 11/22/72 Weyerhaeuser Company Mill Site Drawing (Drawing No. 5041 D)

¹The base map was obtained from Ecology's EIM Database.

²Geomatrix 2007. *Data Report. Former Mill A MTCA Support Sample Collection.* Everett, Washington. November 2007.

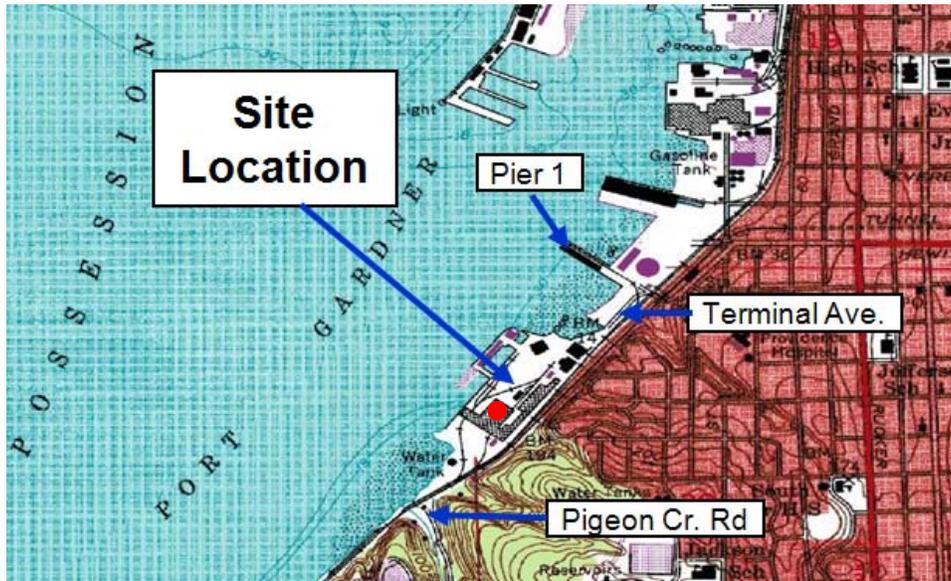
WEYERHAEUSER MILL A FORMER SITE

SITE/PROPERTY LOCATION INFORMATION

The Weyerhaeuser Mill A Former Site is generally located at the Port of Everett's marine terminal area between Pier 1 and Pigeon Creek Road off Terminal Avenue, Everett, Washington. Site coordinates, a legal description, and county assessor's parcel numbers are provided below. Additional property information from the Snohomish County Tax Assessor's Office is attached.

Coordinates: Latitude: 47°58'24.62" North; Longitude: -122°13'37.78" West.

Latitude/Longitude Reference Point: Approximate center of the former Weyerhaeuser Mill A Pulp Storage Building (see red circle on the figure below for approximate location).



Legal Description: The Site encompasses portions of the following:

- NW Quarter of Section 30, Township 29 North, Range 5 East.
- NE Quarter of Section 25, Township 29 North, Range 4 East.

County Assessor's Parcel Numbers (Port of Everett Property): Tax account numbers corresponding to the Weyerhaeuser Mill A Former Site include 29042500400200, 29053000201800, 29053000203400, 29053000201700, 29053000201200, and 290530002022000.



QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
NE	25	29	04

QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
NW	30	29	5

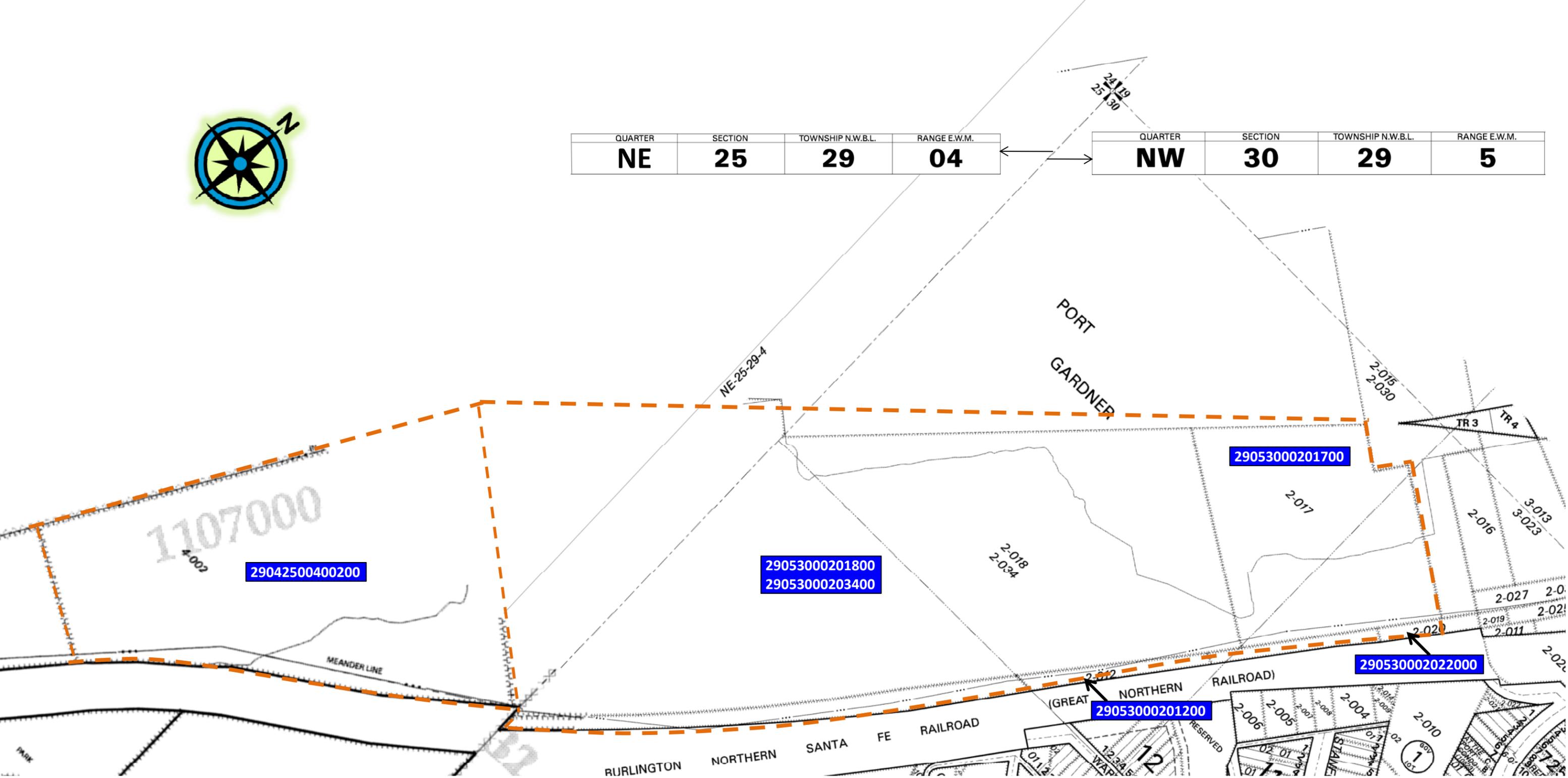


Exhibit A – Figure 13
Weyerhaeuser Mill A Former
Snohomish County Assessor’s
Office Tax Parcel Map
 (Printed April 2010)

--- Former Weyerhaeuser Mill A Property Boundary
 Source: 11/22/72 Weyerhaeuser Company Mill Site Drawing (Drawing No. 5041 D)

29053000201700 Parcel Number

EXHIBIT B

SCOPE OF WORK & SCHEDULE

EXHIBIT B

SCOPE OF WORK & SCHEDULE

Pursuant to the Agreed Order to which this Scope of Work & Schedule is attached, the Port of Everett (Port), Weyerhaeuser Company (Weyerhaeuser), and the State of Washington Department of Natural Resources (DNR) (collectively the PLPs) shall take the following remedial actions at the Weyerhaeuser Mill A Former (Site) and these actions shall be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein.

A. Remedial Actions to be Performed

The PLPs shall conduct the remedial actions generally described below.

- Remedial Investigation/Feasibility Study (RI/FS) Work Plan – Prepare a work plan for RI/FS Study in accordance with the specifications described in Section A.1 of this Exhibit. The PLPs shall submit the RI/FS Work Plan to the State of Washington Department of Ecology (Ecology) for review and approval.
- RI/FS Study – The PLPs shall conduct field data collection (as part of the RI) as described in the approved RI/FS Work Plan. The results of the field data collection will be presented to Ecology in a Data Report Technical Memorandum so that a determination can be made with regard to whether additional investigation is required to define the full nature and extent of contamination. On agreement that no substantial data gaps exist, the PLPs shall conduct a FS based on the results of the field RI.
- RI/FS Report – The PLPs shall prepare an RI/FS report. The PLPs shall submit the draft RI/FS Report to Ecology for review and approval. Ecology currently envisions this as a single document that combines the RI and FS for both the uplands and sediments; however, the documents may be separated if needed, to maintain timely progress on the site.
- Draft Cleanup Action Plan (CAP) – Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft CAP. The PLPs shall submit the draft CAP to Ecology for review and approval.

Additional details regarding the remedial actions to be performed by the PLPs are provided below.

1. Preparation of an RI/FS Work Plan

The PLPs shall develop an RI/FS Work Plan (including draft, draft final, and final versions) that includes a scope of work to delineate and quantify (i.e., identify the levels of contamination) the potential contaminants in all media (i.e., soil, groundwater, surface water, and adjacent marine sediments), other deleterious substances in the aquatic environment, and any toxic effects to aquatic receptors. The work plan shall also address the proper handling of all wastes generated from the Site during the RI/FS (e.g., soil cuttings, groundwater development and purge water, excess sediment sample material, free-product, etc.). Note that all draft documents for Ecology review may be submitted in redline strike-out format (preferably in Microsoft® WORD format) to facilitate the review. The RI/FS Work Plan shall be conducted meeting the requirements of WAC 173-340-350 for upland areas and WAC 173-240-560 for in-water areas, and should include the elements listed below.

a. Investigation of Site Background and Setting

This section will include detailed descriptions of the following:

- (i) The property and site operational/industrial history (including current and previous ownership).
- (ii) Historical sources and releases of contamination to upland and in-water areas (include a review of historical photos, Sanborn Maps, and available information on Site fill).
- (iii) Current site conditions (including descriptions of surface features, geology, soil and the vadose zone, surface water hydrology, hydrogeology, and meteorology).
- (iv) Current and future land and water use, including both human and ecological uses and services.
- (v) The terrestrial/aquatic ecological setting including a description of onsite and surrounding habitat types and conditions, ecological receptors and natural resources, and potentially threatened/endangered species.

b. Previous Investigations

A summary of environmental investigations performed to date, including media sampled and types of analyses performed, both upland and in-water, shall be included in the RI/FS Work Plan. In addition, data gaps that need to be filled to fully define the nature and extent of contamination/toxicity associated with all media of concern at the Site should be identified.

c. Development of Preliminary Conceptual Site Model (CSM)

The CSM should describe general release mechanisms from the potential primary sources of hazardous substances to secondary and tertiary sources, the exposure media and routes, and potential receptors both human and ecological, upland and offshore. The CSM should reflect historical and current conditions as well as potential future development in assessing exposure pathways. In accordance with WAC 173-340-720(2), rationale should be included to substantiate that groundwater at the Site cannot be used, or has an extremely low probability to be used, for potable purposes (i.e., as viable drinking water aquifer).

d. Establishment of Screening Levels

Identify appropriate screening levels¹ consistent with the exposure pathways and receptors (both human and ecological) identified in the CSM. Note that the screening levels must consider all applicable pathways including direct contact (including inhalation); media transfer pathways (e.g., leaching to groundwater, groundwater migration to surface water, and sediment, etc.); and exposure by terrestrial and/or aquatic ecological and human receptors. Sediment screening levels shall include both the chemical and biological standards of Chapter 173-204 WAC, and should take into account the presence of dioxins/furans, polychlorinated biphenyls (PCBs), and other potential bioaccumulative contaminants of concern. In addition, the presence of wood waste deposits should

¹ Levels established under MTCA (*see* WAC 173-340-700 through 173-340-760), Sediment Management Standards (*see* WAC 173-204-420 - SMS for Puget Sound Marine sediments), and applicable state and federal laws.

be addressed as a deleterious substance/solid waste. Further, bioaccumulative pathways to higher trophic levels and human receptors must be considered, along with potential toxicity due to deleterious substances without chemical cleanup standards under SMS.

e. Evaluation of Existing Data and Identification of Preliminary Indicator Hazardous Substances

The existing analytical data should be plotted as accurately as possible on a base map using geo-referencing techniques to depict identified sources and areas where suspected releases have occurred. Review the sample locations with respect to identified sources and areas where suspected releases (e.g., outfalls, spills, dumping, leaks, etc.) have occurred. All of the existing analytical data collected at the Site should be evaluated in terms of data usability (analytical methods used to evaluate the effectiveness of a cleanup action shall comply with the requirements in WAC 173-340-830) and be screened against the screening levels identified based on the conceptual site model (CSM) for the Site (*see* Sections A.1.c and A.1.d above). Both non-detect and detected data should be included in the screening. Identify sampling points containing exceedances on a map, and also discuss the adequateness of the reporting limits (i.e., Method Detection and Practical Quantitation Limits) in terms of achieving the screening levels for the Site. Constituents exceeding the screening levels should be identified as preliminary indicator hazardous substances for the Site. Additionally, preliminary indicator hazardous substances will be identified based on historical site use where no existing and or valid data is available.

f. RI Study Approach

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the RI for the Site. Based on the background information gathered and the evaluation of existing data, discuss by medium (e.g., soil, sediment, surface water, etc.) the data required to complete an RI for the Site. The RI approach shall be consistent with WAC 173-340-350 and WAC 173-204-

560. Identify data gaps and the overall approach for conducting the RI. The SAPs (*see* Section A.1.h below) will provide the details on numbers and locations of samples for each medium and associated analytical or toxicity testing requirements. Data gaps will be formulated to facilitate integration of cleanup and natural resource damage activities.

