



DEPARTMENT OF
ECOLOGY
State of Washington

Responsiveness Summary Report

Draft Agreed Order, Draft Interim Action Work Plan, and Draft Public Participation Plan

Go East Corp Landfill Site Everett, WA

Facility Site ID: 2708

Cleanup Site ID: 4294

January 2021

Publication and Contact Information

This document is available on the Department of Ecology's Go east Corp Landfill website at: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

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Response to Comments

Proposed Agreed Order, Interim Action Work Plan, and Public Participation Plan

Go East Corp Landfill Site Everett, WA

Facility Site ID: 2708
Cleanup Site ID: 4294

Washington State Department of Ecology
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Project Summary

The Go East Corp. Landfill site (Site) is located at 4330 108th Street, Everett, WA 98208. The 40.9-acre property contains a 9.6-acre landfill that operated from 1972 to 1983. P&GE, LLC (P&GE, property owner) is redeveloping the 40.9-acre property to allow development of the Bakerview Subdivision.

The Snohomish Health District (SHD) issued a landfill permit that requires P&GE to consolidate and close the landfill as a limited purpose landfill in accordance with Section 173-350-400 of the Washington Administrative Code (WAC). The solid waste regulations provide closure, post-closure care, and financial assurance requirements for the containment of landfill material. The landfill permit requires the landfill to be closed and operated in accordance with the Go East Landfill Closure Plan, last revised in January 2018, and to provide final design drawings and construction specifications for landfill closure. The Washington State Department of Ecology (Ecology) provides technical assistance to SHD with their regulation of the landfill.

Snohomish County Planning and Development Services (PDS) issued a land disturbing activity (LDA) permit for the initial site grading, which includes consolidation and capping of the landfill and re-contouring of the property. PDS issued a mitigated determination of non-significance (MDNS) for the project on May 17, 2017, in accordance with the State Environmental Policy Act. PDS is the agency with regulatory jurisdiction for development activities. Ecology has no regulatory authority over development activities.

Ecology has primary jurisdiction for implementing the state cleanup law, the Model Toxics Control Act (MTCA). The state cleanup regulations are applicable for the release of hazardous substances from a landfill.

Ecology issued an Early Notice Letter regarding the release of hazardous substances for the Site on September 9, 2019. P&GE has proposed to enter into an Agreed Order (AO) with Ecology. The Agreed Order requires P&GE to implement an interim action work plan (IAWP) concurrent with the permitted landfill closure, to prepare a remedial investigation work plan, to perform a remedial investigation, and to prepare a remedial investigation/feasibility study (RI/FS) report and preliminary draft cleanup action plan (CAP) for the Site.

Public Participation Summary

Public participation is a key component of the Model Toxics Control Act. Ecology's site webpage (<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>) provides a project summary, project updates, and an online document repository.

Ecology held a public comment period for the proposed Agreed Order and Interim Action Work Plan and the Public Participation Plan from May 8 to June 28, 2020. Ecology is not hosting in-person public meetings during the Governor's restrictions for public gatherings during the COVID-19 pandemic, and our ability to provide document repositories is limited. Ecology hosted an online public meeting on Thursday, June 18, 2020 from 7-9 pm, where participants were encouraged to submit their comments via ecomments, email, or mail to Ecology.

Ecology shared the pre-construction soil sampling investigation results from June 29-30, 2020 and the updated closure plans and specifications on the site webpage in August 2020. Ecology held this responsiveness summary report until January 2021 to review and incorporate elements of the construction stormwater permit and construction schedule that are separate from the requirements of the Agreed Order.

Ecology has maintained direct communication with the Kings Ridge Homeowner's Association and 108th Street Point Homeowner's Association (collectively, the HOAs), including presidents, environmental consultants, and attorney for the HOAs.

Public Comment Summary

Ecology received 76 comments during the 52-day comment period, as itemized in Table 1 in order of receipt. The public comments are provided in Appendix A, pertinent correspondence from Ecology during the public comment period is provided in Appendix B, and the list of participants for the public meeting is provided in Appendix C.

Table 1: Public Comment Summary

Comment	Date	Name	Organization
1	5/5/2020	Kerri Mallams	
2	5/5/2020	Sue Closser	
3	5/6/2020	Julie Chittenden	Kings Ridge HOA President
4	5/6/2020	Steven Chittenden	
5	5/6/2020	Bill and Pat Nettle	
6	5/6/2020	Linda Lamprecht	
7	5/7/2020	Teresa Manspeaker	
8	5/7/2020	Bruce Yale	
9	5/7/2020	Stephen Moll	
10	5/7/2020	William Bentler	
11	5/8/2020	Pam Jenkins	Practical Environmental Solutions
12	5/8/2020	Bradey Honsinger	
13	5/8/2020	Catherine Mitcheltree	
14	5/8/2020	Sean Danielson	
15	5/9/2020	Dana Tackett	
16	5/9/2020	Mary Morrison	
17	5/9/2020	Gail Kieckhefer	
18	5/9/2020	Jerome Goodale	
19	5/9/2020	Steven Smith	
20	5/10/2020	Ryan McFadden	
21	5/10/2020	Gwsund	
22	5/11/2020	Peggy Hurd	108 th Street Point HOA President
23	5/11/2020	Gerald Johnson	
24	5/11/2020	Carrie McCain	
25	5/11/2020	Kerri Mallams	

Comment	Date	Name	Organization
26	5/11/2020	Pat and Bill Nettle	
27	5/11/2020	Julie Chittenden	Kings Ridge HOA President
28	5/11/2020	Diana LeBlanc	
29	5/12/2020	Robert LeBlanc	
30	5/12/2020	Joyce McNeely	
31	5/13/2020	Renee Malowney	
32	5/14/2020	Steven Smith	
33	5/14/2020	K. Erickson	
34	5/16/2020	Decebal Cheldiu	
35	5/18/2020	Jim Brandley	
36	5/19/2020	Keith and Gail Martinez	
37	5/26/2020	Mike Ball	
38	5/27/2020	Jeremy Davis	Landau Associates
39	5/27/2020	Julie Chittenden	Kings Ridge HOA President
40	6/4/2020	Pam Jenkins	Practical Environmental Solutions
41	6/5/2020	Ronald Killian	
42	6/5/2020	Frankie Savage	
43	6/6/2020	Thomas Croissant	
44	6/6/2020	Marianne Giffard	
45	6/6/2020	Grace Yun	
46	6/7/2020	Brenda Ferguson	
47	6/10/2020	Mindy Engelberg	
48	6/11/2020	Ray Kimble	
49	6/11/2020	Jaclyn Kimble	
50	6/12/2020	Julie Chittenden	Kings Ridge HOA President
51	6/13/2020	Karen Kephart	
52	6/13/2020	D. Salsman	
53	6/13/2020	Pam Jenkins	Practical Environmental Solutions
54	6/15/2020	Stephen Moll	
55	6/18/2020	Pam Jenkins	Practical Environmental Solutions
56	6/20/2020	Monny Dake	
57	6/22/2020	Mark Engelberg	

Comment	Date	Name	Organization
58	6/24/2020	Julie Chittenden	Kings Ridge HOA President
59	6/26/2020	Pam Jenkins	Practical Environmental Solutions
60	6/27/2020	David Porter	
61	6/27/2020	Connie Klagge	
62	6/27/2020	Steven Smith	
63	6/27/2020	Tom Croissant	
64	6/27/2020	Bradey Honsinger	
65	6/27/2020	William Bentler	
66	6/28/2020	Peggy Hurd	108 th Street Point HOA President
67	6/28/2020	Teresa Manspeaker	
68	6/28/2020	Steven Chittenden	
69	6/28/2020	Julie Chittenden	
70	6/28/2020	Curt Marsh	
71	6/28/2020	Steven Hurd	
72	6/28/2020	William Bentler	
73	6/28/2020	Ben Zarlingo	
74	6/29/2020	Catherine Mitcheltree	
75	6/30/2020	Michelle Welch	
76	7/1/2020	Mike McCallister	

Comments and Responses

Ecology has reviewed all public comments received on the proposed Agreed Order and Interim Action Work Plan, and the Public Participation Plan. These comments were considered in the finalization of the Agreed Order and Interim Action Work Plan. Ecology has authorized P&GE to proceed with the interim action work plan during the permitted land development and landfill closure activities. The Agreed Order, Interim Action Work Plan, and Public Participation Plan have been revised based on these comments.

Comment 1: Kerri Mallam (5/5/2020)

I am a resident of The Point development in Everett, WA. I am writing with my concern over the proposed development of the Go-East Landfill.

Please prohibit any further action on the property until the public comment period and public meeting to be held.

As a matter of public safety and environmental health, we should allow all public participation in the future development of this waste site.

I would appreciate information on future actions, comment period and public meetings.

Response:

P&GE did not initiate any landfill closure, development, or interim action activities until after the public comment period.

Comment 2: Sue A Closser (5/5/2020)

It is very important for our health and our environment that the public meeting be held and comments and explanations not be restricted in any way. For this reason, I ask that the landfill work be postponed, if necessary, in order to allow the full input from the public. In this way no resident of the county will be limited in giving input. It is my view that the project is far too important and has far too many hazards to be pushed forward in spite of the Covid 19 pandemic. I realize the impossibility of a public meeting at this time. I also realize that eventually (in phase 4 of the governor's plan) we will be able to meet safely in large groups again, and the public meeting could be held at that time.

I request that the Dept. of Ecology not allow any further action on the landfill until the public comment period and public meeting have been held. Please do not forgo the public meeting due to the shelter at home restrictions.

Response:

Ecology is not hosting in-person public meetings during the Governor's restrictions for public gatherings during the COVID-19 pandemic, and our ability to provide document repositories is limited. Ecology hosted an online public meeting on June 18 from 7-9 pm. approximately 55 people attended the meeting. Ecology also provided an extended 52-day public comment period through June 28, 2020.

Comment 3: Julie Chittenden (5/6/2020)

This is a formal request for a public information meeting as mandated through the MTCA process. Because of the complexity of the landfill closure and subsequent development of a residential community, the public needs a venue where participants are allowed to view all relevant documents related to the closure activities so they can be assured that their health will not be at risk due to activity on this site. A public forum, not online, would be necessary after the current sheltering orders are lifted due to COVID-19. Many of our older residents are not Zoom savvy and an online venue would preclude their participation. We need a public meeting to accommodate a hundred people or more.

In addition, we feel that to begin activity on the site is presumptuous that all concerns have been met. We would ask that no activity begin until the community has had a public forum.

It has been up to the adjacent HOA's to synthesize and disperse information as plans for this development have progressed over the last ten years. Never during this time, has the owner's P&GE conducted any type of public meeting to explain to the public what is being proposed and how the public will be protected from containments discovered on this property. We have had to hire our own experts at homeowner's expense to obtain information relevant to the project.

Response:

Please see response to Comment 2 for the in-person public meeting request. Ecology mailed hard copies of the Agreed Order, Interim Action Work Plan, and Public Participation Plan on May 15, 2020, including four copies to Julie Chittenden (Kings Ridge HOA president), four copies to Peggy Hurd (108th Street Point HOA president), one copy to Pam Jenkins (Practical Environmental Solutions, consultant to HOAs), and one copy to Dave Bricklin (attorney for HOAs). In addition to formal comments provided in this responsiveness summary report, Ecology corresponded with the HOA presidents, and their consultant and attorney on numerous occasions during the 52-day public comment period.

The scope of the closure plan has changed since the discovery of petroleum on this site last year. The extent or source of the contamination has not been disclosed. I have also not seen an addendum to the closure plan where petroleum contamination will be mitigated as the original permit was for woodwaste. I am gravely concerned that the main venue for discovery of petroleum is by smell whereas, vigorous sampling of the soil should be scheduled. The metal drums or 500 gallon tank discovered on the property have not been investigated as they may suggest a source for petroleum found on the site.

Response:

As required by the landfill permit and landfill closure plan, P&GE collected 29 waste characterization samples from 25 test pits in areas of the landfill to be excavated in June 2019. Polycyclic aromatic hydrocarbons (PAHs) and oil-range petroleum hydrocarbons were detected in the landfill material. The contamination is consistent with the asphaltic material, roof tar, creosote treated wood, and combustion residuals encountered in the test pits. The encountered materials are consistent with the previously authorized waste and with the current limited purpose landfill regulations.

The Results of Pre-Construction Soil Sampling are provided on [Ecology's Go East Corp. Landfill website](#).¹ P&GE collected 12 supplemental waste characterization samples on June 29-30, 2020, and submitted the samples for a full-suite of analytical parameters in accordance with the Interim Action Work Plan. The supplemental sample results were consistent with the June 2019 samples. The pre-excavation waste characterization sample results do not indicate the presence of dangerous waste or polychlorinated biphenyl (PCB) waste, and do not preclude the consolidation of waste into the final landfill boundary.

The Interim Action Work Plan describes additional observation, field screening, and contingent sampling during the excavation of landfill material. See Comment 38 for additional detail.

Additionally, a soil sample was collected beneath the former location of the presumptive 500-gallon heating oil tank. The sample, FST-01, contained diesel and heavy oil range petroleum hydrocarbons at concentrations below the MTCA soil cleanup level.

The current interim activities do not account for the original buffer of trees that were scheduled to be left to mitigate airborne pollutants. It would appear from the current plans that only two trees adjacent to the entrance are scheduled to remain. I have a concerned mother in our HOA with an asthmatic child whose home is directly adjacent to the western edge of the development. I cannot assure her or the child that they will not experience direct exposure. Families like these want a public venue to ask questions regarding public health exposure. This needs to be provided by the Department of Ecology as part of the public participation process as outlined through MTCA.

Response:

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd.

The relocation of the stream may pose additional hazards as it will pass through areas not sufficiently tested for contaminants. Testing to the north of the stream contains observed landfill material but does not state the depth of these test areas. There is no information which indicates the flow of groundwater that may pass through the area of the relocation which could redeposit contaminants. The outflow of the downstream channel which terminates in the lower Snohomish River valley area should be tested to assure local farmers that their soils will not be contaminated from irrigation pumped from the surrounding ditches. These individuals have had little to no education regarding this development and will want a public venue to express their concerns.

Response:

As shown in Figure 1 of the Result of Pre-Construction Soil Sampling report, this area is beyond the landfill limit and five soil samples (Fill-06 to Fill-10) were collected between the landfill and the stream. The samples were submitted for a full-suite of analytical parameters; the concentrations of metals were below Interim Action Levels and no organic contaminants were detected. As described in Section 2.2 of the Interim Action Work Plan, the depth to groundwater ranges from 30 to 50 feet below ground surface in

¹ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

this area. The Remedial Investigation will include an evaluation of surface water discharged from the Site.

