STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000*
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January 29, 2020

Ryan Sass, Public Works Director
Everett Public Works
3200 Cedar Street
Everett, WA 98201

**Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:**

- **Site Name:** Kimberly-Clark Worldwide
- **Address:** 2600 Federal Avenue, Everett, WA
- **County Assessor's Parcel Number:** 29051900201100, 29051900201500, 29051900201000, 29051900200900, 29051900300200, 29051900300201, 29051900300100, 00597761801000, 00597761803000, 00597761800600, 00437461700200, 29051900201300, 00597761800102, and 00597761803901
- **Cleanup Site ID:** 2569
- **Facility Site ID:** 9

Dear Ryan Sass:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find the City of Everett (City) liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Kimberly-Clark Worldwide facility (K-C Site).

Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

**Proposed Finding of Liability**

Ecology is proposing to find the City liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. The City of Everett is the current owner/operator of a "facility" as defined in RCW 70.105D.020(8). The City's ownership of a parcel making up this facility is established by records of the Snohomish County Tax Assessor's office **(Enclosure 1)**.

2. Credible evidence exists indicating that a "release or threatened release" of a "hazardous substance" has occurred at the Site as defined in RCW 70.105D.020(13) and (32), which poses a threat to human health or the environment. As a result of environmental non-compliance and recent investigations performed at the Site, Ecology believes that a release of hazardous substances has occurred at the Site, and further action will be required at this Site.

**Historic Operations at the K-C Site**

The area comprising the K-C Site was first developed in the late 1800s/early 1900s. In 1931, sulfite pulp mill began operation at the Site in 1931, with five digesters and two pulp drying machines. The sulfite mill produced approximately 500 tons per day of bleached sulphite pulp as reported in 1942. The sulfite pulping process involves cutting logs into wood chips which are then digested in a limestone and sulfur solution. The limestone and sulfur are treated so as to produce sulphurous acid which is used in the cooking process. When the cooking process is completed, the pulp discharge is discharged to blow pits. The resulting sulfite waste liquor (SWL) from the blow pits is very acidic, reportedly having a pH of around 1.9. The pulp is subsequently bleached with a chlorine solution. A 1967, report indicates that residual chlorine was detected in the water in front of the mill at concentrations ranging from 0.4 mg/L to greater than 1 mg/L.

In 1967, the United States Department of Interior reported that the mill produced calcium- and ammonia-base, paper-grade sulfite pulp and various types of towel and tissue paper. At that time, pulp production was reported to be about 828 tons per day. This production was reportedly equally divided between ammonia and calcium base sulfite. In the ammonia system, the waste liquor is burned to allow heat recovery and increased efficiencies in sulfur recovery.

Hydraulic barking, pulp bleaching, and pulp drying and baling were reported to be part of the pulping operation. The Department of Interior also reported in 1967 that a refiner groundwood mill was "recently" added to the mill's facilities. This plant produced about 50 tons of pulp per day by a high-yield mechanical process.

According to Ecology's industrial section, the mill was converted to an ammonia based sulfite process in 1974, and a recovery furnace was built. It was reported in 1977, that the mill, which at that time was considered one of the largest of its kind in the world, produced about 745 air-dry metric tons per day of paper-grade pulp. The mill also occasionally produced ordnance grade pulp.

In addition to the pulp and paper operations described above, bulk petroleum storage operations were conducted on the Site in the vicinity of the current distribution/warehouse. These included Associated Oil (predecessor to Texaco) and Standard Oil (predecessor to Chevron).

As early as 1930, the area underneath the current distribution/warehouse was occupied by Associated Oil Company and Standard Oil, based on a 1930, Great Northern Railway real estate map presented in the 2010 Focused Feasibility Study (FFS) Work Plan for the ExxonMobil ADC cleanup site.

**Upland Contamination**

In 2011, AECOM, Inc. (AECOM) published a Phase I Environmental Site Assessment (ESA) report for the mill. Some of the environmental releases that have occurred in the uplands as documented in the Phase I ESA and other investigations are summarized below.