The RI field investigation will be designed to identify the full nature and extent of contaminants and toxic and bioaccumulative effects in upland and in-water areas. To the extent possible, the RI shall also provide data needed to identify and quantify natural resource injuries at the Site, for the purposes of developing restoration alternatives in conjunction with the FS.

The PLPs shall provide Ecology with the results of the field investigation in the form of a Data Report Technical Memorandum so that a determination can be made with regard to whether additional investigation is required to define the full nature and extent of contamination. The information provided to Ecology should describe the analytical results of the field activities including the identification of indicator hazardous substances, the affected media, preliminary cleanup levels, the extent of contamination (plotted on maps), and any data gaps that need to be filled to define the nature and extent of contamination and toxic/bioaccumulative effects. Note that the preliminary cleanup levels may be different than the screening levels used in the RI/FS Work Plan based on a better understanding of the CSM (e.g., contaminants in soil may not be impacting Site groundwater) for the Site. Additional field investigation (if necessary, based on initial results) will be conducted to further define the nature and extent of contamination and toxic/bioaccumulative effects based on findings during the initial investigation.

g. FS Approach

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the FS for the Site. The FS approach shall be consistent with WAC 173-340-350 and WAC 173-204-560 and should consist of the following sections:

- (i) **Establishment of Cleanup Levels, Points of Compliance, and Remediation Levels.** The PLPs will work with Ecology to develop preliminary cleanup levels and points of compliance consistent with MTCA and SMS regulations. The PLPs will work with Ecology to identify the appropriate points of compliance and hazardous substances to complete this scope element. The PLPs may also consider establishing potential remediation levels as defined per WAC 173-340-355. Cleanup levels, site boundaries, and site units for aquatic areas should be established in accordance with WAC 173-204-560 and -570.
- (ii) **Applicable or Relevant and Appropriate Requirements.** The FS should include additional information or analyses to comply with the State Environmental Policy Act (SEPA) or other applicable laws to make a threshold determination per WAC 197-11-335(1) or to integrate the RI/FS with an environmental impact statement per WAC 197-11-262.
- (iii) **Delineation of Media Requiring Remedial Action.** Based on the results of the RI, determine areas and/or volumes of affected media to which remedial action objectives might be applied. To the extent possible, also identify injured natural resources for which primary restoration may be needed as part of the remedial action to return natural resources to baseline conditions.
- (iv) **Development of Remedial Action Objectives.** Remedial Action Objectives should provide general descriptions of what the Site cleanup is designed to accomplish, which is media-specific. Remedial action objectives are established on the basis of extent and magnitude of the contamination, the resources that are currently and potentially threatened, and the potential for human and ecological (both terrestrial and aquatic) exposures at the Site. Clearly define a basis and rationale for Remedial Action Objectives for each medium at the Site.
- (v) **Screening and Evaluation of Cleanup Action Alternatives.** A reasonable number and type of cleanup action alternatives should be evaluated, taking into account the characteristics and complexity of the Site, including current site conditions and physical constraints. Evaluation of cleanup action alternatives and the selection of preferred cleanup alternative must meet the requirements of WAC 173-340-360 and WAC 173-204-560.
- (vi) **Habitat Restoration.** Opportunities to perform remedial actions in an integrated manner with restoration of natural resources should be presented as an integral part of the description and evaluation of cleanup alternatives, including consideration of the logistics, cost-effectiveness, and environmental benefits associated with

integrating cleanup and restoration actions. Such restoration activities may include both primary and compensatory restoration.

h. Development of a Site-Specific Health and Safety Plan (HSP) and Sampling and Analysis Plan (SAP)

A site-specific HSP describing worker safety during the project will be developed in accordance with WAC 173-340-810 and included in the RI/FS Work Plan. A site-specific SAP, which includes quality assurance/quality control requirements, will be included in the RI/FS Work Plan. The SAP should be based on the type, quality, and quantity of data necessary to support selection of a cleanup action. The SAP should provide the details on numbers and locations of samples for each media and the analytical requirements. The SAP shall conform to the requirements specified in WAC 173-340-820.

Additional sediment sampling is also required under the Sediment Management Standards (SMS; Chapter 173-204 WAC) to fully investigate the nature and extent of potential marine sediment contamination released at the Site. A separate sediment SAP (i.e., separate from the upland SAP) must be submitted to Ecology for review and approval before any sampling is conducted. In addition, any sampling of the marine sediments must be done in accordance with the SMS and the Sediment Sampling and Analysis Plan Appendix, Ecology Publication No. 03-03-043².

i. Public Involvement

This section of the RI/FS Work Plan shall present the general process for public involvement (in accordance with WAC 173-340-600) along with a reference to the Public Participation Plan presented in this Order as Exhibit D.

j. Project Management

This section of the RI/FS work plan will discuss project staffing and coordination associated with the RI/FS activities for the Weyerhaeuser Mill A Former Site. The

² See URL: <http://www.ecy.wa.gov/biblio/0309043.html>.

organizational structure and responsibilities are designed to provide project control and quality assurance for the duration of the project.

k. Schedule & Reporting

This section should contain the schedule and reporting requirements for the RI/FS project as defined in this Order.

2. Data Report Technical Memorandum

The PLPs shall provide Ecology with the results of the field investigation in the form of a Data Report Technical Memorandum so that a determination can be made with regard to whether additional investigation is required to define the full nature and extent of contamination. The information provided to Ecology should describe the analytical results of the field activities, the affected media, the extent of contamination (plotted on maps and screened against preliminary cleanup levels (if appropriate), and identification of data gaps that need to be filled to complete the RI/FS with respect to the nature and extent of contamination and toxic/bioaccumulative effects.

3. Prepare Draft RI/FS Report

A draft, draft final, and final RI/FS report that meets the requirements of WAC 173-340-350 and WAC 173-340-560 shall be prepared. The RI/FS report shall contain the results of the RI and will provide information regarding the full extent and magnitude of soil, groundwater, surface water, and/or adjacent marine sediment contamination including toxic and bioaccumulative effects. The FS portion of the report will present and evaluate cleanup action alternatives to address the identified contamination at the Site. Based on the evaluation of alternatives (WAC 173-340-350(8) and WAC 173-204-560(4)), the FS will identify a preferred cleanup action alternative for the Site in compliance with WAC 173-340-360. To the extent possible, preferred habitat restoration actions will be integrated into the preferred cleanup action alternative.

4. Develop a Draft Cleanup Action Plan (CAP)

Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft and draft final CAP in accordance with WAC 173-340-380 and WAC 173-204-580 that provides proposed cleanup action alternatives to address potential contamination at all impacted media in the upland and in-water portions of the Site, respectively, based on the results of the RI/FS. The draft CAP shall include a general description of the proposed cleanup actions along with the following sections:

- A general description of the proposed cleanup action and restoration alternatives and the rationale for selection, including results of any remedial technology pilot studies, if necessary.
- A summary of the other alternatives evaluated in the RI/FS.
- A summary of applicable local, state, and federal laws pertinent to the proposed cleanup and restoration actions.
- Cleanup standards and rationale regarding their selection for each hazardous substance and for each medium of concern at the Site based on the results of the RI/FS.
- Descriptions of any institutional/engineering controls, if proposed.
- A preliminary schedule for implementation of field construction work and subsequent maintenance and monitoring.

B. Schedule

The PLPs shall perform the actions required by this Order according to the schedule below. The PLPs shall address Ecology comments on all deliverables through written responses. Note, when Ecology provides comments in red-line strikeout format (i.e., comments made directly within the electronic version of the document), the PLPs may respond to those comments directly within the electronic document.

1. RI/FS Work Plan Submittal

- Draft Document – The draft RI/FS Work Plan shall be due 90 calendar days after finalization of this Order. The draft Work Plan will then undergo a 30-day review period by Ecology.
- Draft Final Document – The draft final RI/FS Work Plan shall address any comments/suggestions submitted by Ecology. The draft final RI/FS Work Plan

shall be due 90 days after Ecology provides its comments. The draft final version will undergo a 30-day review period by Ecology.

- Final Document – The final RI/FS Work Plan shall address comments/suggestions submitted by Ecology. The final RI/FS Work Plan shall be due 60 days after Ecology provides its comments.

2. Field RI

- Field RI – RI field activities shall be commenced within 30 days of submittal of the final RI/FS work plan to Ecology. Separate mobilizations and field schedules may be required to complete the upland and marine area investigations as approved by Ecology.
- Data Report Technical Memorandum – The field RI results, as described in Section A.1.f, shall be provided to Ecology 90 calendar days after the validation of all RI/FS analytical data.
- Additional field RI activities (if needed) – Additional field RI activities may be required to adequately delineate the nature and extent of contamination at the Site, and/or to conduct pilot testing of a remedial alternative. The scope, schedule, and submittal requirements for additional field RI activities shall be developed by the PLPs, and shall be submitted to Ecology for review and concurrence.

3. RI/FS Report Submittal

- Draft RI/FS Report – The draft RI/FS report shall be due to Ecology 180 calendar days after receipt by the PLPs Project Manager of confirmation from Ecology that data gaps have been filled as documented in the Data Report Technical Memorandum. This RI/FS draft will then undergo a 30-day review period by Ecology.
- Draft Final RI/FS Report – The draft final RI/FS report shall be due 90 days after receipt of Ecology comments on the draft RI/FS report. This draft final RI/FS report will then go to a 30-day public comment period.
- Final RI/FS Report – The final RI/FS report shall be submitted to Ecology 60 days after Ecology's completion of the responsiveness summary to public comment on the draft final RI/FS report.

4. Cleanup Action Plan (CAP) Submittal

- Draft CAP – The draft CAP shall be submitted to Ecology 120 days after the draft final RI/FS Report is finalized and ready for public comment. This draft CAP will then undergo a 30-day review period by Ecology.
- Draft Final CAP – The draft final CAP shall address comments/suggestions submitted by Ecology on the draft CAP. This draft final CAP shall be due 60 days after submittal of Ecology comments on the draft CAP.

5. Environmental Data Submittals

- All sampling data (including any historical data described in Attachment A of this Agreed Order that is used in the RI for decision purposes) shall be submitted to Ecology in both printed (e.g., summarized in report tables) and electronic formats in accordance with Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements) and/or any subsequent procedures specified by Ecology for data submittal. Policy 840 is presented in Exhibit C of this Agreed Order.
- Historical data that is used in the RI/FS Work Plan and/or RI/FS Report, to the extent available and determined to be suitable for cleanup action decision making, shall be supplied to Ecology in electronic format (i.e., EIM) as part of the first draft RI/FS Work Plan deliverable.
- New data collected as part of the initial or first phase of the RI/FS, shall be supplied to Ecology in electronic format (i.e., EIM) 60 days after the new data has been validated. Data collected as part of additional RI/FS activities shall also be supplied to Ecology in electronic format (i.e., EIM) 60 days after the data has been validated.