To assure our HOA associations and surrounding community that their health will not be compromised during the development of this site, please consider this request for a public venue where these concerns can be properly addressed.

Response:

Please see response to Comment 2 for the in-person public meeting request.

Comment 4: Steven Chittenden (5/6/2020)

I am writing to request a public venue outlined in the MTCA for public participation. This public venue will need to be enough space for about 100 or more people. This will need to take place after Governor Inslee lifts the Stay at Home order for all in Washington State.

Response:

Please see response to Comment 2 for the in-person public meeting request.

Comment 5: Bill & Pat Nettle (5/6/2020)

We strongly urge that the landfill cleanup, at the Go-East development site, 4330 108th Street, Everett, WA 98208, be expedited as rapidly as possible with no further delays. The landfill work should not be delayed.

Response:

Comment noted.

Comment 6: Lance and Linda Lamprecht (5/6/2020)

I'd like to request a public forum to discuss the proposed East Corp Landfill project. Because of the stay home, stay safe order from Governor Inslee, I respectfully request that the public meeting be postponed until after the order is lifted.

Response:

Please see response to Comment 2 for the in-person public meeting request.

Comment 7: Teresa Manspeaker (5/7/2020)

I respectfully request that you not allow any further action to take place on the landfill until after the public comment AND Public Meeting be held (AFTER the Covid-19 quarantine is over) so that the multiple neighborhoods impacted by the property have a chance to share their concerns and for all material to be brought forward for proper review.

When the FIRST EVER soil samples were taken last year and concluded that the site was TOXIC. I'm gravely concerned more for the people that would purchase these homes on a toxic waste site more than I am for myself personally. That would be a horrible thing to do.

Response:

Please see response to Comment 2 for the in-person public meeting request.

The Interim Action Work Plan specifies how P&GE will ensure that the soil under the new homes will meet the stringent cleanup levels developed by the Department of Ecology, which are protective for residential use.

Comment 8: Bruce Yule (5/7/2020)

I am a homeowner adjacent to the Go East “Bakerview” landfill and am requesting a public forum rather than a COVID 19 style zoom meeting. It is vitality important to both myself and my family that our concerns be heard. A landfill that caught on fire and burned for several years in the 80s should be scrutinized and not rubber stamped.

Response:

See response to Comment 2 for the in-person public meeting request.

Comment 9: Stephen C. Moll (5/7/2020)

Here we go again! Another attempt by the owners/developers of this MCTA designated toxic waste dump to avoid facing the public while pushing through its closure so they can build low cost homes on top of it. They are looking to take advantage of the current "sheltering in place" as directed by Governor Inslee as an opportunity to expedite the process by accepting comment through email and written letters as testimony, and thereby side-stepping the need to face the public.

As a retired health care worker with years of experience in and around toxic environments, and as the head of an aged household with a spouse who has a long history of respiratory illness, I object vehemently to this planned shortcut!! The public is at risk with this plan to stir up and transport toxic waste through our community. Our home overlooks this toxic land and will surely be exposed to the airborne waste product. A face-to-face public hearing must take place before ANY ACTIVITY is allowed on this property. There is no reason that your agency cannot table this project until a hearing can take place where the unified voices of those about to be affected can be heard.

Response:

Please see response to Comment 2 for the in-person public meeting request. Please see response to your subsequent Comment 54.

Comment 10: William Bentler (5/7/2020)

I have lived adjacent to this property for almost 22 years. Yesterday, my mailbox was stuffed with 16 duplicate copies of the mailer your agency sent, inviting a comment period from May 8 to June 7, 2020. Other neighbors also received numerous, superfluous copies too.

It seems obvious this missive was composed well before the current pandemic crisis. It seems invalid, since it cites a nearby library in Mill Creek as a resource for document review. Obviously, all such libraries are in lockdown status for the foreseeable future. That in turn invalidates the projected time table for owner activity to resume by this summer.

I am glad for DOE's intervention in this interminable, dubious enterprise, and I hope future such bulletins will have more updated information.

Response:

Ecology apologizes for the duplicate copies of the Fact Sheet.

[Ecology's Go East Corp. Landfill website](#)² provides a site summary, project updates, and an online document repository.

Comment 11: Pam Jenkins (5/8/2020)

Logging of trees and vegetative clearing should NOT occur until public comments on the Interim Action Work Plan have been received by Ecology and appropriately responded to. It appears that logging and clearing of vegetation will eliminate one of the mitigations for fugitive dust that are included in the Landfill Closure Plan.

Response:

The land clearing activities, including the permitted tree removal, were postponed until after the public comment period. Snohomish County Planning and Development Services is the responsible agency for approving tree removal. Ecology worked with P&GE to clarify the tree removal plans and address the comment and dust abatement concerns.

Ecology's email, dated May 11, 2020, is provided in Appendix B. Trees will generally be retained near the northwest entrance, along the west property boundary north of Wetlands A, and adjoining the first few lots east of the northwest entrance. Trees will be removed from areas of the property that will be used to obtain onsite fill for backfilling excavated portions of the landfill and providing soil cover for the landfill. P&GE has offered to postpone the removal of large trees near the boundary, as allowable, and to remove these trees only when necessary to provide soil for the final landfill cover.

Comment 12: Bradey Honsinger (5/8/2020)

I request that a public meeting be held for the Go East Corp Landfill project before any further action is taken. This project will have a direct effect on my family, and a public meeting is critical to allow us to understand the impact and provide feedback.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

² <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

Comment 13: Catherine Mitcheltree (5/8/2020)

I'm requesting that meeting regarding the subject referenced above be a public venue not Zoom when the stay home order is lifted.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 14: Sean Danielson (5/8/2020)

I don't care where you build new housing, just BUILD, and market them to people and families that are living in the bottom 50% of the economy. Specifically, people who are making less than \$60,000 a year -- and especially people who are making less than \$40,000 a year. The more you help them financially, the less likely they will to become a burden on society, and the more likely they will be able to save for retirement, and improve their quality of life. (And ultimately, they'll become more productive members of society)

Now, if only corporations had this revelation...

Response:

Comment noted.

Comment 15: Dana Tackett (5/9/2020)

No more houses. Leave the land as is. Our area cannot handle the traffic increase, the schools are already busting at the seams. This development makes normal everyday life less enjoyable as we end up sitting in traffic. The tax revenue gained by these houses doesn't seem to help the city at all. I am 100% against this development.

Response:

Comment noted.

Comment 16: Mary Morrison (5/9/2020)

I have lived on 32nd dr se for 31 years. 32nd dr is a open road to 108th. The traffic has increased every year by 100s of drivers who drive at up to speeds of 50mph. they use our road to avoid the light at 35th and 110th st. I fear that someone will be killed mostly a child if this traffic increases due to more people cutting through to get to the Eastside of 35th. There needs to be some type of traffic slowing devises installed on our road such as speed bumps or completely blocking the road as it once was a dead end. There is also a small county owned park right next door to us where kids play and walk through. I believe this is where there will be an accident if more traffic is added to this horrible mess already. Please do not ignore our adjoining neighborhood for we will be the most impacted by this development of land. There is no other way in or out of this land. Thanks for listening.

Response:

Comment noted.

Comment 17: Gail Kieckhefer (5/9/2020)

I strongly believe this should NOT move forward until/if the metals in 3 ground water samples which are above concentrations exceeding MTCA and those in the stream that originates at the base of the northeastern slope can be brought down to a level that is below the accepted MTCA acceptable levels.

Stop this action before contaminating more of our ground water and making citizens of Snohomish county sick.

Response:

Landfill closure increases groundwater protection. The Remedial Investigation will evaluate the groundwater and surface water system and water quality criteria, the Feasibility Study will develop and evaluate cleanup action alternatives, and the Cleanup Action Plan will specify the cleanup action for the Site. Additionally, the landfill permit requires post-closure care, including groundwater monitoring, and financial assurance to ensure resources are available for post-closure care.

Comment 18: Jerome Goodale (5/9/2020)

At one time this was a Federal dump site used for toxic materials from the Boeing Company. Somehow the records have disappeared and now we are to assume that the run off toxic water that has been found and the years of underground fires are all the result of thrown away scrap wood? How dumb do you have to be to believe that! There needs to be an in-interested third party brought in by the State or Federal government to inspect and test this entire site before any remedial action is taken by these developers.

Response:

Ecology is the state agency responsible for overseeing implementation of the state cleanup law, the Model Toxics Control Act. P&GE has entered into a formal cleanup process with Ecology in accordance with the Model Toxics Control Act. Additionally, Ecology provides technical support to the jurisdictional health department, the Snohomish Health District, which has permit authority for the landfill.

Comment 19: Steven Smith (5/9/2020)

There are so many environmental issues that we must allow for public comment. The water runoff to the agriculture in the valley, maintenance of the landfill and the general health of the surrounding neighborhoods. There could be so many future problems, we just can't ignore them!

Response:

Please see response to Comment 17. Ecology held a public comment period for the proposed Agreed Order, Interim Action Work, and Public Participation Plan from May 8 to June 28, 2020. An additional public comment period will be provided in the future for

the proposed Remedial Investigation/Feasibility Study report and Draft Cleanup Action Plan.

Comment 20: Ryan McFadden (5/10/2020)

My family has lived near this area since 1999.

I have autism and have been taking my dogs back there for many years, it is a very peaceful experience and helps me manage my symptoms and having woods in our neighborhood is good for everyone!

I am against this development!

Stop being greedy and leave Nature to Nature!

Response:

Comment noted. The landfill closure, cleanup process, and landfill post-closure care are protective of human health and the environment.

Comment 21: gwsund@frontier.com (5/10/2020)

Please delay until a public meeting and comment can be held.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 22: Peggy Hurd (5/11/2020)

Please rescind permission for P&GE to start clearing vegetation on the property. The tree buffer required for air quality needs to be preserved, and there is not enough information in any plan that I can find as to which trees will be removed. We have serious concerns about toxins being released into the air without the mitigation required.

Response:

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd.

Ecology's Public Participation Plan on the Go-East Landfill Site states that there will be a public meeting scheduled should you receive 10 comments requesting one. The homeowners have a great number of questions, concerns and pieces of information they would like to deliver in person at a public meeting to Ecology, especially since there are so many environmental hazards for our neighborhood. We understand that the meeting will have to be postponed until the state is in Phase 4 of the reopening, requiring an extension of the public comment period. Since this project has gone on for more than a decade, there is no reason now to rush the project by cancelling this most important step on a MTCA site.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 23: Gerald Johnson (5/11/2020)

My wife and I request that you schedule a public meeting concerning the P&GE landfill. Thank you.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 24: Carrie McCain (5/11/2020)

This is a crazy idea. No matter the cleanup it would not be safe. People will get sick. Children will be born with mental and physical disabilities. I lived in a town with such issues. Everyone ended up with health problems some mental. It was eventually condemned. My whole family has issues.

Response:

The landfill closure plans provide for the containment of landfill material under the current solid waste regulations. The solid waste regulations require stringent landfill closure standards, post-closure care requirements, and financial assurance to ensure resources are available for post-closure care. The Model Toxics Control Act provides a regulatory framework for the cleanup of any hazardous substances released from the landfill, and to ensure the environmental, health, and safety of future residents.

Comment 25: Kerri Mallams (5/11/2020)

Please allow public in-person meeting once Governor's phase 4 is implemented. This will allow information to be presented, questions to be asked and answered and a true sense of public and professional opinions to be shared and understood.

Response:

Please see the response to Comment 2 regarding the in-person public meeting request.

Comment 26: Pat and Bill Nettle (5/11/2020)

We strongly urge that you forego any further action that would delay this development. The development should be allowed to go forward with the landfill cleanup as well as the scheduled clearing of the entire project according to approved plans as rapidly as possible.

Response:

Comment noted.

Comment 27: Julie Chittenden (5/11/2020)

Will there be a posting at the site and a flier box where people could pick up the information? People from the Silverlake community will want to see where this site is. I can have documents available for Kings Ridge residents.

Response:

P&GE has installed an information board at the entrance to the site. Fact sheets were mailed out at the beginning of the Public Comment Period. Ecology's Go East Corp Landfill website has the most up to date information.

Comment 28: Diana Leblanc (5/11/2020)

Please postpone the public hearing until the stay at home order has been lifted and people can safely participate. I also request that you not allow clearing of the land to begin until the public hearing has taken place. I live close to this area and am very concerned about the health impacts of this development. We have members of our household whose health may be compromised by the clearing of this land. Our voices need to be heard. Please allow a fair, safe and due process. Thank you very much.

Response:

Please see the response to Comment 2 for the in-person public meeting request. Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd related to land clearing activities. The land clearing activities were postponed until after the public comment period.

Comment 29: Robert LeBlanc (5/12/2020)

Please postpone the public hearing until the stay at home order is lifted and people can safely participate. I request you don't allow the clearing of the land until this hearing occurs. I live near the area and am concerned about the health and safety of my family and my neighbors.

Response:

Please see the response to Comment 2 for the in-person public meeting request. Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd related to land clearing activities. The land clearing activities were postponed until after the public comment period.

Comment 30: Joyce McNeely (5/12/2020)

The board and neighbors have been working hard for many years to keep our neighborhood safe. The hearing on the project should be put off until there can be a public hearing so everyone who wishes can be heard.

A review concerning plans for the removal and barrier of trees should also be considered.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd related to land clearing activities. The land clearing activities were postponed until after the public comment period.

Comment 31: Renee Malowney (5/13/2020)

Before we decide, there needs to be a public, in-person meeting when Phase 4 of the governor's plan is implemented. Then gatherings of 50 or more people will be considered safe, and we will have the opportunity to share all of our information--charts, history of the property, knowledge of the owners' actions, etc.--with the officials at Ecology. It's vital that we be able to hear together, in person, the safeguards that Ecology will be requiring. There is no reason to rush the project and skip this vital step, especially on a project of this complexity.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 32: Steven Smith (5/14/2020)

With the large number of environmental issues being raised (toxic waste run off to agricultural valley below, maintenance of the closed toxic dump, traffic concerns, air pollution from the disturbance of toxins, etc) we deserve the right to comment in person on this proposed closure. Many of us in very close proximity to this project are older and have health issues (respiratory, eye problems etc). During the closure process has there been an established buffer zone of trees, around the whole project finalized? This would help in mitigating some of the noise and toxic particles released during closer. During this especially crazy time in our world history, is this really the best time to Open up Pandora's box, just so a few people can make another small profit on a bad place to build houses in the first place! Thank you

Response:

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd related to land clearing activities. The land clearing activities were postponed until after the public comment period.