- **Underground Storage Tank (UST) Removals** – Ten USTs were operated on the Scott Paper property at various times. In November 1989, eight USTs (Nos. 29, 67, 68, 69, 70, 71, 72, and 73) were removed from the property and Ecology was notified of fuel releases from UST Nos. 29, 68, 70, 71, 72, and 73 in December 1989. Additional USTs were removed in 1995 (70R) and in 1999 (68R).
- **Naval Reserve Property** – K-C exchanged a K-C owned property located north of the current north end semi-truck parking area for a Navy owned parcel (Naval Reserve Center Property) located just south of the secondary clarifier and aeration basins with the Navy in the mid-1990's. Contaminated soil and groundwater was identified in this area.
- **Bleaching Tower area** – Petroleum impacted soil was encountered during construction of a new bleaching tower in the late 1990s.
- **PCB Transformer** – PCB sampling at transformer stations 3/4 and 5/6 conducted in the 1990s exceeded EPA PCB clean up levels (10µg per 100 cubic centimeters) for concrete, and concrete removal was recommended by Safety-Kleen.
- **Former Paint Shop** – A Scott Paper Memorandum dated August 3, 1994, indicated that contamination described as paint thinner, gasoline or xylene was encountered during the excavation of a utility line in the area of a former Paint Shop.
- **Rail Car Dumper Containment Vault Valve** – A valve failure on a rail car resulted in the release of two gallons of hydraulic fluid to the East Waterway in 1995.
- **Former Oil House and Former Gasoline/Bunker C ASTs** – Oil range petroleum hydrocarbons were detected above the MTCA Method A groundwater cleanup level in the vicinity of the former oil house and former gasoline/Bunker C fuel oil AST farm.

- **Heavy Duty Shop Sump** – Petroleum staining was visible around and in a catch basin located in the Heavy Duty Shop. Water and petroleum product was observed in the catch basin along with a sump pump. Staining was observed on the outside of the building below the former discharge point of the sump pump. This sump was connected to the wastewater treatment plant in 2008.
- **Railcar Dumper Hydraulic System Building (south side)** – During a 2011, site walk as part of the Phase I ESA, hydraulic fluids were observed on the interior floor and staining was observed on the interior walls, on a small area of the exterior south wall, and on the ground surface of the Rail Car Dumper hydraulic system building. These observations were made next to a small unpaved area on the south side of the building. K-C indicated that a pipe in the lower exterior south wall has been identified and plugged to assure the integrity of the secondary containment function of the building. This pipe could have historically discharged to the ground surface from inside the building.
- **Dutch Ovens 1 through 5** – Soils were excavated for the foundation for Sand Filter 1, which was constructed within a building in the area of the Dutch Ovens 1 through 5. Some of the excavated material was identified as potentially consisting of spent sulfite liquor. The soils were characterized for proper landfill disposal. Results of the profiling detected arsenic (35.4 mg/kg) and cadmium (5.21 mg/kg) above MTCA Method A soil cleanup levels and were found acceptable for landfill disposal.
- **Latex Spill Area** – In 2008, approximately 28,000 gallons of latex were released due to an undetected break in a railroad car off-loading line.

It's noted that the Everett Mill dates back to approximately 1927, and operations conducted at this facility over the past 80 plus years have utilized a number of hazardous materials and petroleum products.

AECOM in the Phase I ESA indicated that site investigation and geotechnical boring logs show fill material described as demolition debris and wood processing waste. This material has been used as fill on the former K-C property and may also be a source of contamination. The potential presence of buried creosote pilings in the uplands may be another source of contamination.

A significant interim cleanup action at the Site commenced in 2013, to address contaminated soil and groundwater encountered during mill demolition. The 2013, interim action removed about 39,000 tons of contaminated soil and more than 6,000 gallons of petroleum contaminated water. The main contaminants that were addressed as part of the 2013, interim action were metals such as copper and lead, petroleum, polycyclic aromatic hydrocarbons (PAHs), and xylenes.

A second interim action is planned for the Site in 2020, based on the results of the remedial investigation/feasibility study (RI/FS). Nine areas are targeted for soil removal as part of this interim action. The contaminants in one or more of the soil removal areas include copper, lead, mercury, zinc, petroleum, polychlorinated biphenyls (PCBs), and PAHs.
As a result of the evidence (information) presented above, Ecology has identified the City as a PLP for the existing release at the Kimberly-Clark Worldwide Site.