Based on the work schedule presented above, the PLPs shall develop an overall cleanup schedule for the site starting from the RI/FS Work Plan to final cleanup construction and long-term compliance monitoring. The PLPs shall provide Ecology with an updated cleanup schedule on an as needed basis. The project schedule will be updated when events are identified that may result in significant project schedule changes, or at a minimum, once in the spring and once in the fall (i.e., March and October). It is important that Ecology maintains updated cleanup schedules for project planning, and for periodically updating the public, tribes, and resources/permitting agencies.

EXHIBIT C

**ECOLOGY POLICY 840 – DATA SUBMITTAL
REQUIREMENTS**



Toxics Cleanup Program Policy

Policy 840

Resource Contact: Policy and Technical Support Staff *Effective:* August 1, 2005

References: WAC 173-340-840(5) *Revised:* September 9, 2005

<http://www.ecy.wa.gov/eim/>

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>

<http://www.ecy.wa.gov/biblio/0309043.html>

Replaces: Procedure 840

Policy 840: Data Submittal Requirements

Purpose: Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

Application: This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

1. Unless Otherwise Specified by Ecology, all Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups shall be Required to be Submitted to Ecology in both a Written and Electronic Format.

Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

3. Reports on Independent Remedial Actions Submitted for Review After October 1, 2005, Under Ecology's Voluntary Cleanup Program Shall Not be Reviewed Until the Data Have Been Submitted in Compliance with this Policy.

Such reports shall be deemed incomplete, and a notice to this effect provided to the submitter.

4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

5. Data Generated During Upland Investigations and Cleanups Shall be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).

EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. TCP's EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

6. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's EIM Coordinator Prior to Loading the Data into EIM.

Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

7. Data Generated During Sediment Investigations and Cleanups shall be Submitted Electronically Using Ecology's Sediment Quality Information System (SEDQUAL).

SEDQUAL is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

8. Sediment Sampling Data Shall be Submitted to Ecology Using the SEDQUAL Data Entry Templates.

At a minimum, the following SEDQUAL data entry templates must be completed:

1. **Reference & Bibliography:** Describes lab reports and publications that relate to the data being entered;
2. **Survey:** Sample number;
3. **Station:** Specifies geographic location of the sediment sample. Sample latitude/longitude coordinates must be entered using the North American Datum of 1983 in U.S. Survey feet (NAD 83, U.S. feet);
4. **Sample:** Describes sample characteristics such as depth; and
5. **Sediment Chemistry:** Reports chemical concentration data in dry weight units.

The following additional templates must also be completed where these measurements/observations have been made:

1. **Bioassay:** Bioassay test results;
2. **Bioassay Control:** Bioassay control test results;
3. **Benthic Infauna:** Species abundance & diversity;
4. **Tissue:** Describes the organism collected;
5. **Bioaccumulation:** Reports tissue chemical concentrations; and
6. **Histopathology:** Reports tissue pathology such as tumors or lesions.

9. Electronic Data Formats Shall be Verified to be Compatible with SEDQUAL Prior to Submittal.

Because SEDQUAL uses ASCII protocol and comma delimited text files, data format verification shall be conducted prior to submittal to Ecology. Data shall be verified by downloading the SEDQUAL database, importing the data into the database, correcting errors, and then exporting the corrected templates.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", April, 2003. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: <http://www.ecy.wa.gov/biblio/0309043.html>

Additional information on SEDQUAL can be found at:

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>. ICP's SEDQUAL Coordinator is also available for technical assistance to site managers and consultants using SEDQUAL.

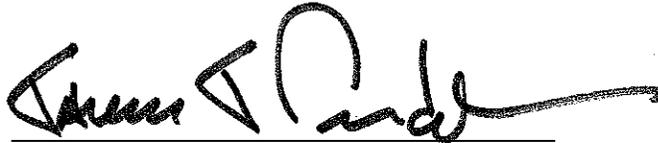
10. Sediment Sampling Data Shall Also be Submitted to Ecology in a Printed Report.

Printed reports shall present the data in both dry weight and total organic carbon normalized units in data tables that compare the results to applicable state regulatory criteria.

11. Data Submitted Electronically Using SEDQUAL Shall be Checked by the Toxics Cleanup Program's SEDQUAL Coordinator Prior to Loading the Data into SEDQUAL.

Normally, SEDQUAL data submittals will come to TCP's SEDQUAL Coordinator. Upon receipt of a submittal, the Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a SEDQUAL submittal, they should notify TCP's SEDQUAL Coordinator. Upon receipt of the data, TCP's SEDQUAL Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved



James J. Pendowski, Program Manager
Toxics Cleanup Program

Policy Disclaimer: This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

APPENDIX A: MODEL GRANT AND PERMIT CONDITION

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding)

EXHIBIT D

PUBLIC PARTICIPATION PLAN

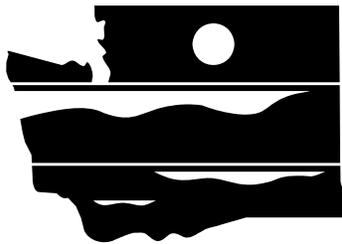
Site Cleanup

WEYERHAEUSER MILL A FORMER SITE

3500 Terminal Avenue
Everett, Washington

DRAFT PUBLIC PARTICIPATION PLAN

Prepared by:
Washington State Department of Ecology



DEPARTMENT OF
ECOLOGY
State of Washington

June 2012

This plan is for you!

This Public Participation Plan (Plan) is prepared for the Weyerhaeuser Mill A Former Site cleanup as part of the requirements of the Model Toxics Control Act (MTCA). The Plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how the Washington State Department of Ecology (Ecology), the Port of Everett (Port), Weyerhaeuser Company (Weyerhaeuser) and the Washington State Department of Natural Resources (DNR) will support public involvement throughout the cleanup. The Plan is intended to encourage coordinated and effective public involvement tailored to the community's needs at the Weyerhaeuser Mill A Former Site.

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If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341 (TTY).

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1.0: Introduction and Overview of the Public Participation Plan

This Public Participation Plan (Plan) explains how you can become involved in improving the health of your community. It describes public participation opportunities that will be conducted during cleanup of a site on the Everett waterfront – the Weyerhaeuser Mill A Former Site (Site). This Site is located at 3500 Terminal Avenue, in Everett, Washington. Part of the Site is owned by the Port of Everett (Port) and includes the area formerly occupied by Weyerhaeuser’s Mill A and a portion of the adjacent tidelands. These opportunities are part of a cooperative agreement between the Washington State Department of Ecology (Ecology), the Port, Weyerhaeuser Company (Weyerhaeuser), and the Washington State Department of Natural Resources (DNR). The current agreement, called an Agreed Order, is a legal document in which Ecology, the Port, Weyerhaeuser and DNR agree to decide on cleanup actions for the Weyerhaeuser Mill A Former Site.

Cleanup actions and the public participation process that helps guide them are established in Washington’s Model Toxics Control Act (MTCA).¹ Under MTCA, Ecology is responsible for providing timely information and meaningful chances for the public to learn about and comment on important cleanup decisions before they are made. The goals of the public participation process are:

- To promote understanding of the cleanup process so that the public has the necessary information to participate.
- To encourage involvement through a variety of public participation opportunities.

This Public Participation Plan provides a framework for open dialogue about the cleanup among community members, Ecology, cleanup site owners, and other interested parties. It outlines basic MTCA requirements for community involvement activities that will help ensure that this exchange of information takes place during the investigation and cleanup, which include:

- Notifying the public about available reports and studies about the site.
- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.

¹ The Model Toxics Control Act (MTCA) is the hazardous waste cleanup law for the State of Washington. The full text of the law can be found in Revised Code of Washington (RCW), Chapter 70.105D. The legal requirements and criteria for public notice and participation during MTCA cleanup investigations can be found in Washington Administrative Code (WAC), Section 173-340-600.

- Providing appropriate public participation opportunities, such as fact sheets, to learn about cleanup documents, and if community interest exists, holding meetings to solicit input and identify community concerns.
- Considering public comments received during public comment periods.

In addition to these basic requirements, the plan may include additional site-specific activities to meet the needs of your community. Based upon the type of proposed cleanup action, the level of public concern, and the risks posed by the site, Ecology may decide that additional public involvement opportunities are appropriate.

These opportunities form the basis for the public participation process. The intent of this plan is to:

- Provide complete and current information to all interested parties.
- Let you know when there are opportunities to provide input.
- Provide opportunities to listen to and address community concerns.

Part of the Puget Sound Initiative

The Weyerhaeuser Mill A Former Site is one of several sites in the Everett area and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Governor Chris Gregoire and the Washington State Legislature authorized the PSI as a regional approach to protect and restore Puget Sound. The PSI includes cleaning up 50-60 contaminated sites within one-half mile of the Sound. These sites are grouped in several bays around the Sound for “baywide” cleanup efforts. As other sites in the Everett baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as to interested people and groups.

Roles and Responsibilities

Ecology will lead public involvement activities, with support from the Port, Weyerhaeuser and DNR. Ecology maintains overall responsibility and approval authority for the activities outlined in this Plan. Under the Agreed Order, Ecology, the Port, Weyerhaeuser and DNR are responsible for cleanup at this Site. Ecology will oversee all cleanup activities, and ensure that contamination on this Site is cleaned up to concentrations that are established in state regulations and that protect human health and the environment.

Organization of this Public Participation Plan

The sections that follow in this Plan provide:

- Section 2: Background information about the Weyerhaeuser Mill A Former Site.
- Section 3: An overview of the local community that this plan is intended to engage.
- Section 4: Detailed public involvement opportunities in this cleanup.

This Public Participation Plan addresses current conditions at the Site, but it is intended to be a dynamic working document that will be reviewed at each phase of the cleanup, and updated as needed. Ecology, the Port, Weyerhaeuser, and DNR urge the public to become involved in the cleanup process.

2.0: Site Background

Site Description and Location

The Weyerhaeuser Mill A Former Site is located at 3500 Terminal Avenue in Everett, Snohomish County, Washington. The Site was acquired by the Port in 1983 and is generally located at the Port's marine terminal area between Pier 1 and Pigeon Creek Road off Terminal Avenue (see Figure 1). The Site is rectangular in shape and is bounded by the Port's Pier 1 to the north, Burlington Northern Railroad to the east, Pigeon Creek Road to the south, and Port Gardner Bay to the west. The surface of the majority of the property is currently flat and paved and contains several buildings (see Figure 2). The Site is currently being used by the Port for break bulk and container cargo handling.

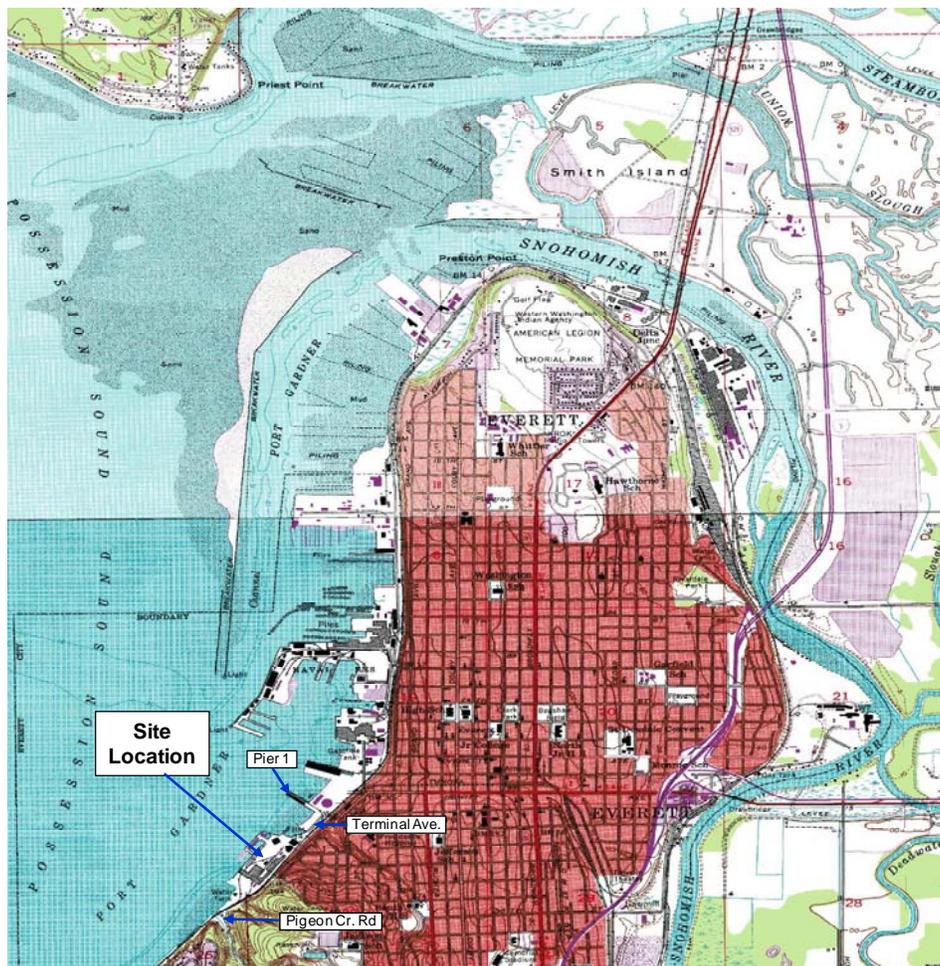


Figure 1: The Weyerhaeuser Mill A Former Site is shown in the above map, located at 3500 Terminal Avenue, in Everett, WA. Photo Source: USGS 7.5 Minute Quadrangle Maps (Everett and Marysville Quadrangle Maps; Photo Revised – 1968 and 1973)



Figure 2: A 2009 aerial view of the Weyerhaeuser Mill A Former Site. Photo Source: Port of Everett

The city of Everett Comprehensive Plan land use map² indicates that the Site is zoned for heavy manufacturing and Shoreline Overlay Zone. Zoning to the east includes residential single-family homes. Zoning to the west includes aquatic and Shoreline Overlay Zone. The Site is not located within the Everett Smelter area of historic arsenic contamination. The Site is designated as Urban Deep Water Port under the Everett Shoreline Master Program.³ Consistent with the Marine Terminals Master Plan (2008; which includes the upland portions of the site), the South Terminal will continue to be used to move break bulk and containerized cargo.