The landfill closure plans provide for the containment of landfill material under the current solid waste regulations. The solid waste regulations require stringent landfill closure standards, post-closure care requirements, and financial assurance to ensure resources are available for post-closure care. The Model Toxics Control Act provides a regulatory framework for the cleanup of any hazardous substances released from the landfill, and to ensure the environmental, health, and safety of future residents.

Comment 33: K. Erickson (5/14/2020)

The current land owners, P&GE knowingly purchased the contaminated site and should be held accountable for the cleanup, which should have been completed within 2 years of the land purchase. Development into residential plats should not be permitted.

Response:

The landfill operated under the state's initial solid waste regulation (WAC 173-301), which did not require groundwater and surface water monitoring. The landfill is constructed on the outcrop of the Advance Outwash sand formation. Groundwater

discharges through seeps at the base of formation, and the aquifer does not exist downgradient of the landfill.

The Environmental Protection Agency recommended no further action in 1987 under their Superfund authority based on surface water samples. Ecology recommended no further action in 2004 under their Model Toxics Control Act authority based on the Snohomish Health District's Site Hazard Assessment. After receiving additional data and information from Ms. Pam Jenkins, Ecology prepared an initial investigation field report and rescinded the 2004 No Further Action opinion in 2019.

Four groundwater monitoring wells were constructed in 2009 following P&GE's acquisition of the property in May 2009. Naturally occurring metals were detected above MTCA groundwater cleanup levels in the three up-gradient (upstream) wells in 2009. The metals were attributed to background conditions.

The landfill permit requires P&GE to close the landfill in accordance with the current landfill regulations, which provides containment of waste material and improved groundwater quality.

P&GE has entered into a formal cleanup process with Ecology that requires cleanup of the property (outside of the landfill enclosure/boundary) in accordance with the Model Toxics Control Act. This provides a regulatory framework for evaluating the nature and extent of contamination beyond the landfill boundary, establishing cleanup standards, and developing and selecting cleanup actions.

The Interim Action Work Plan requires a confirmation sampling plan in the native soil beneath the excavated landfill material. P&GE will remove contaminated soil, if encountered, beneath the portion of the landfill that is to be excavated for purposes of consolidation prior to development of residential plats.

Comment 34: Decebal Cheldiu (5/16/2020)

I'm definitely on the same page as all neighbors here in Pinehurst at Waldenwood saying "NAY" to the subject housing development over the old landfill area. Everybody here is very anxious over potential dangers from buried waste being excavated. We're all definitely against the planned P&GE development.

Response:

Comment noted.

Please see response to Comment 54 regarding the previous approval process under the State Environmental Policy Act. This response also addresses waste sampling and dust controls.

Comment 35: Jim Brandley (5/18/2020)

Do not see where there will be monitoring long term? Will final plat, HOA be responsible for area?

Response:

The landfill permit requires P&GE to close the landfill in accordance with current landfill regulations in WAC 173-350. These regulations require post-closure care until the landfill meets functional stability criteria for settlement, landfill gas, leachate,

groundwater quality. The owner is required to estimate the post-closure care costs and provide financial assurance to ensure adequate funds are available for post-closure care.

The Cleanup Action Plan developed under the Model Toxics Control Act will provide greater specificity of those post-closure care requirements. The permit holder must ensure that the post-closure care requirements are performed.

Comment 36: Gail and Keith Martinez (5/19/2020)

The site has a long history of use and abuse including several fires. I find it interesting that the Dept. of Ecology is just now interested in cleaning it up. If the site has contaminated run-off into a nearby stream, it would seem this would have been addressed long ago. Now with the purchase by P&GE, efforts seem to be moving in a hurried way to “improving the site” for a large housing project.

I am also worried you are not considering that houses will be built right next to this site. Are there contaminated air particles emitting from the site along with the ground contamination? Should a person worry about growing a garden there one day? Why not keep the area to the 9.6 acres? Why dig into the site to reduce it to 6.8 acres?

I live in a neighboring subdivision and love to hear and see the wildlife around me, including hawks, owls, pileated woodpeckers, deer, and the occasional bear. I am worried if the city keeps taking green space to accommodate everyone (that needs a house or profit from it) the area will not be able to maintain the reason so many people want to live here.

In conclusion, I think the Dept. of Ecology needs to take a better look at cleaning up, correcting and maintaining our beautiful area. Not just accommodating a big corporation that just wants to profit off 97 new houses.

Response:

The landfill operated under the initial state landfill regulations, and these regulations did not have specific monitoring requirements. The implementation of the landfill closure plan requires post-closure care monitoring, which will provide assurances about the protectiveness of the landfill containment system.

Surface water samples have been periodically collected since the 1980s, and these samples did not demonstrate a basis for remedial activities.

The groundwater aquifer does not exist downgradient of the landfill. Three groundwater samples were collected on the upgradient side of the landfill in 2009, but no organic contamination was detected and the metal concentrations are potentially representative of background conditions.

The evaluation and remediation of the Site through the cleanup program will ensure that the Site meets stringent cleanup standards and will provide better clarity of the groundwater/surface water system, identify chemicals of concern and cleanup levels, and promote development of remedial alternatives. The cleanup plan will also address post-closure care requirements.

The landfill produces limited amounts of methane, likely due to the age and maturity of the wood waste in the landfill. The hazardous substances detected in the landfill material are generally non-volatile compounds.

P&GE is abiding by the current solid waste regulations and the state cleanup regulation to ensure the environmental, safety and health of the property for its intended residential use.

Comment 37: Mike Ball (5/26/2020)

Please keep me informed of the progress of this project.

Response:

The property owner installed an information board near the entrance of the property that describes the project. Ecology will maintain the [Go East Corp. Landfill website](#)³ to provide updates, the project summary, and the online document repository. The Public Participation Plan describes how to get involved. Ecology held a public meeting on June 18, 2020 and will notify the community of subsequent public meetings.

Comment 38: Jeremy Davis (5/27/2020)

Characterizing the waste materials in the “wedge area”

In June 2019, test pits were excavated to collect samples of the waste that will be excavated and relocated. Of the 25 sample locations around the landfill perimeter, 48 percent had concentrations of petroleum hydrocarbons in the heavy-oil range that exceed the cleanup standards. At the only location where samples were collected at multiple depths (test pit TP-1), the maximum concentration observed was 28,000 milligrams per kilogram (mg/kg) of heavy oil, which is fourteen times greater than the cleanup level of 2,000 mg/kg. This high concentration is indicative of the presence of non-aqueous phase liquid (NAPL) product. This detection was at the deepest sample collected – at 20 feet below ground surface (ft bgs). This detection was in the deepest sample collected and concentrations were increasing with greater depth; thus, higher levels of contamination may be present deeper. At the other test pit locations, only one sample at each location was submitted for laboratory analysis and, although many of these additional samples also exceeded the cleanup criteria, it is unclear at what depth those samples were collected, and whether those samples were collected in the deepest zone apparently having the heaviest contamination. Those samples may have been collected from stockpiles of the soil excavated during advancement of the test pits, and may represent average conditions and may not show the highest levels of contamination encountered.

Prior to implementing the interim action and excavating the waste, the heavily contaminated soil observed at test pit TP-1 should be sampled again (at least near the original test pit location, and potentially other locations), and analyzed for polychlorinated biphenyls (PCBs), as required by

³ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

Washington Administrative Code (WAC) 173-340-900; Table 830-1. This follow-up analysis for PCBs is critical to the interim action, and for the solid waste permit, since the presence of PCBs may trigger the federal Toxics Substance Control Act regulations. The wastes may require special handling, more stringent compliance monitoring to assure complete removal, and, if PCBs are present, it may not be appropriate for these wastes to be landfilled at the Go East landfill.

Heavy oil contamination of unknown origins from this time period has a reasonable probability of containing PCBs. The landfill's history between 1972 and 1986 includes 9 years of smoldering subsurface and surface fires, and only 5 years without fire. This is uncommon and indicative of poor waste screening and landfilling practices during operation – furthering the importance of proper waste characterization prior to excavation.

The draft IAWP indicates follow-up sampling for PCBs will occur in test pits that are advanced only to a depth of 15 ft bgs, but this is likely not deep enough to conduct the analysis on the heavily contaminated material, which was encountered deeper in TP-1, near 20 ft bgs. It may be necessary to collect the needed samples using a drilling rig, if test-pit excavations are unable to stand open long enough for careful sample collection.

Response:

P&GE collected 12 supplemental waste characterizations samples (STP-01 to STP-12) from landfill material excavated from test pits in the wedge area on June 29-30, 2020. STP-01 and STP-02 were collected adjacent to TP-1 and TP-2, where the highest levels of heavy oil range petroleum hydrocarbons were detected in June 2019. STP-01 was sampled to 20 feet below ground surface (bgs), similar to TP-1. The soil samples were submitted for analysis of a full-range of analytical parameters as specified in the IAWP. The supplemental sample results were consistent with the June 2019 sample results. The highest levels of contamination were observed in the 11-ft-bgs interval of test pit STP-02—10,000 mg/kg heavy-oil range petroleum hydrocarbons, 1.6 mg/kg of carcinogenic polycyclic aromatic hydrocarbons (PAHs), and 0.088 mg/kg of polychlorinated biphenyls (PCBs). Generally, the June 2019 and June 2020 samples contained PAHs and oil range petroleum hydrocarbons, which is consistent with the asphaltic material⁴, roof tar, treated wood, and charred material observed in the test pits. Gasoline and diesel range petroleum hydrocarbons were not detected, and volatile organic compounds (VOCs), semi volatile organic compounds (SVOCs) (excluding PAHs), PCBs, herbicides, and pesticides were detected at sporadic, trace level concentrations near their detection limits. The concentrations of lead were below the 250 mg/kg Method A soil cleanup level (which is protective of the groundwater quality), but the samples were analyzed by the toxicity

⁴ In response to a subsequent request to review the chromatograms in the June 2020 NWT PH-Dx analyses, OnSite Environmental provided the following interpretation. “Manufactured asphalt is sometimes combined with used engine oil or similar products. Even in its “natural” state it is difficult if not impossible to conclusively tell any sort of difference between asphalt and heavy oil. We often see extra peaks concentrated toward the apex of the unresolved oil peak where asphalt is present, but these vary so much from sample to sample that there is no definitive pattern. I can say after looking at your chromatograms that it is entirely possible that asphalt is the cause of the lube oil result, but cannot say so definitively.” (Karl Hornyik, Principal Chemist, OnSite Environmental, email to GeoEngineers on August 17, 2020).

characteristic leaching procedure (TCLP) to ensure that lead concentrations in the TCLP extract were below the associated dangerous waste criterion.

The waste characterization samples were collected to assess whether landfill material to be excavated potentially contains dangerous waste or PCB-waste. Based on the June 2019 and June 2020 sampling activities, there is no indication that dangerous waste or PCB-waste exist in the landfill. The pre-construction samples are predictive in nature, and will be followed up by observation, field screening, and contingent sampling during the excavation of the landfill material. Ecology intends to periodically observe the landfill excavation and sampling activities.

Characterizing groundwater conditions prior to excavation

As noted in the draft IAWP, the actual depth of groundwater is estimated based on known elevations in three locations (groundwater monitoring wells), unverified speculation that an effective leachate drainage system was installed in the early 1970s, and limited visual observations during advancement of test pits around the site perimeter. Understanding the groundwater quality is important prior to advancing the project, since groundwater may be contaminated throughout a large area of the landfill, and disturbing the soil during the excavation activities could release contamination that is otherwise bound to soil particles and not presently migrating.

Primarily, it is necessary to determine if the heavy-oil contamination found during the June 2019 test pit sampling has affected groundwater. This requirement is explicit in the Model Toxics Control Act (MTCA) regulations (WAC 173-340-350(7)(c)(iii)(c)). Assessing the possible groundwater contamination later in the remedial investigation process would not be prudent. Based on the heavy oil findings and the plans to build houses over this area that could preclude or foreclose future remedial alternatives, it appears important to conduct this investigation prior to the redevelopment activities.

Under the solid waste regulations, the groundwater monitoring network should include monitoring wells that are installed to a depth sufficient to yield representative groundwater quality samples from the shallowest groundwater, per WAC 173-350-500(3)(a)(i). There is a significant gap in monitoring coverage in the eastern portion of the landfill, which also coincides with the highest and deepest levels of oil contamination, since the well there (MW-4) was not installed deep enough to encounter groundwater.

Based on these data gaps and the proposed project schedule, a groundwater monitoring well should be installed prior to earthwork activities, in close proximity to the June 2019 test pit, TP-1. A properly designed and constructed groundwater monitoring well can be used to determine with much greater accuracy whether groundwater will be encountered during the interim action excavation, and whether the local groundwater is impacted by the heavy oil contamination or other contaminants. The well would then also provide for future ongoing groundwater monitoring during the post-closure care period.

Response:

Based on IAWP Figure 4, well MW-4 was constructed directly above a groundwater divide near the end of the ridge line, in an area with limited groundwater recharge and

aquifer storage. MW-4 was screened at the bottom of the advance outwash aquifer and the well extends approximately 3 feet into the underlying glacial lacustrine deposits. Test pit TP-1 was excavated approximately 60 feet southwest of MW-4 where there is likely limited to no underlying groundwater. Any groundwater beneath TP-1 would discharge from the toe of the landfill's northeastern slope. Based on seepage testing from downgradient groundwater, there is no evidence of TPH releases from the landfill.

The IAWP requires confirmation soil samples be collected from native soil beneath the landfill material that is to be excavated for consolidation. The confirmation soil samples will be compared with stringent Interim Action Levels, which were developed by Ecology and are protective of all exposure pathways. If contaminated soils are identified beneath the excavated landfill material, P&GE intends to remove the contaminated soils and dispose of the materials offsite.

As described in the public meeting, the Site is on the outcrop of the Vashon Advance Outwash, and groundwater within the outwash discharges to surface water through seeps at the base on the outwash sand formation, including north, south, and east of the landfill. The Remedial Investigation will further evaluate the groundwater and surface water system and water quality. The landfill closure and interim action activities do not preclude the development of cleanup alternatives.

Landfill closure controls

Two of the proposed landfill closure controls provided for review by Ecology require clarification, or additional engineering.