**Opportunity to Respond to Proposed Finding of Liability**

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Andrew Kallus
Department of Ecology
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

**Identification of Other Potentially Liable Persons**

Ecology has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

Kimberly-Clark Corporation
Environment Energy Safety & Sustainability
1400 Holcomb Bridge Road
Roswell, GA 30076-2190

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

**Responsibility and Scope of Potential Liability**

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site.
If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

**Next Steps in Cleanup Process**

In response to the release of hazardous substances at the Site, Kimberly-Clark Worldwide, Inc. has agreed to undertake the following actions under MTCA:

- Conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 (Ecology Agreed Order No. DE 9476).
- Develop a draft Cleanup Action Plan (dCAP) per WAC 173-340-350 through -380 (Ecology Agreed Order No. DE 9476).
- Perform an interim action to address contaminated soil or groundwater encountered during facility demolition.
- Perform an additional interim action at the Site per WAC 173-340-350 (First Amendment to Ecology Agreed Order No. DE 9476).

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

**Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact Andrew Kallus at (360) 407-7324 or at andrew.kallus@ecy.wa.gov. Thank you for your cooperation.

Sincerely,

Barry Rogowski
Section Manager
Toxics Cleanup Program

Enclosures:
(1) Snohomish County Tax Assessor Map
(2) Focus: Model Toxics Control Act Cleanup Regulation: Process For Cleanup of Hazardous Waste Sites (Pub. No. #94-129)
(3) Voluntary Waiver of Right to Comment Form

By certified mail: 9489 0090 0027 6066 8927 53

cc: John Level, ATG

ENCLOSURE 1

SNOHOMISH COUNTY PARCEL MAP


**Enclosure 1 – Snohomish County Tax Assessor Parcel Map**

Base map is from the Snohomish County Tax Assessor Online Property Information (accessed Dec. 2019)

ENCLOSURE 2

MTCA FACT SHEET

WASHINGTON STATE DEPARTMENT OF ECOLOGY

# Focus

## Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites

In March of 1989, an innovative, citizen-mandated toxic waste cleanup law went into effect in Washington, changing the way hazardous waste sites in this state are cleaned up. Passed by voters as Initiative 97, this law is known as the Model Toxics Control Act, chapter 70.105D RCW. This fact sheet provides a brief overview of the process for the cleanup of contaminated sites under the rules Ecology adopted to implement that Act (chapter 173-340 WAC).

### How the Law Works

The cleanup of hazardous waste sites is complex and expensive. In an effort to avoid the confusion and delays associated with the federal Superfund program, the Model Toxics Control Act is designed to be as streamlined as possible. It sets strict cleanup standards to ensure that the quality of cleanup and protection of human health and the environment are not compromised. At the same time, the rules that guide cleanup under the Act have built-in flexibility to allow cleanups to be addressed on a site-specific basis.

The Model Toxics Control Act funds hazardous waste cleanup through a tax on the wholesale value of hazardous substances. The tax is imposed on the first in-state possessor of hazardous substances at the rate of 0.7 percent, or $7 per $1,000. Since its passage in 1988, the Act has guided the cleanup of thousands of hazardous waste sites that dot the Washington landscape. The Washington State Department of Ecology's Toxic Cleanup Program ensures that these sites are investigated and cleaned up.

### What Constitutes a Hazardous Waste Site?

Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment must report this information to the Department of Ecology (Ecology). If an "initial investigation" by Ecology confirms further action (such as testing or cleanup) may be necessary, the facility is entered onto either Ecology's "Integrated Site Information System" database or "Leaking Underground Storage Tank" database. These are computerized databases used to track progress on all confirmed or suspected contaminated sites in Washington State. All confirmed sites that have not been already voluntarily cleaned up are ranked and placed on the state "Hazardous Sites List." Owners, operators and other persons known to be potentially liable for the cleanup of the site will receive an "Early Notice Letter" from Ecology notifying them that their site is suspected of needing cleanup, and that it is Ecology's policy to work cooperatively with them to accomplish prompt and effective cleanup.

**October 2005**
**Revised**

Focus No. 94-129

*printed on recycled paper*

## Who is Responsible for Cleanup?

Any past or present relationship with a contaminated site may result in liability. Under the Model Toxics Control Act a potentially liable person can be:

- A current or past facility owner or operator.
- Anyone who arranged for disposal or treatment of hazardous substances at the site.
- Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport.
- Anyone who sells a hazardous substance with written instructions for its use, and abiding by the instructions results in contamination.