General Site History and Contaminants

The area comprising the Weyerhaeuser Mill A Former Site was first developed in the late 1800s. Historical industrial activities at the Site include pulp manufacturing, saw milling, ship building, shingle milling, and log handling. While operating as a sulfite pulp mill, the facility produced about 300 tons of pulp per day. All pulping operations at the Site ceased in 1980. The Port purchased the property in 1983 for development. The Site is currently being used as a break bulk cargo terminal.

² Zoning Information Update: December, 2009, City of Everett, WA
http://www.everettwa.org/Get_PDF.aspx?pdfID=3362 (Accessed January 24, 2012)

³ Everett Shoreline Master Plan, Shoreline Environmental Designations, City of Everett, WA
http://www.everettwa.org/Get_PDF.aspx?pdfID=4908 (Accessed January 24, 2012)

Investigation activities have been conducted at the Site, which includes both upland and in-water areas, since the 1980s and most recently in 2007 and 2009. The following sediment contaminants have been found on the Site:

- Metals (arsenic, cadmium, copper, lead, mercury, zinc)
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Polychlorinated biphenyls and Semivolatile Organic Compounds (PCBs and SVOCs)

The following contaminants have also been found in Site upland soils and/or groundwater, exceeding MTCA cleanup levels:

- Metals (arsenic, copper, nickel)
- PAHs
- Total Petroleum Hydrocarbons (TPHs)
- SVOCs

The Cleanup Process

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 3 on page 14. The general cleanup process includes the following steps:

- Remedial Investigation (RI) – investigates the site for types, locations, and amounts of contaminants.
- Feasibility Study (FS) – identifies cleanup options for those contaminants.
- Cleanup Action Plan (CAP) – selects the preferred cleanup option and explains how cleanup will be conducted.

Each of these steps is generally documented in reports and plans that will be available for public review. Public comment periods of at least 30 calendar days are usually conducted for the following documents:

- Draft RI report
- Draft FS report
- Draft CAP

These cleanup steps and documents are described in greater detail in the following subsections.

Interim Actions

Interim actions may be conducted during the cleanup if required by Ecology. An interim action partially addresses the cleanup of a site, and may be required if:

- It is technically necessary to reduce a significant threat to human health or the environment.
- It corrects a problem that may become substantially worse or cost substantially more to fix if delayed.
- It is needed to complete another cleanup activity, such as design of a cleanup plan.

Interim actions are not currently anticipated on the Weyerhaeuser Mill A Former Site.

Remedial Investigation/Feasibility Study Report

Ecology, the Port, Weyerhaeuser and DNR have agreed to conduct an RI/FS on the Site. The RI determines which contaminants are on the Site, where they are located, and whether there is a significant threat to human health or the environment. The RI report provides baseline data about environmental conditions that will be used to develop cleanup options. The FS report then identifies and evaluates cleanup options, in preparation for the next step in the process.

The RI and FS processes typically include several phases:

- Scoping
- Site characterization
- Development and screening of cleanup alternatives
- Treatability investigations (if necessary to support decisions)
- Detailed analysis

The RI and FS reports are expected to be combined into a draft Weyerhaeuser Mill A Former Site RI/FS report. The draft report will be made available for public review and comment. Comments will be considered as the draft cleanup action plan (CAP) is prepared.

Cleanup Action Plan

Ecology, the Port, Weyerhaeuser and DNR have agreed to develop a draft CAP for the Site. After public comment on the draft RI/FS report, a preferred cleanup alternative will be selected. The draft CAP explains the cleanup standards that will be applied at the Site, selects the preferred cleanup alternative(s), and outlines the work to be performed during the actual site remediation. The draft CAP may also evaluate the completeness and

effectiveness of any interim actions that were performed on the Site. The draft CAP will be available for public review and comment.

3.0: Community Profile

Community Profile

Everett is Snohomish County's largest city and the sixth largest city in the state of Washington. The current population of Everett is approximately 103,000⁴ situated within 47.7 square miles. Located on Port Gardner Bay, Everett hosts the West Coast's second largest marina, U.S. Navy Homeport Naval Station Everett, and The Boeing Company's assembly plant. The city's current labor workforce is more than 80,000, employed predominantly in technology, aerospace, and service-based industries.⁵

Key Community Concerns

An important part of the Public Participation Plan is to identify key community concerns for each cleanup site.

Many factors are likely to raise community questions, such as the amount of contamination, how the contamination will be cleaned up, or future use of the Site. Community concerns often change over time, as new information is learned and questions are answered. Identifying site-specific community concerns at each stage of the cleanup process is helpful to ensure that they are adequately addressed. On-going key community concerns will be identified for the Weyerhaeuser Mill A Former Site through public comments and other opportunities as detailed in Section 4.

⁴ US Census Bureau, State & County QuickFacts. <http://quickfacts.census.gov/qfd/states/53/5322640.html> (Accessed January 24, 2012)

⁵ City of Everett. <http://www.everettwa.org/default.aspx?ID=314> (Accessed January 24, 2012)

4.0: Public Participation Opportunities

Ecology, the Port, Weyerhaeuser and DNR invite you to share your comments and participate in the cleanup in your community. As we work to meet our goals, we will evaluate whether this public participation process is successful. This section describes the public participation opportunities for this Site.

Measuring Success

We want this public participation process to succeed. Success can be measured, at least in part, in the following ways:

- Number of written comments submitted that reflect understanding of the cleanup process and the site.
- Direct “in-person” feedback about the site cleanup or public participation processes, if public meetings are held.
- Periodic updates to this plan to reflect community concerns and responses.

If we are successful, this process will increase:

- Community awareness about plans for cleanup and opportunities for public involvement.
- Public participation throughout the cleanup.
- Community understanding regarding how their input will be considered in the decision-making process.

Activities and Information Sources

Ecology Contacts

Ecology is the lead contact for questions about the cleanup in your community. The Ecology staff person identified in this section is familiar with the cleanup process and activities at the Site. For more information about public involvement or the technical aspects of the cleanup, please contact:

Andrew Kallus, Site Manager
WA State Department of Ecology
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7259
Email: Andrew.kallus@ecy.wa.gov

Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the Agreed Order, RI/FS reports, and cleanup plans are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and meetings; download, print, and read information; and submit comments via email. The webpage also provides links to detailed information about the MTCA cleanup process. The Weyerhaeuser Mill A Former Site webpage is available at the following address:

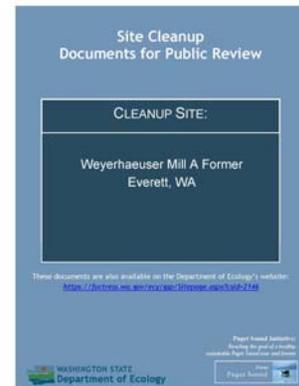
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2146>

Information Centers/Document Repositories

The most comprehensive source of information about the Weyerhaeuser Mill A Former Site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All Weyerhaeuser Mill A Former Site investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can be requested on compact disk (CD) as well. Document repositories are updated before public comment periods to include the relevant documents for review. Documents remain at the repositories throughout the investigation and cleanup. For this Site, the document repositories and their hours are:

Everett Public Library

- 2702 Hoyt Avenue
Everett, WA 98201
Phone: (425) 257-8010
Hours: Mon. – Wed. 10 am - 9 pm,
Thurs. – Sat. 10 am - 6 pm, Sun. 1-5 pm
- **WA Department of Ecology Headquarters**
300 Desmond Drive SE
Lacey, WA 98503
By appointment. Please contact Carol Dorn at
(360) 407-7224 or Carol.Dorn@ecy.wa.gov.



Look for document covers such as the illustration on the right.

Public Comment Periods

Public comment periods provide opportunities for you to review and comment on major documents, such as the Agreed Order, draft Public Participation Plan, and the draft RI/FS report. The typical public comment period is 30 calendar days.

Notice of Public Comment Periods

Notices for each public comment period will be provided by local newspaper and by mail. These notices indicate the timeframe and subject of the comment period, and explain how you can submit your comments. For the Weyerhaeuser Mill A Former Site, newspaper notices will be posted in The Daily Herald.

Notices are also sent by regular mail to the local community and interested parties. The community typically includes all residential and business addresses within one-quarter mile of the site, as well as potentially interested parties such as public health entities, environmental groups, and business associations.

Fact Sheets

One common format for public comment notification is the fact sheet. Like the newspaper notice, fact sheets explain the timeframe and purpose of the comment period, but also provide background and a summary of the documents under review. A fact sheets will be prepared for the Weyerhaeuser Mill A Former Site. The fact sheet will explain the Agreed Order and this Public Participation Plan. Future fact sheets will be prepared at key milestones in the cleanup process.

MTCA Site Register

Ecology produces an electronic newsletter called the MTCA Site Register. This semi-monthly publication provides updates of the cleanup activities occurring throughout the state, including public meeting dates, public comment periods, and cleanup-related reports. Individuals who would like to receive the MTCA Site Register can sign up three ways:

- Call (360) 407-6848
- Send an email request to spre461@ecy.wa.gov
- Register on-line at
http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html

Mailing Lists

Ecology maintains both email and regular mail distribution lists throughout the cleanup process. The lists are created from carrier route delineations for addresses within one-quarter mile of the Site; potentially interested parties; public meeting sign-in sheets; and requests made in person, or by regular mail or e-mail. You may request to be on a mailing list by contacting the Ecology staff person listed earlier in this section.

Optional Public Meetings

A public meeting will be held during a comment period if requested by ten or more people, or if Ecology decides it would be useful. Public meetings provide additional opportunity to learn about the investigation or cleanup, and to enhance informed comment. If you are interested in a public meeting about the Weyerhaeuser Mill A Former Site, please contact the Ecology staff listed earlier in this section.

Submitting Comments

You may submit comments by regular mail or email during public comment periods to the site manager listed earlier in this section.

Response to Comments

Ecology will review all comments submitted during public comment periods and will modify documents as necessary. You will receive notice by regular mail or email that Ecology has received your comments, along with an explanation about how the comments were addressed.