First, the closure includes building a stormwater detention pond on top of the waste. Earlier plans included removing waste from beneath the pond and conducting dynamic compaction to provide for long-term stability of the pond. These activities were designed to reduce the potential for long-term differential settlement beneath the pond, which could negatively affect the membrane and future operations and maintenance. The plans have been updated to remove the requirement for dynamic compaction. Wood waste will be used to build-up a 15-ft base beneath the pond, but it is not clear from the plans what wood waste would be acceptable, and what compaction levels will be required of the contractor to ensure long-term performance of the pond. This is an important consideration since the future homeowners will be responsible for operations and maintenance activities.

Response:

P&GE revised the design drawings and construction specifications (i.e., Go East Landfill Closure, Land Disturbing Activity – LDA #1) to revert the pond compaction method back to dynamic compaction, as had originally been planned. This compaction method is consistent with the Go East Landfill Closure Plan, last revised in January 2018, which was previously approved by Snohomish County Planning and Development Services. The revised design drawings and construction specifications (July 20, 2020) were reviewed by Ecology, approved by Snohomish Health District, and are available on Ecology's Go East Corp. Landfill website.

Landfill gas (LFG) control will be provided by a collection trench built around portions of the landfill. The trench does not extend as deep as nearby waste, and will be keyed into native sandy and gravelly soil. As a result, the trenches are unlikely to be a reliable barrier. The plans indicate

that the trench system could later be converted to an active extraction system using a blower system, but, based on the details provided, the perimeter trench does not seem well-suited for active extraction and would require significant retrofits. Since these retrofits probably require several months for design and construction, this contingency does not provide timely mechanism for improving safety for the directly adjacent planned structures.

Based on these perceived deficiencies in the LFG control system design, we request that additional compliance monitoring be included to verify the safety of the future building sites that will be directly adjacent to the interceptor trench. Those requirements are discussed in the following section.

Additionally, the LFG control system proposes to ventilate LFG directly to the common area where the public will gather. For cleanups in Washington State involving air emissions, it is required that the responsible party confirms air cleanup criteria are met in ambient air for emissions from remedial actions (WAC 173-340-750(1)(a)). Ensuring the planned vents would be compliant requires modeling or sampling efforts to characterize the discharge to ensure the emissions are safe for breathing. We understand this has not been conducted. If Ecology approves foregoing this evaluation, we recommend the venting approach be modified. This could include terminating vents at 15 ft above ground surface, rerouting the vents so they do not discharge at the basketball courts, or designing for gas treatment with granular activated carbon prior to discharge to remove odors or volatile organic compounds.

Response:

The Go East Corp. Landfill is anticipated to have limited methane generating potential based on the age of the wood waste and prohibition against placing new wood waste into the landfill (See Sheet 9 of design drawings and construction specifications). On behalf of PACE Engineers, Vikek Environmental Engineers prepared the Methane Gas Generation & Risk Mitigation Assessment Report (March 30, 2019) to evaluate the residual methane generation potential and risk mitigation measures. This report is available on Ecology's Go East Corp. Landfill website. The approved design drawings and construction specifications provide a vapor barrier and sealed gas collection trench to control the potential migration of methane from the landfill. As shown in details on Sheets 7 and 7A, the geomembrane and gas collection layer extends into native soil. Sheet 4 shows the vents to extend 10 feet above ground surface, which is above the breathing zone. Based on the June 2019 and June 2020 waste characterization samples, the landfill is not suspected to release non-methane organic compounds above regulatory thresholds. The landfill permit requires post-closure care, which includes landfill gas monitoring and control.

Compliance Monitoring

Based on observations of sulfur odors while advancing the 2019 test pits, the IAWP should include procedures for conducting gas monitoring in the worker breathing airspace and at the site perimeter during construction. This monitoring data can be used to adjust construction practices, as needed, to ensure the safety of onsite workers and the neighboring community. The workspace and ambient air should be monitored for methane, oxygen, and sulfur dioxide, and dust/particulate monitoring.

Response:

The contractor's Site Health and Safety Plan will cover air monitoring for the safety of the workers. Action levels will be set, including action levels for stopping work. A photoionization detector (PID)/four gas meter will be used to identify volatile organic compounds, hydrogen sulfide, oxygen, methane, and carbon monoxide. Conducting air monitoring and stopping work if applicable action levels are exceeded will limit any potential exposure risk to workers or members of the community.

The LFG monitoring network proposed for installation around the perimeter of the landfill could be greatly improved through the use of discrete shallow-, mid-, and deep-monitoring ports. These could be constructed with 5- to 10-ft well-screens, and constructed using traditional installation methods using nested probes (with Ecology's approval through variance request), or in separate borings. And, the probes should be offset from the edge of the interceptor trench by at least 5 ft. This level of monitoring ability is warranted based on the close proximity of proposed housing.

Response:

Landfill gas monitoring is a landfill permit requirement. Sheet 4 shows 12 proposed gas probe monitoring locations between the methane vent trench and the future plats. The probes will be located on the final landfill parcel, and the depth of the probes should be based on the depth of the waste/methane vent trench. The gas probes are detailed in Details 3/Sheet 7 and Detail 7/Sheet 8, with limited depth detail. The gas probes will be screened in the native soil, with a screen extending a minimum of 5 feet beneath the bottom of the geomembrane in the trench. Ecology is not granting variances for the construction of nested probes outside of the landfill.

Comment 39: Julie Chittenden (5/27/2020)

Which trees will be left as a dust barrier? The clearing permit is for red alders but there are numerous evergreens and big leaf maple trees on the north and west sides of the property.

Response:

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd.

The property on the North and Southwest sides have deep ravines and steep hillsides. Both of these areas are mapped on page 37 of the Interim Action Plan as "on site source for structural fill." If the trees are removed with vegetation in these areas and soil removed as fill, I would question whether that could affect the stability of the hillside. I noted during my walk of the property, a lot of water seepage on the west side of property that might affect the stability of the western slope.

Four property owners have easements with Gary East on a shelf of land on the western side of the property above a steep slope where proposed home sites are indicated. A fifth property owner near the entrance also has a new easement. How will their easements be affected during development?

Response:

Comment noted. The Snohomish County Planning and Development Services is the

responsible agency for the permitted land clearing and grading activity. Your comment has been shared with the property owner.

In order to access that upper shelf of land on the West side of the property, does the plan grant access to the developers to use the Kings Ridge common area as an entrance to Go East property for clearing purposes?

Response:

Comment noted. It is our understanding that the Kings Ridge common area will not be used as an entrance.

Comment 40: Pam Jenkins (6/4/2020)

Again, thank you for your willingness to receive, read, and process public comments on the proposed future actions on the Go East Landfill. I appreciate Ecology's extending the public comment period on this project and your willingness to establish a WebX video conference in lieu of a public meeting due to the Governor's ongoing Covid-19 restrictions. Herein are comments that require your immediate attention, as they relate to the schedule you communicated to me in our phone conversation on May 28th. During that call, you provided me the following schedule:

- June 18 - WebX meeting with interested public, hosted by Ecology
- June 22 - P&GE to conduct supplemental soil sampling in the wedge area, with results to be made public 3 weeks later (July 13)
- June 28 - last day for public comments to be received
- July 6 - P&GE to begin implementing temporary erosion and control measures
- July 13 - Results of soil sampling to be released to public
- July 13 - P&GE to begin stream diversion and tree removal
- Aug 3 - begin earth moving (i.e., excavation of wedge area)

Response:

P&GE's revised construction schedule, as of January 19, 2021, includes:

- February 10, 2021: Install fencing.
- February 10, 2021: Construct fire hydrant on the property for temporary water supply.
- February 20, 2021: Initiate installation of temporary erosion control measures and stream diversion piping.
- February 25 to March 10, 2021: Dynamic compaction of pond area.
- March 8 to 20, 2021: Clear and grub landfill area and borrow area.
- March 10, 2021: Initiate excavation of detention pond area.
- March 17, 2021: Initiate excavation of wedge (peripheral) area of the landfill, reconnaissance of northeast landfill slope, and construction of rock buttress and seepage collection features at base of northeast slope.

- April 14, 2021: Initiate construction of landfill cover and detention pond following wedge excavation.
- April 21, 2021: Initiate construction of landfill gas ventilation pipes, trench, and monitoring probes.
- April 29, 2021: Initiate lot exploration work beyond landfill boundary.
- May 24, 2021: Initiate construction of landfill cover.
- June 1, 2021: Initiate grading of residential lots.

Until June 2019, there had been no sampling or analysis of the material within the landfill itself. We now know that there are significant levels of petroleum contaminants, polycyclic aromatic hydrocarbons (PAHs), and heavy metals in the landfill. Rightly, Ecology is requiring that further sampling and analysis be accomplished for analytes that have not yet been investigated. There is the possibility that results of this supplementary sampling and analysis effort could significantly impact future cleanup activities at the site. This is the basis for the following comments. Additional remarks of a less urgent nature are forthcoming. My comments are offered on behalf of the homeowners living adjacent to and near the landfill, who have requested my technical review of the Interim Action Plan (IAWP), Agreed Order, and Public Participation Plan.

The "supplemental sampling" that has been proposed in the Interim Action Work Plan is to occur in 12 test pits within the wedge area, focusing on those areas where the previous sampling (June 2019) revealed areas of significant petroleum, polycyclic aromatic hydrocarbon (PAH), and heavy metal concentrations. We agree with the selection of those areas for this sampling exercise. However, samples should be taken at a minimum of three depths in each location, and include waste fill near the bottom of the waste, since all of the waste material and contaminated soil to depth must be excavated and relocated.

Response:

Confirmation soil samples will be collected once the wedge area is excavated for consolidation into the landfill. Ecology does not agree that additional pre-characterization samples are necessary.

In the prior sampling event, the highest levels of contamination were found in TP-1 at 20 feet below ground surface (bgs), but this was not the bottom of the waste at that location. The IAWP proposal to excavate new test pits to only 15 feet bgs could well miss the areas of highest contamination. This sampling exercise should answer two important questions: (1) How deep is the waste in the wedge area? (2) What are the concentrations of hazardous waste constituents within the wedge area? Samples should be collected at a minimum of three depths at each sampling location. Consideration might be given to using a drilling rig in lieu of test pits in order to facilitate sampling at depth, ensure worker safety while sampling, determine the bottom of the waste, and provide samples at discrete intervals.

Response:

The sampling objective is to collect waste characterization samples and identify the

potential presence of dangerous waste and PCB-waste in the landfill. MTCA soil cleanup levels do not apply to the waste within the landfill.

As discussed in the first response to Comment 38, supplemental waste characterization samples were collected adjacent to the highest concentrations of contamination encountered in June 2018. The June 2019 and June 2020 sampling results indicate the presence of PAHs and heavy oil range TPH, which is consistent with the asphaltic material, roof tar, treated wood, and charred material encountered in the test pits. Additional sporadic, trace level concentrations of VOCs, SVOCs (excluding PAHs), PCBs, and pesticides were detected in July 2020. The concentrations of these chemicals are not indicative of dangerous waste or PCB-waste in the landfill. The pre-construction waste characterization sampling will be followed by observation, field screening, and contingent sampling during excavation.

Landfill material will be removed from the wedge area as part of the permitted landfill closure. As part of the IAWP, soil confirmation samples will be collected from native soil beneath the landfill material. The soil confirmation samples will be compared with stringent Interim Action Levels that are protective of all exposure pathways. P&GE plans to remove any contaminated soils beneath the landfill material in the wedge area and dispose of the materials offsite. The extent of contaminated soil, if any, will be based on confirmation soil samples.

The supplemental sampling also needs to include investigation of soil/fill under the future stormwater pond, at several locations and multiple depths. Landfill material removal for the pond will precede excavation of the wedge area because the pond serves as both temporary sediment control during wedge area excavation and landfill closure, and as the permanent stormwater pond for the closed landfill and future residential development. The presence and concentration of hazardous constituents must be known BEFORE pond excavation begins. In no way should any excavation of landfill material precede public notification of soil sample results from the stormwater pond area. Again, obtaining samples at depth using a drilling rig may be the best method to obtain the samples needed--from multiple depths at several locations--and to determine the depth of fill in this area.

Response:

Snohomish Health District authorized the construction of the stormwater pond under their permit authority. As described in the first response to Comment 38, P&GE revised the design drawings and construction specifications to change the pond compaction method back to dynamic compaction.

Provision must be made for establishing temporary sediment control for excavation of the stormwater pond. Fill removal from the pond area is not an insignificant piece of this project. The pond is nearly the size of a football field, 350 ft long and 100 ft wide. The excavation will be at least 29 feet deep. Between 15,000 and 20,000 cubic yards of landfill material will be excavated and relocated. There must be temporary sediment control established BEFORE this sizable excavation and construction event begins, especially in light of the possibility of highly contaminated soils being present. Snohomish County Planning and Development Services needs to be made aware of this issue as well, as it was the approving agency for the stormwater management plan.

Response:

See previous response and the first response to Comment 38. P&GE, LLC received coverage under Construction Stormwater General Permit (CSWGP) No. WAR306901 for construction activities associated with the Bakerview Everett project on the Go East Corp. Landfill site. Ecology's Water Quality Program issued an Administrative Order to the Construction Stormwater General Permit on November 13, 2020. The Administrative Order defines indicator levels for pH, turbidity, metals, hydrocarbons, and polycyclic aromatic hydrocarbons in stormwater. The Administrative Order requires P&GE to capture, contain, and treat all contaminated dewatering or contaminated stormwater (if any such dewatering water or stormwater is generated) prior to discharge to a receiving water body. No dewatering water or stormwater may be discharged until it has been tested for the indicator parameters. Once the effectiveness of the treatment has been demonstrated by a minimum of two sampling events, P&GE may operate the treatment system as a flow-through treatment system. All captured sediment (if any) from the treatment of dewatering water or contaminated stormwater must be transported to an approved disposal facility based on the level of contamination.

I hope that sufficient thought has been given to the possibility that if PCBs are found at levels above the Toxic Substance Control Act (TSCA) threshold of 1 mg/kg, several elements of the interim action and landfill closure will necessarily change. It would seem prudent to accomplish the supplemental sampling as quickly as possible in order to attain certainty on the concentration or absence of PCBs within the "interim action area." AFTER those analytical results have been received from the lab and made public, it would be appropriate to hold a public meeting when there is certainty about the final resting place for landfill material that is proposed to be excavated and relocated from this landfill.