In situations where there is more than one potentially liable person, each person is jointly and severally liable for cleanup at the site. That means each person can be held liable for the entire cost of cleanup. In cases where there is more than one potentially liable person at a site, Ecology encourages these persons to get together to negotiate how the cost of cleanup will be shared among all potentially liable persons.

Ecology must notify anyone it knows may be a "potentially liable person" and allow an opportunity for comment before making any further determination on that person's liability. The comment period may be waived at the potentially liable person's request or if Ecology has to conduct emergency cleanup at the site.

## Achieving Cleanups through Cooperation

Although Ecology has the legal authority to order a liable party to clean up, the department prefers to achieve cleanups cooperatively. Ecology believes that a non-adversarial relationship with potentially liable persons improves the prospect for prompt and efficient cleanup. The rules implementing the Model Toxics Control Act, which were developed by Ecology in consultation with the Science Advisory Board (created by the Act), and representatives from citizen, environmental and business groups and government agencies, are designed to:

- Encourage independent cleanups initiated by potentially liable persons, thus providing for quicker cleanups with less legal complexity.
- Encourage an open process for the public, local government and liable parties to discuss cleanup options and community concerns.
- Facilitate cooperative cleanup agreements rather than Ecology-initiated orders. *Ecology can, and does, however use enforcement tools in emergencies or with recalcitrant potentially liable persons.*

## What is the Potentially Liable Person's Role in Cleanup?

The Model Toxics Control Act requires potentially liable persons to assume responsibility for cleaning up contaminated sites. For this reason, Ecology does not usually conduct the actual cleanup when a potentially liable person can be identified. Rather, Ecology oversees the cleanup of sites to ensure that investigations, public involvement and actual cleanup and monitoring are done appropriately. Ecology's costs of this oversight are required to be paid by the liable party.

When contamination is confirmed at the site, the owner or operator may decide to proceed with cleanup without Ecology assistance or approval. Such "independent cleanups" are

allowed under the Model Toxics Control Act under most circumstances, but must be reported to Ecology, and are done at the owner's or operator's own risk. Ecology may require additional cleanup work at these sites to bring them into compliance with the state cleanup standards. Most cleanups in Washington are done independently.

Potentially liable persons conducting independent cleanups do not have access to financial assistance from Ecology. Those who plan to seek contributions from other persons to help pay for cleanup costs need to be sure their cleanup is "the substantial equivalent of a department-conducted or department-supervised remedial action." Ecology has provided guidance on how to meet this requirement in WAC 173-340-545. Persons interested in pursuing a private contribution action on an independent cleanup should carefully review this guidance prior to conducting site work.

## Working with Ecology to Achieve Cleanup

Ecology and potentially liable persons often work cooperatively to reach cleanup solutions. Options for working with Ecology include formal agreements such as consent decrees and agreed orders, and seeking technical assistance through the Voluntary Cleanup Program. These mechanisms allow Ecology to take an active role in cleanup, providing help to potentially liable persons and minimizing costs by ensuring the job meets state standards the first time. This also minimizes the possibility that additional cleanup will be required in the future – providing significant assurances to investors and lenders.

Here is a summary of the most common mechanisms used by Ecology:

- **Voluntary Cleanup Program**: Many property owners choose to cleanup their sites independent of Ecology oversight. This allows many smaller or less complex sites to be cleaned up quickly without having to go through a formal process. A disadvantage to property owners is that Ecology does not approve the cleanup. This can present a problem to property owners who need state approval of the cleanup to satisfy a buyer or lender.

  One option to the property owner wanting to conduct an independent cleanup yet still receive some feedback from Ecology is to request a technical consultation through Ecology's Voluntary Cleanup Program. Under this voluntary program, the property owner submits a cleanup report with a fee to cover Ecology's review costs. Based on the review, Ecology either issues a letter stating that the site needs "No Further Action" or identifies what additional work is needed. Since Ecology is not directly involved in the site cleanup work, the level of certainty in Ecology's response is less than in a consent decree or agreed order. However, many persons have found a "No Further Action" letter to be sufficient for their needs, making the Voluntary Cleanup Program a popular option.