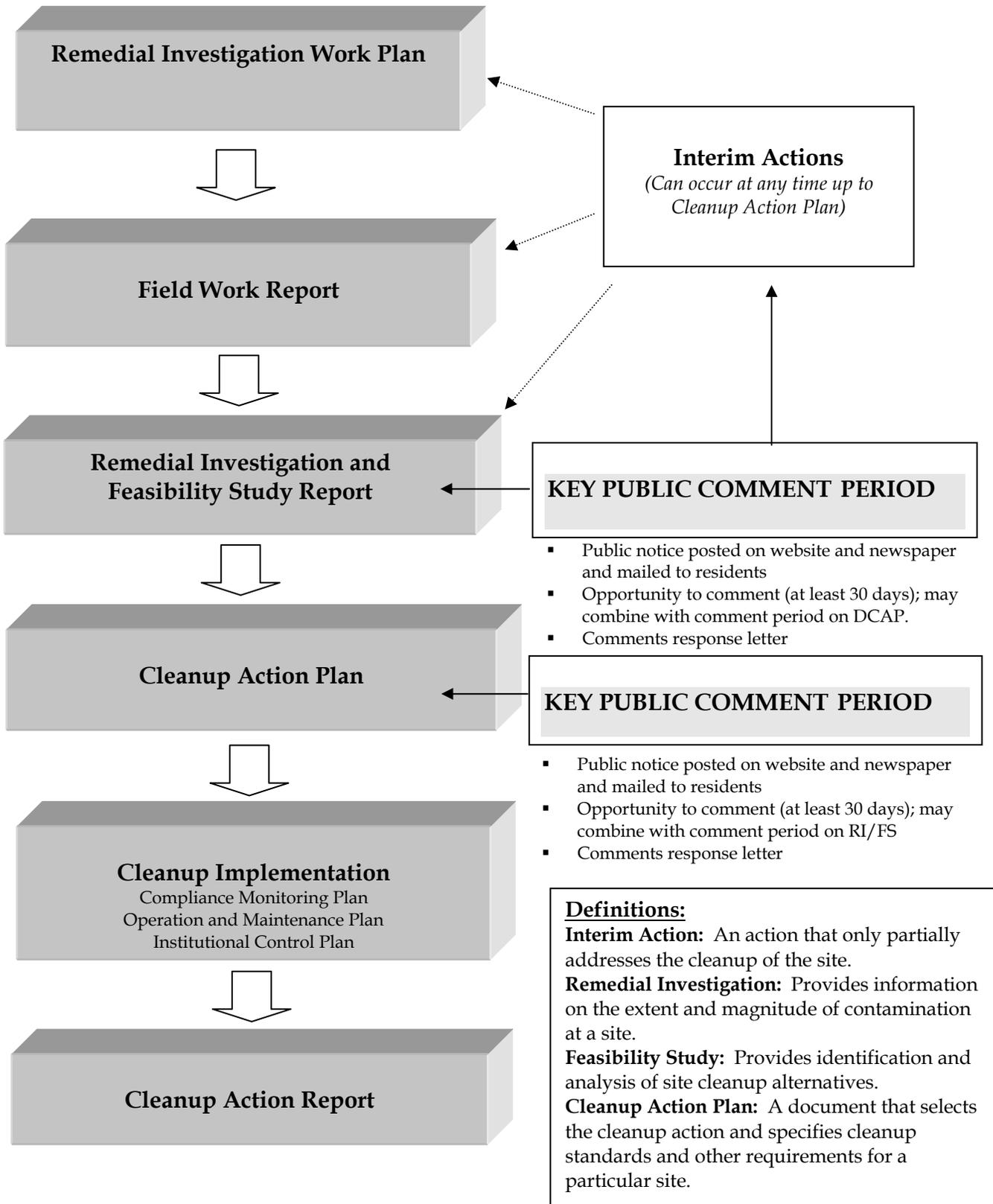
Other

Ecology, the Port, Weyerhaeuser and DNR are committed to the public participation process and will consider additional means for delivering information and receiving comments, including combining public comment periods for other actions (such as those associated with the State Environmental Policy Act).

Public Participation Grants

You may be eligible to apply for a Public Participation Grant from Ecology to provide additional public participation activities. Those additional activities will not reduce the scope of the activities defined by this Plan. Activities conducted under this Plan would coordinate with the additional activities defined under an awarded grant.

Figure 3: Washington State Cleanup Process



Glossary

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with MTCA cleanup requirements, including but not limited to: complying with cleanup standards, utilizing permanent solutions to the maximum extent practicable, and including adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document that selects the cleanup action and specifies cleanup standards and other requirements for a particular site. The cleanup action plan, which follows the remedial investigation/feasibility study report, is subject to a public comment period. After completion of a comment period on the cleanup action plan, Ecology finalizes the cleanup action plan.

Cleanup Level: The concentration (or amount) of a hazardous substance in soil, water, air, or sediment that protects human health and the environment under specified exposure conditions. Cleanup levels are part of a uniform standard established in state regulations, such as MTCA.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Feasibility Study: Provides identification and analysis of site cleanup alternatives and is usually completed within a year. Evaluates sufficient site information to enable the selection of a cleanup action. The entire Remedial Investigation/Feasibility Study (RI/FS) process takes about two years and is followed by the cleanup action plan.

Hazardous Site List: A list of ranked sites that require further remedial action. These sites are published in the Site Register.

Interim Action: Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

Model Toxics Control Act: Refers to Chapter 70.105D RCW. Voters approved it in November 1988. The implementing regulation is found in Chapter 173-340 WAC.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action or expenditure consistent with MTCA to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance, and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

Remedial Investigation: Any remedial action that provides information on the extent and magnitude of contamination at a site. This usually takes 12 to 18 months and is followed by the feasibility study. The purpose of the Remedial Investigation/Feasibility Study is to collect and develop sufficient site information to enable the selection of a cleanup action.

ATTACHMENT A

**PREVIOUS ENVIRONMENTAL INVESTIGATION
ACTIVITIES**

ATTACHMENT A
PREVIOUS ENVIRONMENTAL INVESTIGATION ACTIVITIES
WEYERHAEUSER MILL A FORMER

This document generally summarizes the previous recent environmental investigation activities conducted at or near the Weyerhaeuser Mill A Former Site (Site) on Port Gardner Bay in Everett, Washington. In addition, historical sediment and bioassay data collected in the vicinity of the Site were queried using the Washington State Department of Ecology's (Ecology) Environmental Information Management (EIM) System and summarized in this attachment.

This summary has been prepared as background information for the public reviewing this document, the Agreed Order, and the Order's exhibits, and does so without any express or implied admissions of the facts and conclusions described herein by the potentially liable persons (PLPs). The PLP group consists of the Port of Everett (the Port), Weyerhaeuser Company (Weyerhaeuser), and Washington State Department of Natural Resources (DNR). As a deliverable required by the Agreed Order, the PLPs will prepare a Remedial Action/Feasibility Study (RI/FS) Report which will include a summary of previous environmental investigations and cleanup activities at the Site. Figures showing Site features and investigation results are included at the end of this attachment (Figures A-1 to A-7).

The Site is listed on Washington State Department of Ecology's (Ecology) Confirmed and Suspected Contaminated Sites List (Facility Site No: 1884322; Cleanup Site ID No.: 2146). The main portion of the former mill facility and surrounding marine area are shown on Figure A-1. Port Gardner Bay is identified as a high-priority, "early-action" cleanup area under the Puget Sound Initiative (PSI) and the Weyerhaeuser Mill A Former Site has been identified as a cleanup project under the PSI.

A summary of the recent environmental studies relevant to the Site is provided in the following sections.

A. Relevant Documents

A number of documents have been prepared by various environmental consultants that present information concerning the Site. The information in this attachment was taken from the following documents:

- *Data Report, Former Mill A MTCA Support Sample Collection, Everett Washington.* Prepared by Geomatrix, November 2007.
- *Sediment Characterization Study in Port Gardner and Lower Snohomish Estuary, Port Gardner, Washington.* Prepared by SAIC, July 10, 2009.
- *Final Work Plan, Upland Source and Groundwater Investigation, Port of Everett South Terminal, Weyerhaeuser Mill A Former Site, Everett, Washington.* Prepared by GeoEngineers, December 28, 2009.
- *Stage 1 Upland Source and Groundwater Investigation Data Report, Port of Everett South Terminal, Weyerhaeuser Mill A Former Site, 3500 Terminal Avenue, Everett, Washington.* Prepared by GeoEngineers, March 24, 2010.
- *Sampling and Analysis Report, Outfall 001 Baseline Sediment Sampling for NPDES Permit #WA-00062 and Associated Permits.* Prepared by Anchor Environmental, June 2004.

These studies comprise the most recent environmental information for the Site. It's noted that more historical studies completed at and near the Site exist and will be considered as part of the RI.

B. Site Description

The Site is generally located at the Port's south marine terminal area between Pacific Terminal and Pigeon Creek Road off Terminal Avenue, Everett, Snohomish County, Washington. The surface of the majority of the property is currently generally flat and paved and contains several buildings. The Site is currently being used as a break bulk cargo terminal. Historical industrial activities at the Site include pulp manufacturing, saw milling, ship building, shingle milling, and log handling. Additional information regarding historical Site operations including discharges to the adjacent marine water are provided in Section V of the Agreed Order.

C. Upland Area Investigation

On behalf of the Port, the consulting firm of GeoEngineers performed an independent investigation in the upland portion of the Site in 2009 under an Ecology-approved Work Plan.

Ecology provided technical assistance to the Port in the form of review and comment on the work plan. Investigation activities included advancement of soil borings and installation of groundwater monitoring wells at seven locations at the Site (*see* Figures A-2 and A-3).

Approximately 20 to 27 feet of fill material was encountered throughout most of the upland portion of the Site with the exception of the pier area that is present north of the bulkhead in the central portion of the Site. In this area north of the bulkhead, the fill material was observed to be approximately 53 feet deep. Fill at the Site generally consisted of sand with various amounts of silt, gravel, and shell fragments with occasional debris in the fill that included glass, brick dust, and wood debris. The sand was observed in many locations underlain by a layer of wood or wood debris fill. Sand and gravel fill was encountered in the boring advanced in the pier area. Native soil beneath the fill consisted of sand with various amounts of silt and occasional shell fragments.

Soil and groundwater samples were collected from the borings and monitoring well locations at the Site. The samples were submitted for chemical analysis of petroleum hydrocarbons, metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs). Three groundwater samples were also analyzed for dioxins and furans. The results of sample analyses were compared to Model Toxics Control Act (MTCA) Method B criteria or Method A criteria for chemicals with no Method B criteria, to provide a preliminary screening of the results. Figures A-2 and A-3 of this attachment summarize the results for soil and groundwater samples, respectively.

One soil sample from the fill layer contained concentrations of gasoline-range petroleum hydrocarbons, naphthalene, and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) at concentrations greater than screening levels. Additionally, soil samples from the fill layer in two borings contained gasoline-range petroleum hydrocarbons at concentrations greater than screening levels (Figure A-2). Groundwater samples collected from the monitoring wells exceeded screening levels for a combination of analytes including metals (dissolved arsenic, copper, and nickel), gasoline-range petroleum hydrocarbons, and SVOCs (including cPAHs) (Figure A-3). Dioxins and furans were not detected in the groundwater samples.

D. Recent Marine Area Investigations (2007 and 2008)

Geomatrix and SAIC have performed sediment investigations in the marine area of the Site. The investigations included collection of surface samples and sediment cores for conventional, chemical, and bioassay testing. The results of the surface and subsurface sediment sample testing are summarized on Figures A-4 and A-5 of this attachment, respectively.

Geomatrix, on behalf of the Port of Everett performed surface and subsurface sediment sampling in May 2007 in the area adjacent to the upland portion of the former Mill A Site. Surface samples were collected from 21 locations. Subsurface samples were collected from the sediment cores completed at 21 stations advanced to depths of up to 20 feet below the mudline. Some of the core locations were co-located with surface sample locations. Select samples were submitted for chemical analysis of pesticides and Ecology's Sediment Management Standards (SMS) listed metals and organic compounds. The results were compared to SMS criteria or Dredge Material Management Program (DMMP) screening levels or Bioaccumulation Triggers (BTs) for chemicals with no SMS criteria.

SAIC performed a sediment investigation of Port Gardner Bay and the lower Snohomish estuary area for Ecology in Summer 2008, which included collection of samples from the sediment area located adjacent to the Former Mill A upland area. Investigation activities included plan view photography as well as sediment profile imaging and video probing. Surface and subsurface sediment samples were collected and analyzed from one location within the marine sediment area of the Site. The surface sediment sample was analyzed for SMS metals and organics, guaiacols/resin acids, and dioxins and furans. Bioassay testing was also performed on the sample. Two subsurface sediment samples were analyzed for SMS metals and organics. One sample was also analyzed for dioxins and furans.

Results of the sediment sampling completed adjacent to the former Mill A upland area show that surface sediment in the samples collected generally consists of approximately 4 feet of recently deposited loose or soft sands and silts containing various amounts of wood and shell debris. A wood debris area was identified beneath these recent deposits (*see* Figure A-4). The thickness of the wood debris was assumed to be zero near the bulkhead and to the northwest of the area

shown on Figure A-4. The maximum wood debris thickness was observed to be 19 feet in the core samples collected. The wood debris area consists of layers of soil mixed with wood debris, as well as layers comprised of greater than 30 percent wood (sawdust, wood chips, or rafting debris consisting of bark or shredded bark). Native sand was encountered beneath the wood debris deposits.