Response:

See the first response to Comment 38. PCBs were detected at trace level concentrations in two supplemental landfill material soil samples collected in June 2020 – STP-02 and STP-06 – with a maximum concentration of 0.11 mg/kg of total PCBs. These concentrations are not indicative of PCB-waste in the landfill. The federal Toxic Substances Control Act identifies PCB remediation waste to contain more than 50 parts per million (i.e., 50 mg/kg) of PCBs⁵, and provides federal cleanup levels as low as 1 part per million (i.e., 1 mg/kg) of PCBs⁶.

Additional observation, field testing, and contingent sampling described in Section 4.1.4 of the Interim Action Work Plan will be performed during the excavation of landfill material to segregate and remove any dangerous waste or PCB-waste, if encountered. The Results of Pre-Construction Soil Sampling (July 30, 2020) are provided on Ecology's Go East Corp. Landfill website. An additional public meeting to discuss the waste characterization sampling results is not warranted or required.

It will be important for Ecology to be onsite during supplementary sampling, and to obtain and submit for analysis a number of split and duplicate samples from both the stormwater pond and wedge areas to ensure sampling and analysis are being performed without bias and

⁵ 40 CFR 761.50(3)

⁶ 40 CFR 761.61(4)

with the utmost in quality control.

Response:

The sampling activities were performed by an environmental professional with 20 years of experience and by certified AHERA Building Inspector and certified Lead Risk Assessor with over 30 years of experience. The sampling activity was managed by a licensed geologist. Additionally, an Ecology representative (Tim O'Connor, Licensed Hydrogeologist) observed the sampling activity, and maintained a Flickr account on Ecology's Go East Corp. Landfill website to communicate the sampling activities while the sampling report was pending. Duplicate samples were collected in accordance with the IAWP Quality Assurance Project Plan. The collection of split samples was not warranted.

Finally, the homeowners associations do not feel a WebX meeting is an appropriate substitute for a true in-person public meeting as described in the MTCA rule. Many of the neighborhood residents may not participate because of their unfamiliarity with video meetings and/or lack of an appropriate video device. Based on the comments above, holding a public comment meeting before all supplemental sampling results are known is premature anyway. Therefore, we suggest postponing the public meeting for a few weeks, until after July 13. If the Governor's Covid-19 restrictions still prevent a large in-person gathering, perhaps consideration could be given to holding a few small group public meetings that allow for social distancing and a free exchange of information from Ecology and questions from the public.

Response:

Please see response to Comment 2 in response to the in-person public meeting request.

Comment 41: Ronald Killian (6/5/2020)

Living close to areas where landfills have been certified "safe" for housing I must implore the officials in charge to look very closely at other sites that continue to have issues, years after being filled and used for housing or parks. Unsafe/unpleasant odors, ground movement, toxic runoff and in some cases fires that burn for long periods. Check your records and you will find these concerns to be valid. I for one am against such use until the powers to be can guarantee no hazards builders and home owners.

Response:

The landfill permit issued by Snohomish Health District requires P&GE to close the landfill in accordance with current landfill regulations in WAC 173-350. The regulation provides stringent closure criteria that provide containment of the waste and post-closure care requirements to confirm that wastes are contained. The regulation requires post-closure care until the landfill meets functional stability criteria for settlement, landfill gas, leachate, groundwater quality. The state cleanup law, the Model Toxics Control Act, provides the regulatory framework to ensure that potential releases from the landfill are delineated and any contaminated media are cleaned up to standards that are protective of human health and the environment.

Comment 42: Frankie Savage (6/5/2020)

This county seems willing to approve questionable building areas (landslide prone, flood plain, etc.) while putting taxpayers at risk of lawsuits, increased insurance costs and the county losing their decent credit rating.

How will you control the water table, its level, movements and contents at this site? Do you even have knowledge of all the contaminants on this site?

Who will be paying for the ill health effects caused by these hazardous contaminants? (Remember Love Canal, Flint MI water, Hanford, Hinkleys poisoned water aka Erin Brockovitch, and the hundreds of other approved failures?) What entity has the deepest pockets and most responsibility in this scenario?

How will anyone purchasing or selling property be informed of ALL the hazardous products in this site and for how long? Can this site ever be guaranteed totally safe?

Where did the contaminated excavated sand and gravel go under the 1972 permit and who approved it?

Sincerely,

Frankie Savage

Response:

Please see response to Comment 41. The state cleanup law, the Model Toxics Control Act, provides the regulatory framework for assessing, protecting, and communicating environmental health and safety of new residential parcels.

Comment 43: Thomas Croissant (6/6/2020)

I am concerned about this proposal. I feel that it is most appropriate to hold a community meeting where concerned parties can attend to have a thorough public discussion regarding this proposal. Please schedule a public meeting after Snohomish County reaches Phase 4 so that we can all stay safe during this time.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 44: Marianne Giffard (6/6/2020)

I am concerned about this landfill closure plan and the subsequent development plans. I am requesting a public meeting to discuss these plans with the concerned community.

Please schedule a public meeting after Snohomish County reaches COVID-19 phase 4 to maintain our public safety.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 45: Grace Yun (6/6/2020)

I am a resident of the neighborhood "The Point" and am humbly requesting an in-person meeting to take place after the risks associated with Covid-19 have been reduced to the safest levels as determined by the governing bodies of Washington State. My husband and I have questions and concerns regarding the Go East Landfill Project and would greatly appreciate an opportunity to discuss the topic along side the rest of our lovely community. We believe it is important to be informed of the personal, social and ecological affects that this project may produce and to voice our concerns in order to reach an understanding and compromise that best suits our communities well being.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 46: Brenda Ferguson (6/7/2020)

After reviewing the information, I don't think that the health of the public and the environment is adequately protected by the proposed mitigation. Previous owners of the land have simply passed responsibility for failure to follow the law to the succeeding owner. Finally the purchasers of homes in the proposed development will be responsible and will have no recourse.

I hope the Department of Ecology will hold the land owners responsible and mandate steps to make the land "whole" and safe.

Response:

Please see response to Comment 33 regarding contamination. The landfill permit issued by Snohomish Health District, requires P&GE to close the landfill in accordance with current landfill regulations in WAC 173-350. The regulation provides stringent closure criteria that provide containment of the waste and post-closure care requirements to confirm that wastes are contained. The regulation requires post-closure care until the landfill meets functional stability criteria for settlement, landfill gas, leachate, groundwater quality. The state cleanup law provides the regulatory framework to ensure that potential releases from the landfill are delineated and any contaminated media are cleaned up to standards that are protective of human health and the environment.

Comment 47: Mindy Engelberg (6/10/2020)

I have some questions about the landfill closure and construction plan:

First, Are the people who will be sold these houses going to be told they were built on top of a former landfill and that their recreation area is on top of a landfill that had toxic waste?

Second, once perspective buyers are made aware of the landfill, why would they want to buy property there? I fear the houses will be built and no one will buy them, resulting in unoccupied houses or empty lots and a closed landfill for no reason.

Response:

The development and cleanup plans are public documents and the Agreed Order process

includes public participation. Ecology does not have authority under the Model Toxics Control Act regarding disclosures to prospective buyers of future residences at the Site. However, Washington law requires certain seller's disclosures of improved residential real property (RCW 64.06.020), including answering:

- Has the property been use as a legal or illegal dumping site?
- Does any part of the property contain fill dirt, waste, or other fill material?
- Is there any soil or groundwater contamination?

Comment 48: Ray Kimble (6/11/2020)

Because there are known hazardous chemicals in the landfill, and there will be extensive excavation of landfill material, how will Ecology ensure that residents living adjacent to or near the landfill will not be adversely impacted by dust, vapors, noise, and other hazards?

Response:

Please see response to Comment 54.

If the developers decide to walk away from the cleanup and not develop what will the Dept of Ecology do about continuing the cleanup.

Response:

If the development project is abandoned, the site would remain on Ecology's Confirmed and Suspected Contaminated Sites List. The known risk is low, so enforcement actions would be unlikely.

It appears that runoff from the landfill goes into a stream that flows under Lowell-Larimer Road into irrigation ditches for many blueberry farms in the Snohomish flood plain. What testing has Ecology performed of this runoff? When was the last time this runoff was tested? Did that testing include the full list of priority pollutants?

Response:

Surface seeps were sampled in 2002, and results are provided in the Landfill Closure Plan, Appendix B. The seep samples were analyzed for a full-suite of parameters, including metals, volatile organic compounds, semi-volatile organic compounds, total petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and pesticides. Manganese and iron were detected above current surface water cleanup standards, due to the mobilization of naturally occurring metals in the anaerobic groundwater. Several polycyclic aromatic hydrocarbon compounds were detected below current surface water cleanup standards. No other contaminants were detected, other than natural background concentrations of metals.

Snohomish Health District collected seepage samples along the south ravine in 2004 and detected arsenic above current cleanup levels. Because this seepage had limited interaction with landfill material, the samples are indicative of background concentrations.

What is the estimate for how long the cleanup will take?

Response:

Landfill closure activities are anticipated to be initiated and completed in 2021. Remedial investigation activities will be initiated in 2021 and potentially completed in 2022. Please see the first response to Comment 40 for additional schedule details.

Will the Dept of Ecology have someone onsite to oversee the cleanup?

Response:

All work will be performed under the direction and seal of licensed professional engineers, licensed geologists, licensed hydrogeologists, and/or certified asbestos and lead risk assessor professionals as appropriate. Ecology observed supplemental landfill material, former storage tank area, and onsite fill source sampling on June 29-30, 2020. Ecology will periodically visit to observe sampling, excavation, and construction activity. An Ecology stormwater inspector will likely visit the site to review implementation of stormwater best management practices.

Comment 49: Jaclyn Kimble (6/11/2020)

I am a homeowner in The Pointe neighborhood, adjacent to the Go East Corp property. I am also the mother of a 2 year old little girl. We live in a home across from the houses that will back up to the new development. Almost daily, our family walks past the former entrance to the landfill (to be the entrance to the proposed new neighborhood).

I have many concerns about this proposed landfill "closure" and how it will impact the health and wellness of my family, particularly my young child.

During the closure process, how exactly will you ensure that contaminants do not reach the air my family breathes and the water that penetrates the soil my child plays on?

Response:

Please see response to Comment 54. The landfill closure reduces the infiltration of precipitation through the landfill material which improves groundwater and surface water quality. P&GE will collect confirmation samples to identify and remove potential contaminated soil beneath the excavated portion of the landfill. With the elevation difference between the work area and existing residential area, water will not be transmitted to your yard. The soil in your backyard will not be impacted by the construction, cleanup, and landfill closure activities.

If an accidental release of contaminants occurs, how will I be informed?

Response:

Dust suppression is a top priority for the contractor. No other releases would be expected from a landfill of this type. The consultant will monitor the air in their work zones and stop work if applicable actions levels maintained in the Health and Safety Plan are exceeded. Once excavation of the Interim Action area is started, the contractor would stop excavation if any nuisance or potentially toxic odors are noted. Further investigation would be conducted. There have been 152 test pits done in the area and no significant odors or issues were noted. Air monitoring instruments did not detect landfill gases (methane or hydrogen sulfide) in work zones during the June 2020 supplemental landfill material sampling.

If a release were to occur, the P&GE would notify Snohomish Health District and Ecology.

Will the ecological impact monitoring be independently conducted?

Response:

The Remedial Investigation will be conducted in accordance with a work plan prepared by P&GE's consultant, who will follow Model Toxics Control Act requirements for remedial investigations to assure all regulatory requirements are met. Ecology will meet with P&GE to discuss the scope of the work plan, review the work plan, recommend potential changes to the plan, and then approve the plan for implementation, which is standard protocol for all cleanup sites under the formal program with Ecology.

The Remedial Investigation will evaluate ecological exposure pathways.

Will there be an independent representative there monitoring the closure and capping the ENTIRE time? If not, how frequently will the process be monitored - daily, weekly, etc?

Response:

Please see the last response to Comment 48.

If the housing development comes to fruition, how often will future monitoring of soil and water be conducted? How can the public access the results of this testing?

Response:

The landfill permit issued by Snohomish County Health District requires P&GE to close the landfill under the current landfill regulation, which requires post-closure care until functional stability criteria are met for settlement, landfill gas, leachate, and groundwater quality.

Under the state cleanup regulation, P&GE is required to perform an interim action concurrent with landfill closure to identify and remove potential contaminated soil beneath the excavated portion of the landfill. The Cleanup Action Plan will address post-closure groundwater and surface water sampling requirements.

Ecology will host a public meeting and hold a public comment period for the draft Remedial Investigation/Feasibility Study and draft Cleanup Action Plan. Ecology maintains an online document repository on the [Go East Corp. Landfill website](#).⁷

Please clarify the legality and process by which the developers will be able to transfer responsibility of maintaining the future landfill to the homeowner's association of the new development.

Response:

Under the landfill permit issued by Snohomish Health Department, P&GE will be responsible for post-closure care, and will be responsible for providing financial assurance to ensure there is funding available to provide post-closure care even if P&GE were no longer owner of the Site. Post-closure care is required until functional stability criteria are met for landfill settlement, landfill gas, leachate, and groundwater quality.

⁷ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

P&GE plans to purchase a surety bond for financial assurance. The permit holder is required to ensure that post-closure care requirements are performed.

A permit can be transferred to a new property owner, but not without the approval of the Snohomish Health Department, which includes requiring the new permittee to provide financial assurance.

Comment 50: Julie Chittenden (6/12/2020)

Does the Interim Action Plan address the current storm water pond on the West side of the Go East Landfill? Since the stream will be re-routed, I am assuming the outflow from this retention pond will follow the stream as well. Right now, it is a very stagnant green water and it appears homes will be adjacent to the pond. Will there be attempts to clean up this area and prevent contaminated dust from settling on the pond?

Response:

Wetland mitigation is addressed in Sheets 23 and 24 of the LDA #1 plans (i.e., final design drawings and construction specifications). The outflow from the retention pond will follow the stream. In LDA #1 plans (Sheet 23), Wetland Resources classified this wetland (Wetland A) as a Category III wetland, which requires a 60-foot buffer from the adjacent future parcels. In general, wetlands preservation is a requirement.

The landfill closure does not impact Wetland A. Although the Interim Action Work Plan does not address the wetlands, it provides criteria for evaluating the source of onsite fill that will be used to backfill the excavated portion of the landfill and construct the landfill cover.