- **Consent Decrees:** A consent decree is a formal legal agreement filed in court. The work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office. Before consent decrees can become final, they must undergo a public review and comment period that typically includes a public hearing. Consent decrees protect the potentially liable person from being sued for "contribution" by other persons that incur cleanup expenses at the site while facilitating any contribution claims against the other persons when they are responsible for part of the cleanup costs. Sites cleaned up under a consent decree are also exempt from having to obtain certain state and local permits that could delay the cleanup.

- ***De Minimus* Consent Decree:** Landowners whose contribution to site contamination is "insignificant in amount and toxicity" may be eligible for a de minimus consent decree. In these decrees, the landowner typically settles their liability by paying for some of the cleanup instead of actually conducting the cleanup work. Ecology usually accepts a de minimus settlement proposal only if the landowner is affiliated with a larger site cleanup that Ecology is currently working on.
- **Prospective Purchaser Consent Decree:** A consent decree may also be available for a "prospective purchaser" of contaminated property. In this situation, a person who is not already liable for cleanup and wishes to purchase a cleanup site for redevelopment or reuse may apply to negotiate a prospective purchaser consent decree. The applicant must show, among other things, that they will contribute substantial new resources towards the cleanup. Cleanups that also have a substantial public benefit will receive a higher priority for prospective purchaser agreements. If the application is accepted, the requirements for cleanup are negotiated and specified in a consent decree so that the purchaser can better estimate the cost of cleanup before buying the land.
- **Agreed Orders:** Unlike a consent decree, an agreed order is not filed in court and is not a settlement. Rather, it is a legally binding, administrative order issued by Ecology and agreed to by the potentially liable person. Agreed orders are available for remedial investigations, feasibility studies, and final cleanups. An agreed order describes the site activities that must occur for Ecology to agree not to take enforcement action for that phase of work. As with consent decrees, agreed orders are subject to public review and offer the advantage of facilitating contribution claims against other persons and exempting cleanup work from obtaining certain state and local permits.

## Ecology-Initiated Cleanup Orders

Administrative orders requiring cleanup activities without an agreement with a potentially liable person are known as **enforcement orders**. These orders are usually issued to a potentially liable person when Ecology believes a cleanup solution cannot be achieved expeditiously through negotiation or if an emergency exists. If the responsible party fails to comply with an enforcement order, Ecology can clean up the site and later recover costs from the responsible person(s) at up to three times the amount spent. The state Attorney General's Office may also seek a fine of up to $25,000 a day for violating an order. Enforcement orders are subject to public notification.

## Financial Assistance

Each year, Ecology provides millions of dollars in grants to local governments to help pay for the cost of site cleanup. In general, such grants are available only for sites where the cleanup work is being done under an order or decree. Ecology can also provide grants to local governments to help defray the cost of replacing a public water supply well contaminated by a hazardous waste site. Grants are also available for local citizen groups and neighborhoods affected by contaminated sites to facilitate public review of the cleanup. See Chapter 173-322 WAC for additional information on grants to local governments and Chapter 173-321 WAC for additional information on public participation grants.

## Public Involvement

Public notices are required on all agreed orders, consent decrees and enforcement orders. Public notification is also required for all Ecology-conducted remedial actions.

Ecology's Site Register is a widely used means of providing information about cleanup efforts to the public and is one way of assisting community involvement. The Site Register is published every two weeks to inform citizens of public meetings and comment periods, discussions or negotiations of legal agreements, and other cleanup activities. Persons affected by contaminated sites and needing additional information on the Act, cleanup standards, or risk assessment can call Ecology's Citizen Technical Advisor toll free at 1-800-826-7716. The Site Register can be accessed on the Internet at: www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

## How Sites are Cleaned Up

The rules describing the cleanup process at a hazardous waste site are in chapter 173-340 WAC. The following is a general description of the steps taken during the cleanup of an average hazardous waste site. Consult the rules for the specific requirements for each step in the cleanup process.

***1. Site Discovery:*** Sites where contamination is found must be reported to Ecology's Toxics Cleanup Program within 90 days of discovery, unless it involves a release of hazardous materials from an underground storage tank system. In that case, the site discovery must be reported to Ecology within 24 hours. At this point, potentially liable persons may choose to conduct independent cleanup without assistance from the department, but cleanup results must be reported to Ecology.