Surface sediment sample results are presented in Figure A-4. With the exception of one zinc exceedance, chemicals were generally either not detected or were detected at concentrations less than screening levels in the surface sediment samples. The sample submitted for bioassays failed for only the larval development component of the four tests performed. Dioxins and furan toxic equivalency quotients were calculated to range from 4.5 to 17 picograms per gram (pg/g).

Subsurface sediment sample results are presented in Figure A-5. Pesticides and metals were either not detected or were detected at concentrations less than screening levels in the subsurface sediment samples. SVOCs including PAHs were detected at concentrations greater than screening levels in the core samples. The exceedance ratios (chemical concentrations compared to Sediment Quality Standard [SQS] or Lowest Apparent Effects Threshold [LAET]) for the SVOC detections ranged from slightly greater than 1 to 112. PCBs were also detected at concentrations greater than screening levels in the core samples. The exceedance ratios for detected PCBs ranged from slightly greater than 1 to 11. Dioxins and furan toxic equivalency quotients were calculated to range from 18 to 120 pg/g.

E. Summary of Sediment Concentrations (1982 to 2008)

Historical sediment and bioassay data collected in the vicinity of the Site were queried using Ecology's EIM. The EIM query generated results between 1982 and 2008. Using the EIM data analysis tool, sediment and bioassay results were compared against the SMS (Chapter 173-204 WAC), SQS, and Cleanup Screening Levels (CSLs).

Sediment and bioassay sampling stations that exceeded SQS and/or CSL levels are shown on Figure A-6 which was generated by Ecology as part of their June 21, 2011 early notice letter sent to each PLP. Chemicals that exceeded SQS and/or CSL standards in sediment are summarized in the table below.

Chemical Exceedances in Sediment ¹		
Metals	PAHs	PCBs and SVOCs
Arsenic	Acenaphthene	PCB
Cadmium	Anthracene	2,4-dimethylphenol
Copper	Fluoranthene	2-methylnaphthalene
Lead	Fluorene	2-methylphenol
Mercury	LPAH	4-methylphenol
Zinc	Naphthalene	benzoic acid
---	Phenanthrene	benzyl alcohol
---	---	bis(2-ethylhexyl) phthalate
---	---	Dibenzofuran
---	---	Phenol

Notes:

¹ With the exception of lead and fluoranthene, all of the chemicals exceeded both the SQS and CSL.

LPAH = sum of low molecular weight PAHs

PAH = Polycyclic Aromatic Hydrocarbon

PCB = Polychlorinated biphenyl

SVOCs = Semi-volatile Organic Compounds

F. Pacific Terminal

In the late 1990's the Port completed berth maintenance dredging activities and construction of a Nearshore Confined Disposal Facility (NCD) at the Pacific Terminal located in the northern area of the Site (Figure A-7).

Dredge material management and other sediment quality studies completed in 1993 and 1994 identified sediment contamination at the Port's north Pier 1 and south Pier 3 berths. A dredged material management open-water disposal evaluation completed for the Pier 1 and Pier 3 berth and approach areas found that a portion of the sediments within the maintenance dredge prism at the berths did not meet open-water disposal criteria. A SMS sediment biological characterization of the surficial sediments between the berths was completed at the same time as the dredged material evaluation. The results of the SMS characterization indicated that the sediments between the two berths failed to meet the SMS criteria. The contaminated sediments contained elevated levels of LPAH, HPAH, metals, and PCBs and other organic contaminants in addition to elevated TOC and abundant wood debris. Based on the results of this characterization, Ecology designated the area between Piers 1 and 3 as a site requiring cleanup.

In 1996, Ecology prepared a Sediment Management Standards Cleanup Action Decision to address the identified contaminated sediments. The Cleanup Action Decision involved dredging sediment from the impacted area down to approximately -25 feet MLLW along the head of the berthing areas; to between approximately -40 to -46 feet MLLW within the berth areas and construction of the NCD for disposal of the dredged material. Construction of the NCD allowed for development of the Port terminal facility and as noted in the Ecology Cleanup Action Decision, because the near shore fill area covers a portion of the contaminated sediments at the Port's South Terminal that is located within the Weyerhaeuser Mill A Former Site, the cleanup action resulted in a partial cleanup of the South Terminal sediments. As a result, further investigation is needed for the South Terminal sediments

Following completion of the dredging activities, the Port completed a 10-year monitoring program to for the NCD. In January 2008, Ecology provided a letter determining that the Port had fulfilled the requirements of the cleanup decision made in 1996 and that no further action is required at the NCD.

G. Diffuser Area Investigations (2004 and 2008)

Historical sediment sampling and analysis was completed between 1982 and 1995 in the general area of the historical outfall diffuser (i.e., Outfall SW001; *see* Figure A-6). The investigations included collection of surface samples for conventional and chemical testing. The results of these investigations identified chemical detections in 1986 that exceeded the screening level for phenol, 4-methylphenyl, and N-nitrosodiphenylamine.

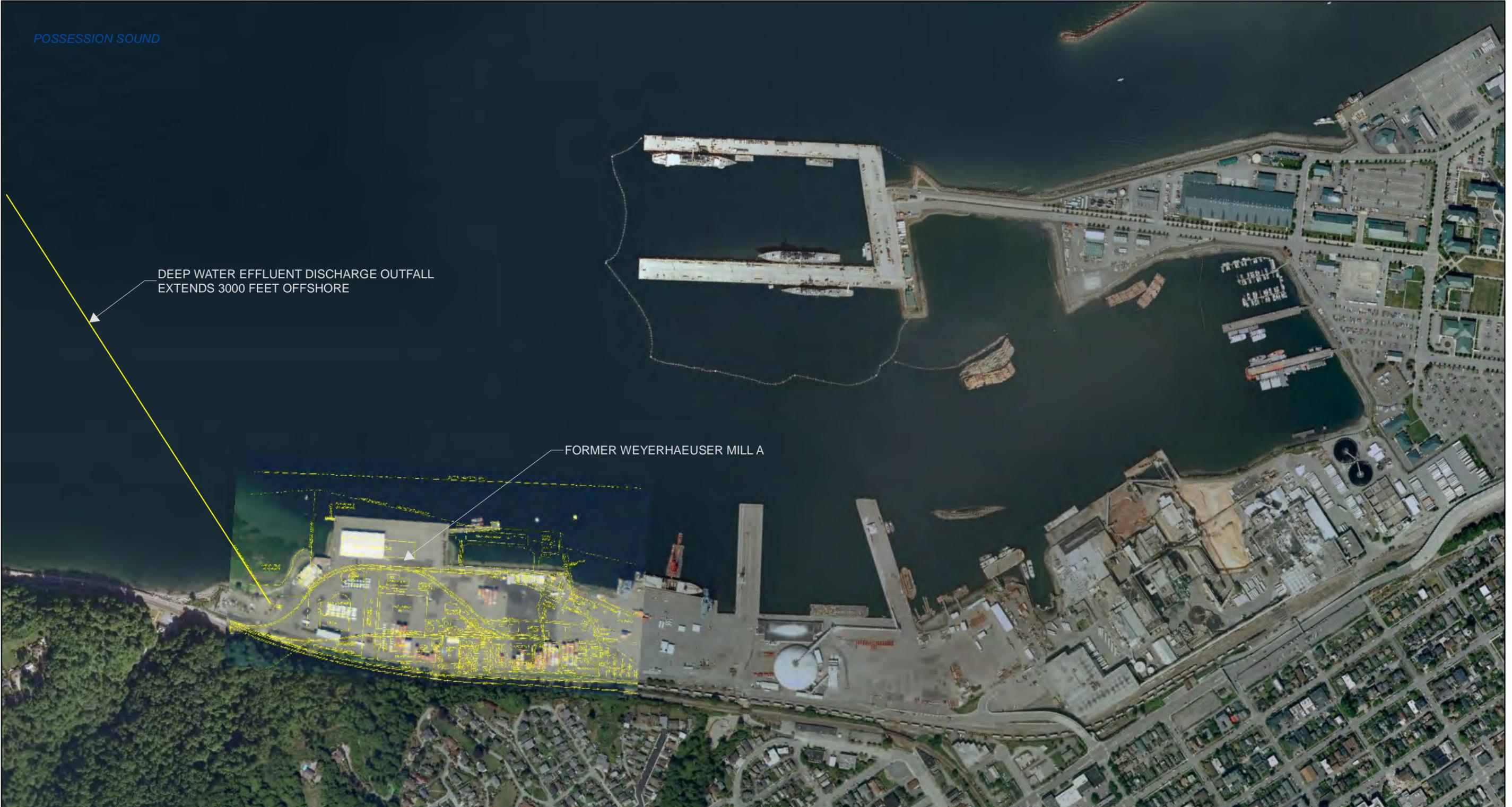
Anchor Environmental and SAIC completed sediment investigations in the same general area of the historical outfall diffuser in 2004 and 2008, respectively. The investigations included collection of surface samples for conventional and chemical testing. Surface sediment sample results showed that chemicals were either not detected or were detected at concentrations less than screening levels. Dioxins and furan toxic equivalency quotients were calculated to range from 0.18 to 1.23 picograms per gram (pg/g).

POSSESSION SOUND

Map Revised: 18 November 2011 amanza

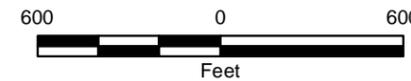
DEEP WATER EFFLUENT DISCHARGE OUTFALL
EXTENDS 3000 FEET OFFSHORE

FORMER WEYERHAEUSER MILL A



Notes:
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2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

Reference: Historical site plan from Port of Everett Drawing.
Base aerial from Esri World Imagery; Aerials Express Seattle, 2009.
Coordinate system: NAD 1983, Washington North (feet)



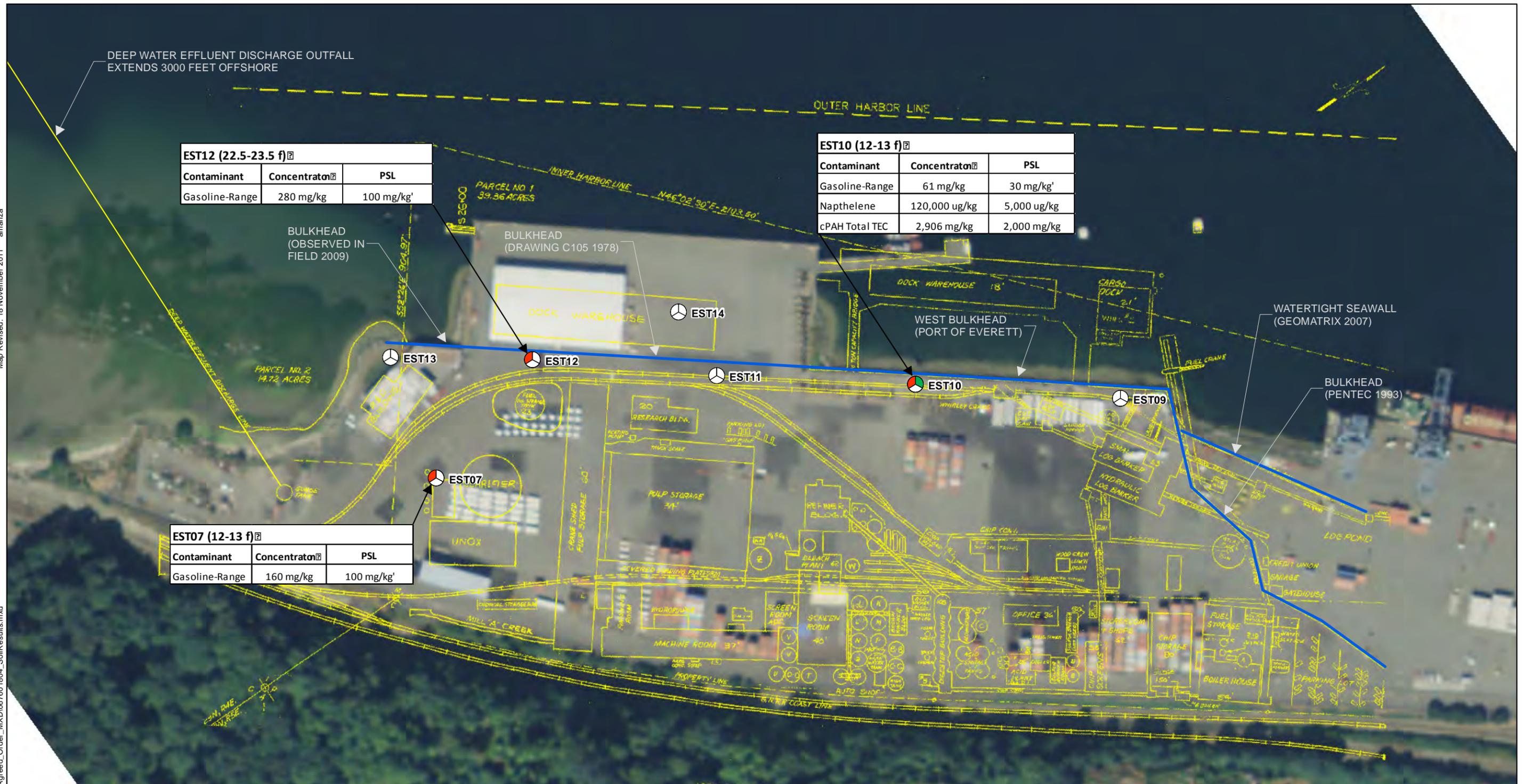
Vicinity Map

Former Weyerhaeuser Mill A
Everett, Washington



Figure A-1

Office: SEA Path: \\sea\projects\0676018\GIS\Agreed_Order_MXD\067601804_VicinityMap.mxd