P&GE collected onsite fill source samples on June 29-30, 2020, which includes soil samples north and southeast of this wetland. The report is accessible via Ecology's Go East Corp. Landfill website. No hazardous substances were detected in the onsite fill source samples, other than naturally occurring metals at concentrations below the applicable cleanup levels. Sheet 24 indicates that construction will have no impact to Wetland A (i.e., the wetland is preserved). Sheet 24 identifies Restoration Area A, north of Wetland A, which involves re-vegetating after grading of a steep slope.

Comment 51: Karen Kephart (6/13/2020)

It couldn't be greed that is causing people to approve what is wrong in so many ways, is it? Tainted, poisoned land isn't where people should be living, right? Whose conscience could hold up to approving children to play where the ground is known to have been exposed to who knows what? The results of the smelter that left the ground poisoned in N Everett were exposed decades later after houses had been built and families had been raised and exposed to all of it's deadly poisons. The cost was not only high in dollars. Do you want to live with a decision that doesn't truly take families' quality and length of life into consideration? Even if some land clean up is done, it couldn't really make it clean enough for a baby to eat dirt and kids to play in the mud and other things that are part of raising a family. Would you want your child or grandchild to be

exposed to who knows what on that site? Please think about more than dollars and cents and the financial bottom line when making this decision.

Response:

Please see the first response to Comment 38 for a description of the landfill material sampling. The current landfill regulations provide stringent closure criteria for containing the waste and post-closure care requirements for evaluating the containment of the waste. No soil contamination has been identified beyond the landfill boundary. The Interim Action Work Plan requires P&GE to collect confirmation soil samples from native soil beneath the excavated portion of the landfill and to remove contaminated soil if encountered. The Model Toxics Control Act is the state cleanup regulation and is applicable for any releases from the landfill and for any potential contamination beyond the landfill. The cleanup regulation provides a regulatory framework for developing cleanup standards, evaluating contamination, and developing cleanup options.

Comment 52: D. Salsman (6/13/2020)

Mr. Salsman asked how much material will be hauled off site and how long will it take

Response:

P&GE is using a balanced grading plan. The excavated landfill material from the periphery of the landfill will be consolidated in the middle of the landfill and covered with a landfill cover that consists of geomembrane and soil layers. Onsite fill will be used from elevated portions of the property to backfill the excavated portions of the landfill and construct the landfill cover. Tires, carpet, friable asbestos containing material, and lead based painted materials will be removed from the excavated landfill material and disposed of offsite. Landfill material that designates as dangerous waste will also be removed if encountered. No such dangerous waste material was detected in the two pre-construction sampling events.

Contaminated soils, if encountered during excavation, will also be removed from the site. No contaminated soils have been identified beyond the landfill boundary. Soil confirmation samples will be collected from native soil beneath the excavated landfill material and any contaminated soil encountered beneath the excavated landfill material will be removed and disposed of offsite.

Mr. Salsman asked if the truck traffic was going up the hill on 108th Street SE past 40th Avenue SE. He is concerned about truck traffic going through residential area.

Response:

Construction traffic was evaluated under State Environmental Policy Act, and Snohomish County Planning and Development Services issued a Mitigated Determination of Non-Significance. Gibson Traffic Consultants evaluated traffic for the Bakerview Subdivision development on August 3, 2016 (See Go East Landfill Closure Plan, Appendix M). The Haul Routes will be required to use major arterials in the vicinity, including 35th Ave SE, 100th Street SE, 116th Street SE, and SR-96/132nd Street SE. The Go East Landfill closure is not anticipated to generate more construction traffic than the Bakerview residential development.

Who will be doing oversight of the cleanup?

Response:

Landfill closure and interim action are overseen by Snohomish Health District and Ecology. Snohomish Health District is the permitting authority for the landfill. Ecology provides technical support to the health district and takes a leading role for the cleanup of releases from the landfill.

How much authority does Ecology have to shut down the site if they have to?

Response:

If Ecology determines that any activity being performed under the Agreed Order is creating or has the potential to create an imminent threat to human health or the environment on or surrounding the site, Ecology may direct P&GE to cease such activities to abate the threat.

Mr. Salsman is concerned about the development; kids digging holes and making forts next to the landfill.

Response:

The interim action is being performed under the state cleanup regulation, the Model Toxics Control Act, to provide assurances that the soil on the residential parcels will be protective of human health and the environment.

Are people being notified what they are buying into?

Response:

Please see response to Comment 47.

Mr. Salsman is concerned about long term maintenance and the HOA overseeing it.

Response:

Please see the last response to Comment 49.

Mr. Salsman is concerned about landslides, steep slopes and run-off issues.

Response:

The Go East Landfill Closure Plan includes a Geotech Report in Appendix A. The Geotech Report evaluates geologic hazards, including steep slope/landslides, seismic hazards, and erosion hazards, and their mitigation. The steep northeast landfill slope was calculated to exceed minimum factor of safety requirements under static and dynamic (e.g., seismic) conditions when structures are offset at least 85 feet from the slope. The stormwater ponds are setback more than 85 feet. The construction of stormwater flow control ponds and the diversion of stormwater from the northeast slope reduces erosion and improves the stability of the slope. These conclusions were affirmed by the Washington State Pollution Control Hearings Board.

Mr. Salsman is concerned about access issues with the new development.

Response:

The landfill cover includes a minimum 2-foot soil layer, a 40-mil geomembrane, and a 6-inch sand layer above the waste. Landfill gas vents will extend above the breathing zone. Fencing will be installed around stormwater ponds and on top of steep slopes.

Comment 53: Pam Jenkins (6/13/2020)

A. Major and Overall Project Comments

A.1 What exactly is the “interim action”? The description of the interim action in the Agreed Order (AO) does not agree with the description in the Interim Action Work Plan (IAWP). The AO includes the entire landfill closure action in the interim action, whereas the IAWP describes the interim action as primarily the excavation of the wedge area material within the periphery of the landfill and subsequent confirmation sampling. The Public Participation Plan identifies what is called the “wedge area” in the Landfill Closure Plan (LFCP) as the “interim action area.” There are several activities which must precede excavation of the wedge area. Why are these not consistently included in the description of the interim action? All of the documents and their exhibits must be clear and in agreement regarding the definition of the interim action.

Response:

The interim action does not usurp Snohomish Health District’s permitting authority, which includes landfill closure in accordance with the permit, landfill closure plan, and final design drawings and construction specifications.

Agree Order, Section VI.F now states “...Ecology has determined that the removal of landfill material and contaminated soil from beyond the future landfill limit is warranted as an interim action under WAC 173-340-430. The capping of the excavated landfill material under the new landfill cover is subject to the landfill permit issued under WAC 173-350-400, and is not part of the interim action...”

Landfill excavation will not commence until all permits are secured, the supplemental waste characterization and onsite fill source sampling is completed, and the Agreed Order and Interim Action Work Plan are finalized.

A.2 What is the overall plan? The first paragraph mentions future plans and studies for the site through preparation of a draft cleanup action plan. But nothing is said about finalizing that cleanup plan or accomplishing the cleanup actions specified in the plan. This suggests that pursuing a robust cleanup—and full protection of human health and the environment—is not Ecology’s goal, but simply trying to squeeze the existing landfill closure (a plan that we now know was based on incorrect assumptions regarding the waste in the landfill) into an interim action without first completing characterization of the site and giving full consideration to what site cleanup will entail.

Response:

The cleanup of the Site is limited to releases from the permitted landfill, and compliance with applicable cleanup levels outside the final landfill boundary. The Agreed Order is an initial step in the formal cleanup process and does not address implementation of the Cleanup Action Plan.

A.3 Performing the RI after landfill closure presents two issues: (1) Discovery of buried waste. Once the landfill is closed, any waste material found onsite will have to be disposed of offsite in permitted solid waste facility. (2) The rough grading outlined in the LDA-1 plans could result in spreading waste material, especially contaminated soil, into residential areas, which is precisely what must be avoided. Therefore, a plan for systematic sampling of the soil in the

residential areas should be established and executed prior to any grading activity in the future residential portion of the property. In addition, sampling should be conducted in the areas that will be excavated for stream diversion and relocation, stormwater pipe installation, construction of the rock-lined channel on the north edge of the property, and construction at the base of the steep northeast slope.

Response:

Ten onsite fill source samples were collected on June 29-30, 2020, including five samples in the northwest corner of the property and five samples between the landfill and the stream to-be-relocated. The samples were submitted for analysis of a full-suite of analytical parameters. No organic compounds were detected and the concentrations of metals were below the Interim Action Levels defined in the Interim Action Work Plan. No contaminated soils have been detected beyond the landfill boundary.

The Interim Action Work Plan calls for additional observation, field screening, and contingent sampling during the grading activities. If contaminated soils are encountered, they will be disposed of offsite.

A.4 In no way should even rough grading for the subdivision be done prior to completion of the RI/FS and any soil cleanup actions the RI/FS indicates need to be accomplished. Ecology has failed to demonstrate in the IAWP and Agreed Order that there is a compelling reason to not follow the typical sequence for conducting the RI/FS, then preparing a draft cleanup plan, final cleanup plan, and implementing the cleanup. It is now clear that the material in this landfill is not benign, as was assumed by both the Hearing Examiner and the PCHB. We now know the landfill contains material that is heavily contaminated with hazardous constituents. If ever there was a time to pause and do this project with a high standard of care, it is now. Moreover, WAC 173-340-430(4)(a) clearly states: “Interim actions shall not be used to delay or supplant the cleanup process.”

Response:

Please see the first response to Comment 38 regarding the waste characterization sampling for landfill material. Please see response to Comment 53, A.3 regarding onsite fill source samples. The sampling results do not preclude the consolidation of landfill material or the use of onsite soil as backfill.

A.5 I hope that sufficient thought has been given to the possibility that if PCBs are found at levels above the Toxic Substance Control Act (TSCA) threshold of 1 mg/kg, several elements of the interim action and landfill closure will necessarily change. It would seem prudent to accomplish the supplemental sampling as quickly as possible in order to attain certainty on the concentration or absence of PCBs within the interim action area. This topic is further discussed in the Interim Action Work Plan comment section below. The Agreed Order should include a clause that requires revision of the IAWP, and public review of that revision, to accommodate any additional requirements under MTCA and federal rules that may apply.

Response:

Please see first response to Comment 38 regarding the waste characterization sampling for landfill material.

A.6 Construction of the stormwater pond is an element of the temporary erosion and sediment control plan (TESCP), and this pond is also the permanent stormwater pond for the landfill and future residential development. The pond must be in place before excavation of the wedge area, but there must also be some sort of temporary stormwater and sediment collection vessel while the 15,000 or more cubic yards of waste is excavated from the pond area and temporarily stockpiled. The TESCP presents no provision for this. Moreover, it is imperative to know whether the buried waste material in the pond area contains PCBs above the TSCA threshold level of 1 mg per kg, in order to ensure proper handling of that waste and fill. Thus we recommend that subsurface sampling in the pond area be added to the supplemental sampling that is currently planned, using the same full suite of analytes, and sampling at multiple locations and depths.

Response:

Please see fourth response to Comment 40 regarding the Administrative Order for the Construction Stormwater General Permit. Please see subsequent Comment 53, A.7 regarding the pond compaction method.

A.7 Construction specifications for the stormwater pond, located on top of the landfill, have recently been changed, in a departure from the construction process that was approved in the 2018 LFCP. In lieu of using dynamic compaction to compress the waste material under the stormwater ponds, there is now (as of April 2, 2020) a note on Sheet 6 of 25 of the LDA-1 plans stating:

EXCAVATE EXISTING WOOD WASTE AT LEAST 15 FEET BELOW BOTTOM OF DETENTION POND SYSTEM UNDER COVER SYSTEM 2. REPLACE WITH RECOMPACTED WOOD WASTE IN 12-INCH MAXIMUM LOOSE LIFTS COMPACTED WITH AT LEAST 5 PASSES OF LANDFILL COMPACTOR PER GEOTECHNICAL ENGINEER.

Response:

P&GE revised the design drawings and construction specifications (i.e., Go East Landfill Closure, Land Disturbing Activity – LDA #1) to revert the pond compaction method back to dynamic compaction, as was originally planned. This compaction method is consistent with the Go East Landfill Closure Plan, last revised in January 2018, and the previous version approved by Snohomish County Planning and Development Services. The revised design drawings and construction specifications (July 20, 2020) were reviewed by Ecology, approved by Snohomish Health District, and are available on Ecology's Go East Corp. Landfill website.

A.8 SHD issued a revised landfill closure permit, SW-027, without public notice. And it is not clear if SHD is aware of and has specifically approved the changes to the excavation plan for the wedge area (see Comment D.28). (By the way, there are typos in the new material that was added to the closure permit, misidentifying the source of the new information.)

Response:

Snohomish Health District approved the design drawings and construction specifications.

A.9 There is a fair amount of misinformation regarding the history of the landfill in both the AO and IAWP. Where identified, correct information is provided, and in most cases, a reference

for this information. (For an accurate historical summary of the Go East Landfill, see attachment to this comment letter.)

Response:

The history summary provided by Practical Environmental Solutions is recorded as an attachment to your comment in Appendix A. Ecology neither confirms nor contests this summary.

B. Agreed Order

B.1 Please see the attached mark-up copy of the Draft AO with numerous corrections of historical information and references; and additional comments for which responses are anticipated.

Response:

Ecology reviewed your markup of the Agreed Order and made relevant changes where appropriate based on the Findings of Fact in the Snohomish County Hearings Examiner decision (February 14, 2018).

B.2 Task 1, Interim Action, page 2, paragraph 2. Again, this description of what constitutes the interim action is inconsistent with other descriptions in the AO and IAWP. In the first bullet, does “Solid waste material removal from beyond the future landfill limits” mean excavation of the wedge area? Or does it mean finding all non-hazardous solid waste on the site, including beyond the wedge area (such as the northeast slope), and placing it in the landfill?

Response:

Please see response to Comment 53, A.1. The specific reference in B.2 was not found.

B.3 Findings of Fact, Section H, page 6. The Department of Ecology (Ecology) has no authority or jurisdiction over planned future development of the Go East property, except in the determination of appropriate cleanup levels for the future land use. Therefore, most of the discussion describing the future subdivision should be deleted. (See attached mark-up.)

Response:

Comment noted.

B.4 The AO must address who will own and be responsible for the landfill and its appurtenant systems during the post-closure period and beyond. It would be grossly unfair to allow future homeowners to become the unwitting parties responsible for the post-closure care of a MTCA cleanup site and the landfill, with all of its related inspection and protection systems, through their required membership in a homeowners association and under the joint and several liability provisions of the MTCA rules.