***2. Initial Investigation:*** Ecology is required to conduct an initial investigation of the site within 90 days of receiving a site discovery report. Based on information obtained about the site, a decision must be made within 30 days to determine if the site requires additional investigation, emergency cleanup, or no further action. If further action is required under the Model Toxics Control Act, Ecology sends early notice letters to owners, operators and other potentially liable persons inviting them to work cooperatively with the department.

***3. Site Hazard Assessment:*** A site hazard assessment is conducted to confirm the presence of hazardous substances and to determine the relative risk the site poses to human health and the environment.

***4. Hazard Ranking:*** The Model Toxics Control Act requires that sites be ranked according to the relative health and environmental risk each site poses. Working with the Science Advisory Board, Ecology created the Washington Ranking Method to categorize sites using data from site hazard assessments. Sites are ranked on a scale of 1 to 5. A score of 1 represents the highest level of risk and 5 the lowest. Ranked sites are placed on the state Hazardous Sites List.

***5. Remedial Investigation/Feasibility Study:*** A remedial investigation and feasibility study is conducted to define the extent and magnitude of contamination at the site. Potential impacts on human health and the environment and alternative cleanup technologies are also evaluated in this study. Sites being cleaned up by Ecology or by potentially liable persons under a consent decree, agreed order or enforcement order are required to provide for a 30 day public review before finalizing the report.

***6. Selection of Cleanup Action:*** Using information gathered during the study, a cleanup action plan is developed. The plan identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site. A draft of the plan is subject to public review and comment before it is finalized.

***7. Site Cleanup:*** Actual cleanup begins when the cleanup action plan is implemented. This includes design, construction, operation and monitoring of cleanup actions. A site may be taken off the Hazardous Sites List after cleanup is completed and Ecology determines cleanup standards have been met.

## For More Information / Special Accommodation Needs

If you would like more information about the state Model Toxics Control Act, please call us toll-free at **1-800-826-7716**, or contact your regional Washington State Department of Ecology office listed below. Information about site cleanup, including a listing of ranked hazardous waste sites, is also accessible through our Internet address: http://www.ecy.wa.gov/programs/tcp/cleanup.html

- **Northwest Regional Office** **425/649-7000 (voice) / 206/649-4259 (TDD)**
  (Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom Counties)
- **Southwest Regional Office** **360/407-6300 (voice) / 360/407-6306 (TDD)**
  (Southwestern Washington, Olympic Peninsula, Pierce, Thurston and Mason Counties)
- **Central Regional Office** **509/575-2490 (voice) / 509/454-7673 (TDD)**
  (Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima Counties)
- **Eastern Regional Office** **509/329-3400 (voice) / 509/458-2055 (TDD)**
  (Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman Counties)

*If you need this publication in an alternate format, please contact Toxics Cleanup Program at 360-407-7170. For persons with a speech or hearing impairment call 711 for relay service or 800-833-6388 for TTY.*

**Disclaimer Notice:** This fact sheet is intended to help the user understand the Model Toxics Control Act Cleanup Regulation, chapter 173-340 WAC. It does not establish or modify regulatory requirements.

ENCLOSURE 3
PLP NOTICE LETTER AND 30 DAY COMMENT
PERIOD WAIVER FORM

**EARLY POTENTIALLY LIABLE PERSON NOTICE LETTER**
**THIRTY–DAY COMMENT PERIOD WAIVER FORM**

Name:

Address:

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I ……., as a representative of the City of Everett (City), do hereby waive the City's right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept(s) the City's status as a Potentially Liable Person at the following contaminated site:

- **Site Name**: Kimberly-Clark Worldwide Site
- **Site Address**: 2600 Federal Avenue in Everett, Washington
- **Cleanup Site ID**: 2569
- **Facility/Site ID**: 9

The Kimberly-Clark Worldwide Site is generally located adjacent to East Waterway on the east side of West Marine View Drive between Everett Avenue and 21st Street, Everett Washington, and the adjacent East Waterway Site. By waiving this right, the City of Everett makes no admission of liability.

_____ _____
Signature Date

_____
Relation To The Site
(ie, Owner, Operator or Representative)