EST12 (22.5-23.5 f) [M]		
Contaminant	Concentration [M]	PSL
Gasoline-Range	280 mg/kg	100 mg/kg'

EST10 (12-13 f) [M]		
Contaminant	Concentration [M]	PSL
Gasoline-Range	61 mg/kg	30 mg/kg'
Napthelene	120,000 ug/kg	5,000 ug/kg
cPAH Total TEC	2,906 mg/kg	2,000 mg/kg

EST07 (12-13 f) [M]		
Contaminant	Concentration [M]	PSL
Gasoline-Range	160 mg/kg	100 mg/kg'

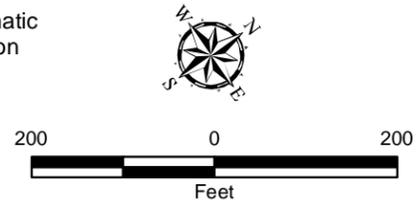
Legend

- EST07 Boring Location and Designation
- Gasoline at a Concentration Exceeding the Preliminary Screening Levels
- SVOCs/cPAHs at Concentrations Exceeding the Preliminary Screening Levels
- Metals at Concentrations Exceeding the Preliminary Screening Levels

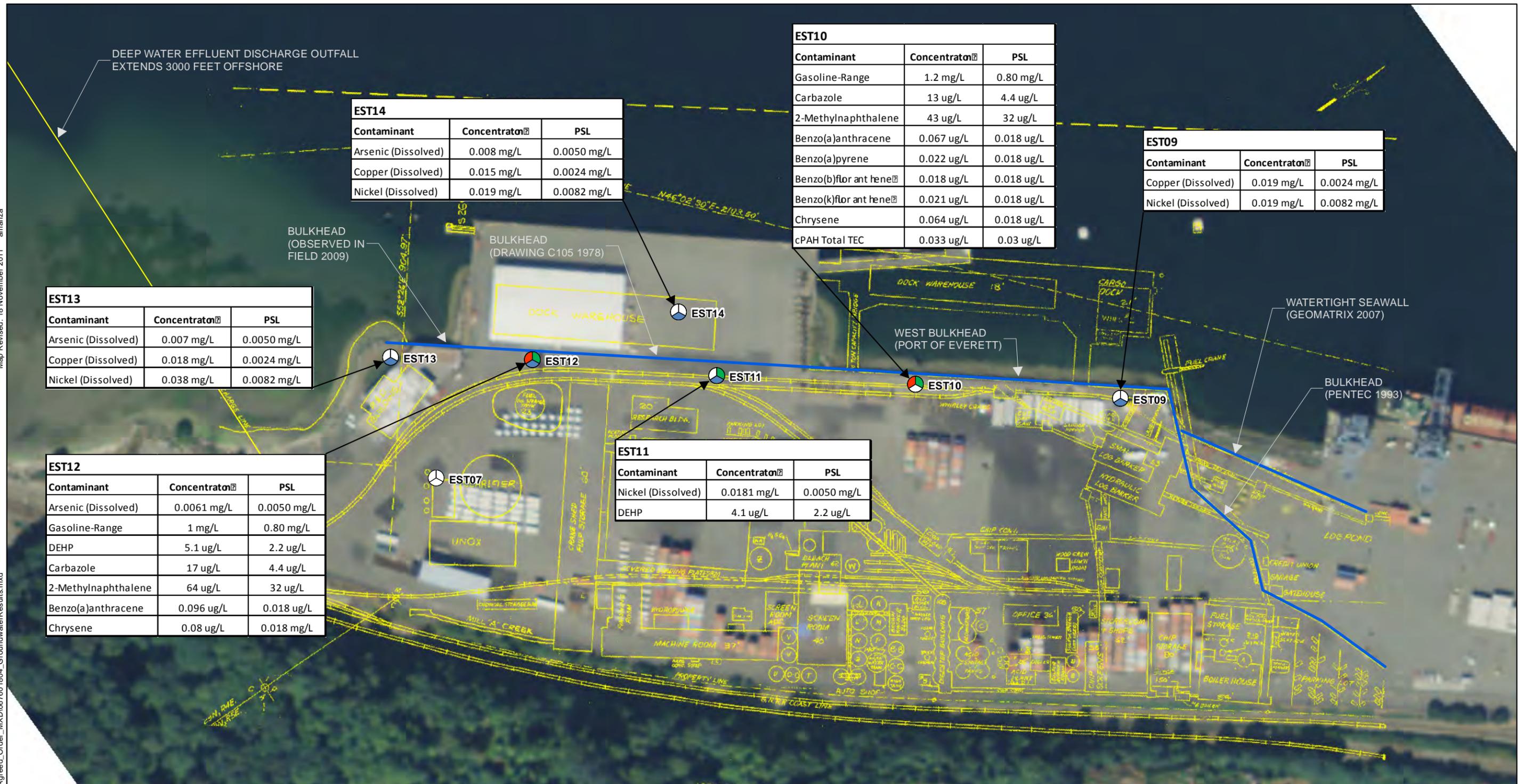
1: 30 mg/kg if benzene is present and 100 mg/kg if benzene is not present.
 cPAH Total TEC = Carcinogenic Polycyclic Aromatic Hydrocarbon Total Toxic Equivalent Concentration
 PSL = Preliminary Screening Level

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Reference: Historical site plan from Port of Everett Drawing. Coordinate system: NAD 1983, Washington North (feet)



Soil Results Summary	
Former Weyerhaeuser Mill A Everett, Washington	
	Figure A-2



Contaminant	Concentration	PSL
Gasoline-Range	1.2 mg/L	0.80 mg/L
Carbazole	13 ug/L	4.4 ug/L
2-Methylnaphthalene	43 ug/L	32 ug/L
Benzo(a)anthracene	0.067 ug/L	0.018 ug/L
Benzo(a)pyrene	0.022 ug/L	0.018 ug/L
Benzo(b)fluorant hene	0.018 ug/L	0.018 ug/L
Benzo(k)fluorant hene	0.021 ug/L	0.018 ug/L
Chrysene	0.064 ug/L	0.018 ug/L
cPAH Total TEC	0.033 ug/L	0.03 ug/L

Contaminant	Concentration	PSL
Arsenic (Dissolved)	0.008 mg/L	0.0050 mg/L
Copper (Dissolved)	0.015 mg/L	0.0024 mg/L
Nickel (Dissolved)	0.019 mg/L	0.0082 mg/L

Contaminant	Concentration	PSL
Copper (Dissolved)	0.019 mg/L	0.0024 mg/L
Nickel (Dissolved)	0.019 mg/L	0.0082 mg/L

Contaminant	Concentration	PSL
Arsenic (Dissolved)	0.007 mg/L	0.0050 mg/L
Copper (Dissolved)	0.018 mg/L	0.0024 mg/L
Nickel (Dissolved)	0.038 mg/L	0.0082 mg/L

Contaminant	Concentration	PSL
Arsenic (Dissolved)	0.0061 mg/L	0.0050 mg/L
Gasoline-Range	1 mg/L	0.80 mg/L
DEHP	5.1 ug/L	2.2 ug/L
Carbazole	17 ug/L	4.4 ug/L
2-Methylnaphthalene	64 ug/L	32 ug/L
Benzo(a)anthracene	0.096 ug/L	0.018 ug/L
Chrysene	0.08 ug/L	0.018 mg/L

Contaminant	Concentration	PSL
Nickel (Dissolved)	0.0181 mg/L	0.0050 mg/L
DEHP	4.1 ug/L	2.2 ug/L

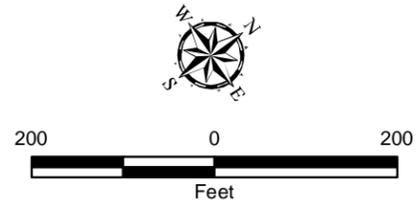
Legend

- Groundwater Sampling Not Performed as Part of Stage 1 Event
- Gasoline at a Concentration Exceeding the Preliminary Screening Level
- SVOCs/cPAHs at Concentrations Exceeding the Preliminary Screening Levels
- Metals at Concentrations Exceeding the Preliminary Screening Levels

cPAH Total TEC = Carcinogenic Polycyclic Aromatic Hydrocarbon Total Toxic Equivalent Concentration
 DEHP = Bis(2-ethylhexyl)phthalate
 SVOC = Semi-Volatile Organic Compound
 PSL = Preliminary Screening Level

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Reference: Historical site plan from Port of Everett Drawing. Coordinate system: NAD 1983, Washington North (feet)



Groundwater Results Summary	
Former Weyerhaeuser Mill A Everett, Washington	
	Figure A-3

Legend

- A1-01 □ Ecology Sediment Study Sample Location (August 2008)
- ST-30 ◇ Port of Everett Former Mill A Surface Sample Location (May 2007)
- ST-12 ○ Port of Everett Former Mill A Sediment Core Location (May 2007)
- Gray Sample Location Symbol Indicates that there is No Chemical / Biological Toxicity Data Available at Location
- Blue Sample Location Symbol Indicates that there is Chemical / Biological Toxicity Data Available at Location
- Wood Debris Area
- Parcel Line

Sediment Chemistry Data Summary

Analyte Groups: Metals, LPAH, HPAH, PCBs, Other SVOCs, Dioxins / Furans TEQ in ppt

Green Shading Indicates No No SQS for Analyte Group

Example: 1.75 NE NE NE NE 4.45

Red Shading Indicates SQS Exceedance

No Shading Indicates that there is No SQS for Analyte Group

Green Shading Indicates No SQS Exceedance for Analyte Group

NE No Exceedance of SQS Criteria Detected for Chemicals in Analyte Group

1.75 Exceedance Ratio for Highest SQS Exceedance in Analyte Group

40.4 Toxic Equivalency Quotient for Dioxins / Furans in pg/g Dry Weight

NA Analyte Group Not Analyzed at Sample Location

Bioassay Results

AM: Amphipod Mortality
LD: Larval Development
MB: Microtox Bioluminescence
PG: Juvenile Polychaete Growth

Pass Fail SQS Fail CSL

* Indicates a discrepancy between interpretive comparisons



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Notes

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Reference: Aerial base and property lines from Department of Ecology ESRI database.