Response:

This issue is beyond the scope of the Agreed Order. Please see the last response to Comment 49.

B.5 The AO should clearly indicate how the final construction plans, specifications, details, and notes are identified, and who is responsible for approving them and assuring they are followed. Currently the plans, specs, details, and notes are included within the grading permit

plans [Land Disturbing Activity permit (LDA)], which are under the issuing authority of Snohomish County Planning & Development Services (PDS). However, PDS has no authority to approve landfill closure design, plans, or procedures. If the landfill closure construction drawings are going to be part of the LDA-1 permit plans, the AO should clearly define the roles and approval authority of all the agencies involved: Ecology, SHD, and PDS, and how any changes to design, schedule, or procedure will be handled and by whom.

Response:

Snohomish Health Planning and Development Services accepted the design drawings and construction specifications as the responsible development agency. Under the solid waste regulations, the jurisdictional health department, i.e., Snohomish Health District, must approve the design drawings and construction specifications. The additional landfill details requested by the Health District are inconsequential to Planning and Development Services. The final design drawings and construction specifications were approved by Snohomish Health District and provided to Snohomish County Planning and Development Services. Additionally, Ecology's Solid Waste Management Program provides technical assistance to Snohomish Health District.

B.6 Already, PACE Engineers has produced two revised versions of the LDA-1 plans, which have apparently not been reviewed by PDS. PDS reviewed and approved the plans dated May 30, 2019, which are now outdated.

Response:

Please see response to Comment 53, B.5.

B.7 The AO fails to identify when the Remedial Investigation (RI) will occur, when the Feasibility Study (FS) will be prepared, and when any remedial activities will be conducted, in relation to the property owner's stated intention in the LFCP that subdivision development will commence as soon as the landfill cover system is completed. There needs to be a logical order and schedule to the MTCA procedures [RI, FS, Cleanup Action Plan (CAP), and cleanup] to ensure that the property is truly safe for development BEFORE work commences on the Bakerview subdivision, i.e., before PDS approves the second grading permit (LDA-2). See comments A.3 and A.4.

Response:

The Agreed Order is an agreement between P&GE and Ecology. MTCA allows for elements of the formal cleanup process to proceed in coordination with property redevelopment.

B.8 Exhibit C, Scope of Work and Schedule. Exhibit C appears to emphasize the effort after the interim action, but fails to lay out a complete description of the steps for the interim action itself, which clearly comprises the bulk of the work that needs to be done to clean up the entire property.

Response:

Please see response to Comment 53, A.1.

B.9 Exhibit C, Scope of Work and Schedule. This document should anticipate and explain any modifications to the scope of work and IAWP that may be needed based on results of the supplemental sampling, or at least state that revision may be necessary depending on the sampling results. In addition, revisions to the IAWP should be published for public comment prior to implementation of the interim action. WAC 173-340-600.

Response:

The supplemental sampling was performed on June 29-30, 2020. No changes to the Agreed Order are necessary to address the sampling results.

B.10 Exhibit C, Task 1. Interim Action, page 1. This section echoes the definition of “interim action” from WAC 173-340-430, but fails to justify why the excavation of the wedge area and the closure of the landfill would be an interim action, especially when there are so many unknowns about potential contaminants within the landfill, as well as the possibility of contaminants being in soils outside of the approximate landfill boundary as defined in the LFCP.

Response:

Please see responses to Comment 38 and Comment 53, A.1 and A.3.

B.11 Exhibit C, Task 1. Interim Action, page 2, second paragraph. This bullet list omits the TESCP elements, including excavation for the stormwater pond. See comment A.6.

Response:

Specification of temporary erosion and sediment control elements is beyond the scope of the Agreed Order. Please see the fourth response to Comment 40 for the Construction Stormwater General Permit. Temporary Erosion and Sediment Controls are also addressed in the design drawings and construction specifications, which is a requirement of the Landfill Disturbing Activity Permit.

B.12 Exhibit C, Task 1. Interim Action, page 2, second paragraph. The second bullet mentions “capping of landfill materials that do not constitute a federal or state hazardous/dangerous waste...” There must be sampling and analysis to determine whether material currently within the smaller landfill footprint is a federal or state hazardous/dangerous waste. No such sampling and analysis is currently planned, but must be conducted prior to the deposit of landfill material from the wedge area.

Response:

Please see first response to Comment 38.

B.13 Exhibit C, Task 1. Interim Action, page 2, second paragraph, 4th bullet. Is the backfilling referred to here of the wedge area only?

Response:

Onsite fill will be used as backfill in the wedge area, landfill cover, and presumably general site grading. See previous comments regarding onsite fill source sampling on June 29-30, 2020 and observation, field screening, and contingent sampling during excavation.

B.14 Exhibit C, Task 1. Interim Action, page 3, first paragraph. This paragraph mentions documenting “compliance with the soil Interim Action Levels beyond the final landfill limit

area.” Presumably, this statement means verifying that ALL of the area outside of the reduced landfill footprint that will be part of the residential area will be shown to comply with the IALs, not solely the wedge area from which waste will be excavated and relocated.

Response:

Comment noted. Please see response to Comment 59, Issue 1.

B.15 Exhibit C, Task 2. Remedial Investigation Work Plan, page 3, first paragraph (grammar error.) In the first sentence, the text should read “including data needed for post-closure care,” not “including data gaps needed for post-closure care.”

Response:

Corrected.

B.16 Exhibit C, Task 2. Remedial Investigation Work Plan, page 3, first paragraph. The last sentence in this paragraph states: “The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.” We agree with this, but wonder why outlining the same things for accomplishment of the interim action, such as changes to the LFCP and/or construction drawings is not included in the Agreed Order. See comment B.5.

Response:

Landfill closure is not a component of the interim action.

B.17 Exhibit C, Task 2. Remedial Investigation Work Plan, page 4, fourth paragraph. This paragraph addresses submittal of the SAP and QAPP to Ecology, providing notice to Ecology prior to sampling, and states that “Ecology may take split samples.” This should be corrected to say: “Ecology may take split or duplicate samples,” as stated in Section VII.E on page 19 of the Agreed Order.

Response:

This language is boilerplate. No change is warranted.

B.18 Exhibit C, Task 2. Remedial Investigation Work Plan, page 4, seventh paragraph. In keeping with the public participation provisions of WAC 173-340-350(5), the draft RI Work Plan should be made available for public comment.

Response:

Remedial Investigation (RI) Work Plans are not subject to public comment. Ecology will post the RI Work Plan on the [Ecology’s Go East Corp. Landfill website](https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294)⁸. Ecology will review any comments submitted outside of public comment periods.

B.19 Exhibit C, Task 3. Remedial Investigation and Task 4. Feasibility Study, pages 5 and 6. Because there will be a single RI/FS report, the activity descriptions in these two tasks would be clearer and more accurate if they were combined into a single task, i.e., “Remedial Investigation/Feasibility Study.” For the implied level of effort regarding these tasks, simplifying

⁸ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

the process and its description is recommended. For example, are “interim data reports” truly anticipated or necessary?

Response:

Comment noted. No change is warranted.

B.20 Exhibit C, Task 7. Public Participation, page 7. This section should also address making available to the public (1) sampling results from the proposed supplemental sampling, or (2) additional sampling that may be required by Ecology prior to excavation of the wedge area material.

Response:

Ecology posted Results of Pre-Construction Soil Sampling (July 30, 2020) on Ecology’s Go East Corp. Landfill website. No change is warranted.

B.21 Exhibit C, Schedule of Deliverables, page 8. The schedule presented here does not include any of the activities related to the interim action. It should include publication of a revised IAWP and revised AO; Ecology’s response to comments on the PPP, AO, and IAWP; supplemental sampling; public release of supplemental sampling data; and the key elements of the interim action.

Response:

Comment noted.

B.22 The Agreed Order and the included Scope of Work and Schedule apparently presume no cleanup will be required outside the landfill footprint, and that preparing a Draft Cleanup Action Plan will be sufficient. Nothing is said about finalizing the Cleanup Action Plan (CAP) or implementing the cleanup actions outlined in the CAP. It appears to this reviewer that the proposed interim action is clearly proposed to supplant the cleanup process outlined in WAC 173-340, which is in violation of 173-340-430(4).

Response:

The Agreed Order is an initial step in the formal cleanup process and does not address implementation of the Cleanup Action Plan.

C. Public Participation Plan

C.1 An in-person public meeting should be held on this project. The stated purpose of the Public Participation Plan (PPP) is “to promote meaningful community involvement during cleanup activities for the permitted landfill.” (Page 1) As we have discussed on the phone, the structure of this project under MTCA and Solid Waste regulations is complex. Ordinary citizens do not have experience with either of these regulations. Interested homeowners need to have access to a description and explanation of the project by Ecology, to ask questions and have them answered, and to be able to see the drawings that depict various aspects of the project site, including well locations, test pit locations, location of the wedge area, distances of construction roads, excavation areas, grading areas, stockpile areas, etc., in relation to their properties and homes. This kind of “meaningful community involvement” cannot be accomplished through a Webex call or other video chat method, especially with a population that includes users who may

be uncomfortable or unfamiliar with computer video communications, or are without access to an appropriate video device. Ecology should postpone the required public meeting on this project until the Governor eases the Covid-19 restrictions, so that an in-person public meeting can be held.

Response:

Please see response to Comment 2 for the in-person public meeting request.

C.2 P&GE should not proceed with any portion of this project, except the supplemental sampling in the wedge area, until a public meeting has been held, sufficient time for public comments has been granted, and Ecology has publicly responded to those comments. You informed me over the phone that Ecology has given P&GE permission to proceed with logging/clearing the entire landfill area and subdivision project sites, set in place the temporary erosion and sediment controls (TESC), and conduct supplemental sampling in the wedge area. I have previously commented on the conflict between the required air quality mitigation measures that include leaving a perimeter buffer of trees around the project site, and the proposed logging of all but two trees on the landfill and residential area. This issue has not been satisfactorily addressed. The air quality mitigation must be fully implemented during the interim action. In addition, there is a significant issue in proceeding with TESC. This issue is discussed in comment D.24.

Response:

Ecology hosted a public meeting on June 18, 2020. Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd related to land clearing activities. The land clearing activities were postponed until after the public comment period.

C.3 With the possibility of changes being made to the IAWP and subsequent cleanup actions based on the supplemental sampling results, the PPP should state how the public will be informed of those changes. WAC 173-340-130(2) and (4), and WAC 173-340-400(6)(d) and (7). Additionally, a citizen technical advisor should be identified who is accessible to the public and can clearly answer citizens' questions about the proposed interim action, landfill closure, remedial investigation, feasibility study, cleanup action plan, and subsequent cleanup actions. WAC 173-340-310(9)(g)(vii).

Response:

The sampling results do not warrant any changes.

Ecology hosted a public meeting, held public comment period, and is committed to sharing technical documents on our Go East Corp website. The Kings Ridge and 108th Street Point homeowners associations contracted a technical advisor. Snohomish Health District and Ecology are available to answer questions about this landfill closure and cleanup action.

C.4 The essential engineering and construction details of the interim action and landfill closure are contained in the Land Disturbing Activity #1 plan set (LDA-1). However, these plans were not provided in the binder I received for review, or suggested in the PPP as being available

for review. The existence and importance of these plans must be made known to the public, as they contain the detailed information about how the interim action and landfill closure will be conducted. WAC 173-340-600(7)(i). The PPP mentions the LDA permit once each on pages 1 and 7 “for the initial rough grading (including landfill closure activities).” Hello? The LDA-1 plan set is the sum total of engineering drawings, details, specifications, and notes for the excavation and relocation of waste material, construction of the stormwater pond on top of the landfill, placing a multilayer cover on the landfill, construction of a landfill gas collection trench, stormwater conveyance lines, and so on, as well as rough grading for most of the site and final grading for the landfill. Whereas the LFCP provides only a general or conceptual description of LF closure actions, the LDA-1 plan set provides the only detailed description, and are the plans that will be implemented by the closure construction contractors.

Response:

The permitted landfill closure documents are not a part of the Agreed Order, and not subject to public comment. Ecology provided these documents on the Ecology Go East Corp. Landfill website and specifically referenced these documents in multiple written and verbal correspondence.

C.5 The PPP states on page 10 the public will have the opportunity to review and provide comments on the Draft Agreed Order and Draft Interim Action Work Plan, and the Draft Remedial Investigation/Feasibility Study Report and Draft Cleanup Plan. However, because both the AO and IAWP are very general documents, the only way to understand what the IAWP actually entails is to become familiar with the LFCP and especially the LDA-1 plan set. Surely Ecology will accept comments on the LDA-1 plans, which include the engineering drawings, details, construction sequence, and other notes that are not documented anywhere else, and which contain the only detailed description of the wedge area excavation, waste relocation, and covering of the waste material. The public notices should make clear that public comment on the LDA-1 plans is sought, too.

Response:

The permitted landfill closure documents are not a part of the Agreed Order, and not subject to public comment. Nevertheless, Ecology has responded to comments on the landfill closure documents.

C.6 The PPP fails to provide the online link where reviewers can submit written comments for this project to Ecology.

Response:

The Go East Corp. Landfill website and the mailed Fact Sheets (also available on the website) provided a link for public comments. This link is temporary and only available during public comments periods. Ecology will provide additional outreach for subsequent public comment periods.

D. Interim Action Work Plan

D.1 Section 1.0 Introduction, page 1. The date of the Go East Landfill Closure Plan should rightly be indicated as January 2018, not 2012. The 2012 LFCP was initially approved by the

SHD, but was remanded by the Hearing Examiner. Only the revised LFCP dated January 2018 was approved and permitted.

Response:

Comment noted. No change is warranted.

D.2 Section 1.0 Introduction. The IAWP should clearly state in the introduction that the landfill closure activities are generally described in the Go East Landfill Closure Plan revised in January 2018 (LFCP), and that the detailed landfill closure engineering/construction drawings, construction sequence, notes and specifications are contained in the Land Disturbing Activity (LDA-1) plans, recently revised in April 2020. The IAWP should note that LDA permits (grading permits) are issued by Snohomish County PDS, not by Ecology nor by SHD, but that because they are an inherent part of the proposal, Ecology is accepting comments on them, too.

Response:

The permitted landfill closure documents are not a part of the Agreed Order, and not subject to public comment. Nevertheless, Ecology has responded to comments on the landfill closure documents.