Surface Sediment Results Summary	
Former Weyerhaeuser Mill A Everett, Washington	
GEOENGINEERS	Figure A-4

Legend

- A1-01 □ Ecology Sediment Study Sample Location (August 2008)
- ST-30 ◇ Port of Everett Former Mill A Surface Sample Location (May 2007)
- ST-12 ○ Port of Everett Former Mill A Sediment Core Location (May 2007)
- Gray Sample Location Symbol Indicates that there is No Chemical / Biological Toxicity Data Available at Location
- Blue Sample Location Symbol Indicates that there is Chemical / Biological Toxicity Data Available at Location
- Wood Debris Area
- Parcel Line

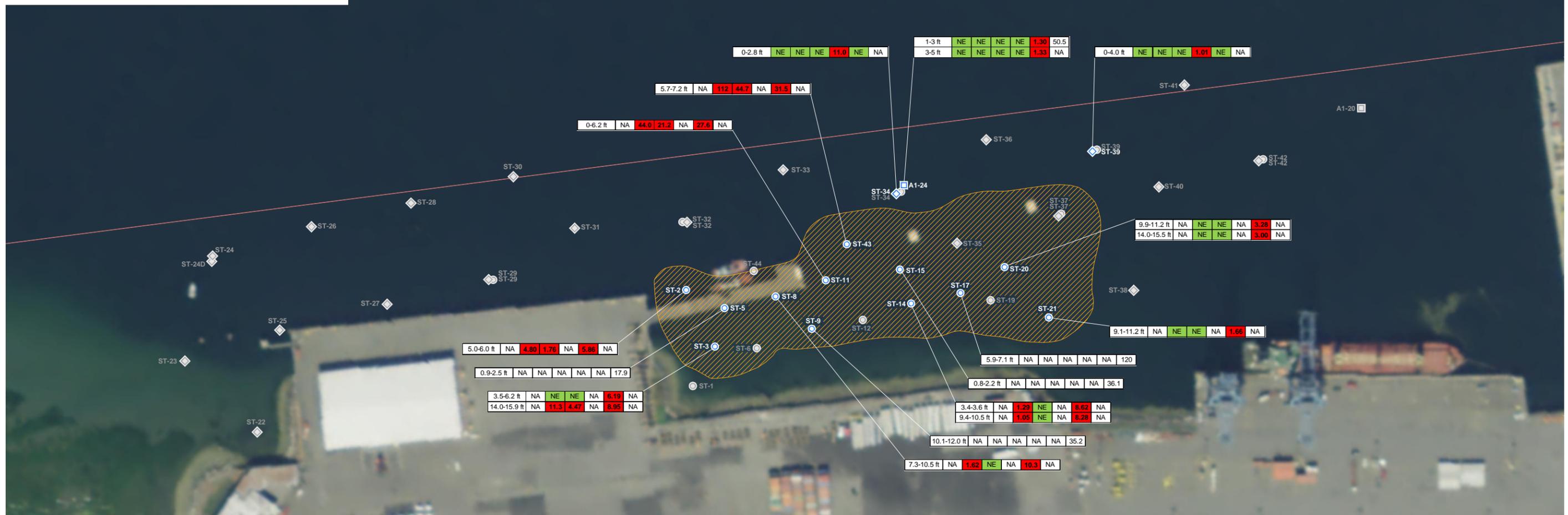
Sediment Chemistry Data Summary

Analyte Groups:
 Metals
 LPAH
 HPAH
 PCBs
 Other SVOCs
 Dioxins / Furans TEQ in ppt

Example: 1-3 ft | NE | NE | NE | NE | 3.43 | 4.45

Depth (below mudline)
 Green Shading Indicates No SQS Exceedance for Analyte Group
 No Shading Indicates that there is No SQS for Analyte Group
 Red Shading Indicates SQS Exceedance

NE No Exceedance of SQS / LAET Criteria Detected for Chemicals in Analyte Group
 1.75 Exceedance Ratio for Highest SQS / LAET Exceedance in Analyte Group
 40.4 Toxic Equivalency Quotient for Dioxins / Furans in pg/g Dry Weight
 NA Analyte Group Not Analyzed at Sample Location

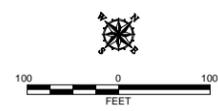


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Notes

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Reference: Aerial base and property lines from Department of Ecology ESRI database.

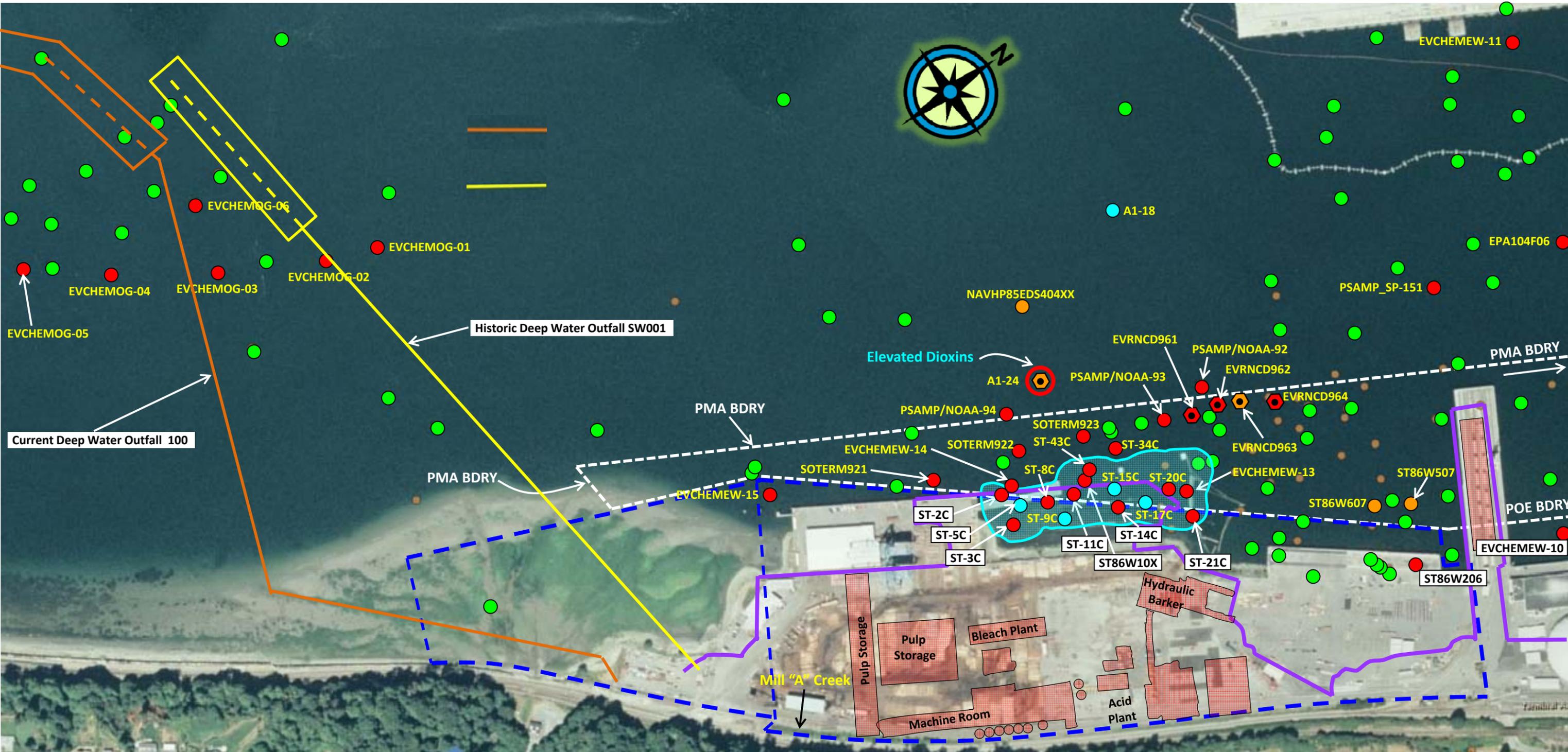


Subsurface Sediment Results Summary

Former Weyerhaeuser Mill A
 Everett, Washington

GEOENGINEERS

Figure A-5



Attachment A – Figure A-6¹ Weyerhaeuser Mill A Former Historical In-Water Sampling Map

¹The base map including all sampling information presented on this figure were obtained from Ecology's EIM Database.

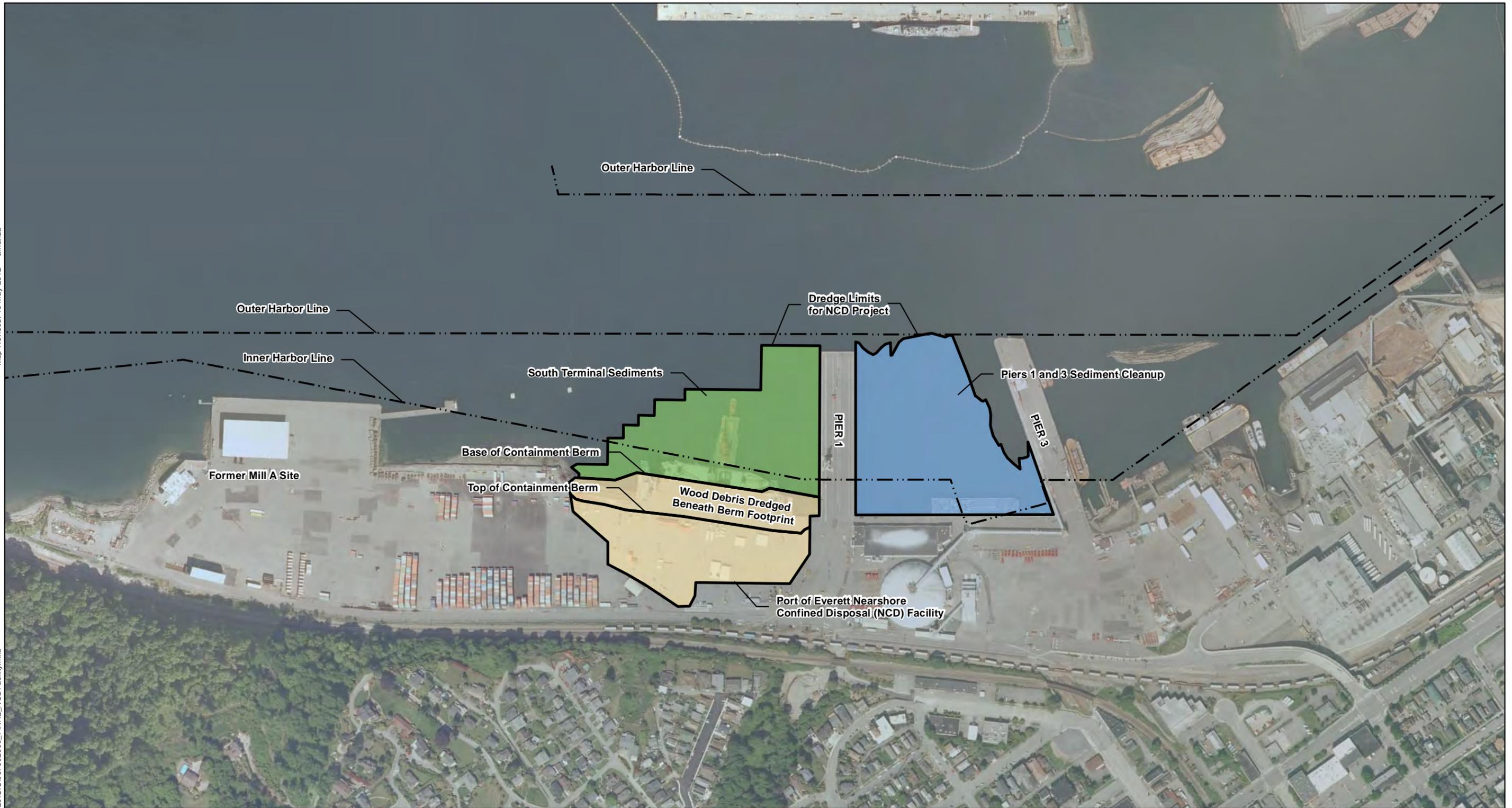
- Sediment Sample: SMS CSL Chemistry Exceedance
- Sediment Sample: SMS SQS Chemistry Exceedance
- Sediment Chemistry Sample (no exceedance)
- ⬡ Bioassay SMS CSL Exceedance
- ⬡ Bioassay SMS SQS Exceedance
- ⬡ Bioassay SMS SQS Exceedance/
Sediment CSL Chemistry Exceedance
- Sediment Samples with elevated dioxins

- Major Structures (1947)
- BDRY = Boundary
- PMA = Port Management Agreement
Source: PMA No. 20-080027 between DNR, POE, and WA State
- POE = Port of Everett
- Approx. Shoreline (1947)
- Former Weyerhaeuser Mill A Property Boundary
Source: 11/22/72 Weyerhaeuser Company Mill Site Drawing (Drawing No. 5041 D)

Sawdust Deposit – Estimated Boundary. Geomatrix, 2007

CSL = Cleanup Screening Level
SMS = Sediment Management Standard
SQS = Sediment Quality Standard

Geomatrix 2007. *Data Report. Former Mill A MTCA Support Sample Collection.* Everett, Washington. November 2007.

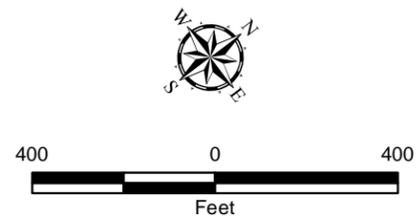


Data Source: Base aerial from Esri World Imagery; Aerials Express Seattle, 2009.

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Legend

- Port of Everett Nearshore Confined Disposal (NCD) Facility
- South Terminal Sediments - Partial Cleanup Area (further investigation is needed)
- Piers 1 and 3 Cleanup Area



**Port of Everett
Nearshore Confined Disposal (NCD) Facility**

Former Weyerhaeuser Mill A
Everett, Washington



Figure A-7