D.3 Comment on process. There is no information showing a coordinated review of the LDA-1 plans and permit along with the proposed interim action and closure actions. In fact, it appears all reviews and approval of the LDA-1 permit application were completed in June 2019, according to the Snohomish County PDS permit portal. HOWEVER, the LDA-1 permit has NOT been issued, contrary to what is stated on page 12 of the IAWP. According to the PDS services permit portal, the status of the LDA-1 permit and the Forest Practices permit (for logging) as of June 1, 2020 is “issuance pending.” Paul MacCready confirmed this in an earlier phone call. See the attached printouts from the online permit portal.² Because the LDA-1 plans represent the actual construction drawings for the interim action and landfill closure, their pre-approval by PDS without ANY public input makes a mockery out of Ecology’s public participation process.

Furthermore, the LDA-1 plans have been revised by P&GE twice since their approval by PDS in May 2019, and there is no evidence of PDS having reviewed or approved those revisions.

Response:

Please see response to Comment 53, B.5.

D.4 Section 1.2.1 Location and Setting, page 2, second and third paragraphs. This section should mention that the property was first a sand and gravel mine before it was used as a landfill. How deep the excavations were for mining sand and gravel is unknown. There has been no drilling into the landfill to determine the depth of waste. The estimated depth of 50 feet stated in this section is unsubstantiated, and inconsistent with the estimate provided in the LFCP of 48 to 68 ft bgs.³ An earlier documented depth-of-waste estimate in the record is 90 ft bgs.

Response:

Comment noted. No change is warranted.

D.5. Section 1.2.3 Local Geology, page 4, second paragraph. As mentioned above, the first land use on the property was a sand and gravel mine, not a borrow source. (Same comment at Section 1.3, second paragraph.) Sand and gravel were excavated from the ravine area and sold. The steep banks noted in the western and northwestern portions of the site were more than likely the areas used during the later landfill-only operation for the source of daily cover, which corroborates with observations of landfill operations made by adjacent residents in the early 1980s. There is no evidence the site has gone through the state’s mine reclamation process outlined in Chapter 78.44 RCW, even though the site was permitted by Department of Natural Resources as a surface mine.

Response:

Comment noted. No change is warranted.

D.6 Section 1.2.4 Regional and Local Surface Water Hydrology, page 5, paragraph 1. This paragraph makes an unsubstantiated claim that the diversion of Stream 1 to the south had been done at “the direction of SHD and Snohomish County Planning and Development Services....” The only reference I have seen in the historic site files of the site regarding relocation of this stream is in the 2004 Site Hazard Assessment prepared by SHD. The author states that there is some evidence in the file that the natural stream which existed in the ravine prior to 1972 was rerouted around the landfill. “However, the files maintained at the SHD do not reflect plans, which support this assertion.” This appears to indicate that no plans were submitted to or approved by SHD for rerouting the stream.

The “reference” cited for this claim on page 5 of the IAWP appears to be to a recent conversation between the IAWP author and the site owners, thereby relying not on a written document in the public domain, but apparently only on oral description of a long past event about which memory may not be reliable.

Response:

Comment noted. No change is warranted.

D.7 Section 1.2.4 Regional and Local Surface Water Hydrology, page 5, paragraph 3. The author claims that Rekoway installed a subdrain on the bottom of the former ravine beneath the landfill before the start of landfilling activities. Where is the reference for this information? This is the first mention of such a drain in 11 years of the evolution of P&GE’s landfill closure plan development. This information has not been presented in any document prior to the IAWP, since the original 2009 draft of the LFCP through the now much improved 2018 LFCP. I have seen no mention or drawing of such a drain in the historic file records. Moreover, if there were such a drain installed 45 to 50 years ago, a perforated pipe embedded in gravel (even if it had been wrapped with geotextile – unlikely at that time), covered by 50 to 70 feet of soil and sitting in groundwater, by now would almost certainly be completely plugged with soil, and therefore no longer functioning as a drain at all.

Response:

This discussion is a conceptual description developed from an informed source. The

Remedial Investigation will include sampling of the groundwater/surface water system downstream of the landfill.

D.8 Section 1.3 Landfill Operational History and Regulatory Background, page 6, first paragraph. Contrary to what is implied in this paragraph, the conditional use permit (CU-3-75) issued by Snohomish County allowing Rekoway to receive a broader list of wastes was in effect only from September 18, 1975 to November 6, 1975, i.e., for less than two months, because the landfill owner did not fulfill the permit conditions that involved bringing fire-fighting equipment and water to the site. Therefore the County Zoning Adjustor deactivated the permit.⁵ There is no record in the file indicating that this permit was ever reinstated. Thus, one should not expect that a great deal of this type of waste (tires, car parts and seats, and bulk packaging material) would have been deposited in the landfill in that short period of operation. The test pit logs in the LFCP bear this out.

Response:

Comment noted. No change is warranted.

D.9 Section 1.3 Landfill Operational History and Regulatory Background, page 6, second paragraph. The metal waste received at the landfill in 1974 has never been identified as “baghouse dust” in any of the historic landfill correspondence, agency documents, articles, or reports. The Aug. 23, 1974, Seattle P.I. article that reported this event reads:

The explosion occurred Wednesday when several truckloads of scrap metal—some containing magnesium, phosphate, and aluminum dust—were dumped at the landfill. ... Seattle Fire Marshal Thomas McNearney said the material was being trucked from N.W. Wire and Rope at 7th Ave S. and S. Portland St. The rope company had recently purchased the land from a metal reduction plant and was cleaning its back yard.

Letters in the record show that fire was burning at the landfill in 1976, 1977, 1978, and 1979. The local fire marshal, who visited this site frequently, believed the fire started by the 1974 explosion probably smoldered underground for years. Contrary to what is stated in the IAWP, the stumps and other wood waste deposited in the landfill during this period would clearly have been fuel for the ongoing fire, but not an ignition source.

Response:

Ecology does not affirm or contest these statements. These statements have no bearing on the interim action.

D.10 Section 1.3 Landfill Operational History and Regulatory Background, page 6, third paragraph. The conditional use permit (CU-7-72) under which Go East operated the landfill did expire in 1982, as stated. However, Mr. East continued operating the landfill for several more months in spite of several letters from the Health District indicating his permit had expired, until a stop work order was issued by Snohomish County in July 1983. The record indicates that Mr. East then continued operating the landfill until September and promised to close the landfill by February 1984. The landfill was mysteriously on fire again in October 1983. According to Health District records, landfill “closure” claimed by Mr. East never completed the ten items that were

required by the 1983 Solid Waste Handling regulation then in effect, and SHD never certified the closure.

Response:

Ecology defers to the Findings of Fact in the Snohomish County Hearings Examiner decision (February 14, 2018). Changes made to the Agreed Order in response to Comment 53, B.1, are incorporated into the Interim Action Work Plan.

D.11 Section 1.3 Landfill Operational History and Regulatory Background, page 6, fourth paragraph. A Jan. 15, 1986, inspection report by SHD and Ecology states that a subterranean fire persisted at the site. Residents near the landfill who lived there in 1986 have testified that smoke from the landfill persisted well into 1986 and possibly as late as 1987.

Response:

Ecology defers to the Findings of Fact in the Snohomish County Hearings Examiner decision (February 14, 2018). Changes made to the Agreed Order in response to Comment 53, B.1, are incorporated into the Interim Action Work Plan.

D.12 Section 1.3 Landfill Operational History and Regulatory Background, page 6, fifth paragraph. This paragraph regarding the Site Hazard Assessment (SHA) prepared by SHD in 2004 fails to indicate that the SHA did not include any investigation of groundwater quality – the most significant concern with any landfill.

Response:

Comment noted. No change is warranted.

D.13 Section 1.3 Landfill Operational History and Regulatory Background, page 7, final paragraph. This paragraph notes that the landfill will be “capped and closed pursuant to the LFCP and the Landfill closure construction plans” without identifying where the Landfill closure construction plans can be found, or that reviewers may comment on them. See comment B.5.

Response:

The permitted landfill closure documents are not a part of the Agreed Order, and not subject to public comment.

D.14 Page 7, same paragraph as noted in previous comment. This paragraph states: “An environmental covenant will be recorded for the Property to ensure the engineering capping system remains protective of human health and the environment,” but fails to mention who will carry the responsibility for that environmental covenant. The LFCP states that responsibility will belong to the future homeowners association of the Bakerview subdivision to provide the inspections, maintenance, and any repairs needed for the landfill cover system, landfill gas collection and monitoring system, and stormwater pond leak detection system. See comment B.4.

Response:

Filing an environmental covenant is a closure requirement for limited purpose landfills (WAC 173-350-400(8) (e)). Financial assurance is required for all limited purpose landfills (WAC 173-350-400(9)). The current or future owner of the landfill property will be responsible for complying with the requirements of the environmental covenant and other requirements of the Go East Landfill Closure Plan.

D.15 Section 2.0, Existing Conditions and Previous Investigations, page 7, first paragraph in the section. The assertion made here that the landfill was covered with 1-2 feet of sandy soil after operations ceased in 1983 is not borne out in the test pit data. No cover soil was identified in 20 of the 64 test pits excavated in 2002 and 2009. In these 20 pits, waste was present up to the surface. In other pits where there was cover soil, this soil was generally 6 inches to 3 feet thick. It should also be clearly stated that waste was dumped for years on the steep northeast slope, whose subsurface has not been investigated. Cover soil may have been dumped over the waste, but due to the steepness of the slope, it is unlikely that any of this material was compacted in place.

Response:

Comment noted. This comment has no bearing on the interim action.

D.16 Section 2.1 Test Pit Explorations, page 9, first paragraph. It is confusing and frustrating that the 26 test pits excavated by Hos Brothers in July 2019 are mentioned here but no information is provided about them, save for the locations of just seven of the 26 pits. Why these seven and no others? Moreover, the names given for these test pits makes them indistinguishable from the pits documented in 2002 by HWA, who named series of pits TP-1-A, TP-1-B, TP-1-C, TP-3A and TP 3-B, and so on. What was the purpose of the Hos test pits if exploration logs or some sort of notes were not prepared? Shouldn't this information have been provided to Ecology and IAWP reviewers? What is the purpose of reporting on the test pits in the IAWP without providing any information about them? This lack of transparency implies a reason to hide some information, and I would hope that is not the applicant's motivation here.

Response:

The Interim Action Work Plan summarized previous test pit explorations in the landfill. Test pit explorations were conducted by different parties with different objectives, including geotechnical surveys and delineating the landfill boundary.

D.17 Section 2.1 Test Pit Explorations, page 9, second paragraph. A test pit excavated to a depth of 38 ft. bgs is of great interest, especially because waste was found at that depth, and possibly within the wedge area. However, the IAWP fails to indicate the location of this particular test pit. As presented, it appears that waste was found at the limit of the test pit excavation, and thus the test pit did not discover the bottom of the buried waste—information that is also of interest. The LFCP estimates that the wedge area excavation would be to approximately 15 feet, but must extend to the bottom of the buried waste. Therefore, information about the actual depth of waste within the wedge area is clearly significant in terms of the overall quantity of material that will need to be excavated and the volume of clean fill required. This suggests that additional information about the depth of waste in the wedge area should be collected prior to excavation. See Comment D.21(d).

Response:

This information does not preclude excavation of landfill material authorized under the landfill permit.

D.18 Within this same paragraph on page 9 is the statement: "No apparent hazardous materials such as asbestos or lead-based paint were observed in the test pits." Contrary to this statement,

concrete pipe was observed in at least two of the test pits prior to 2010 (3-A and 4-B), and many of the test pit logs note observations of concrete. It was quite common for discarded concrete pipe in the 1970s and 1980s to be made of transite, an asbestos cement product originally developed by Johns-Manville. Moreover, it is no surprise the observers of these test pits did not note any painted boards in the test pit logs. They were giving a brief description of waste types found within the excavations. They identified plenty of “demolition waste,” including “dimensional timber” that could well have been painted, but the observers had no reason to note the presence of paint because at that time, the question about the possible presence of lead-based paint had not yet been raised.

Response:

Please see Results of Pre-Construction Soil Sampling (July 30, 2020). P&GE contracted a certified AHERA Building Inspector and certified Lead Risk Assessor for the June 29-30, 2020 investigation. P&GE also plans to contract a qualified professional to observe the excavation and consolidation of landfill material. Friable asbestos containing material and lead based paint will be removed and disposed of offsite at a permitted facility.

The design drawings and construction specifications (revised July 20, 2020), as approved by Snohomish Health District, allow the disposal of non-friable asbestos containing material into the landfill (See Sheet 9 waste screening table). Snohomish County Code (SCC) and Puget Sound Clean Air Agency (PSCAA) define “Asbestos Containing Waste Material” as any waste that contains or is contaminated with friable asbestos-containing material (SCC, 2.15.040; PSCAA Regulation III, Article 4, Section 4.01(c)). The federal definition of “Regulated Asbestos Containing Material” includes friable asbestos containing material and non-friable asbestos containing material that has a high probability of becoming crumbled, pulverized, or reduced to powder by forces expected to act on the material (e.g., excavation, placement, and compaction at the Go East Corp. Landfill) (40 CFR 61.141). The Snohomish County Code (SCC, 2.15.180) requires that Asbestos Containing Waste Material be disposed of in accordance with these regulations.

D.19 Section 2.1 Test Pit Explorations, page 9, third paragraph. This paragraph states: “The lateral limits of the Landfill have been delineated and surveyed based on the previous test pit explorations, Go East’s knowledge of the Landfill limits at the time landfilling activities ceased in 1983 (as documented in a survey drawing prepared in 1984 by Chenoweth & Associates, Inc.), and the estimated limits of the historical sand mining activities (Figure 3).” There are problems with this statement.

Response:

The lateral limits of the landfill are approximate. Landfill material will be excavated from the wedge area during the landfill closure. The interface of landfill material and native soil is readily apparent. Confirmation soil samples will be collected to identify whether any hazardous substances are present or have been released from the landfill. Please see Appendix A for subset questions relating to landfill limits.

D.20 Section 2.2 Groundwater Monitoring Wells, pp. 10-11. This section fails to mention that MW-4, which is dry, is the only downgradient well. Since this well has no water in it, there have been no downgradient groundwater quality samples obtained or analyzed – in the landfill’s entire 48 year history. There has been no explanation why P&GE never attempted to install another

downgradient well over the past 11 years that they have been working toward landfill closure. Moreover, the other three wells have been sampled only once. Thus there is a single snapshot in time of groundwater quality in the immediate vicinity of the landfill, but not downgradient of it. There is no groundwater trend information, no ability to compare data to a baseline, and too few groundwater level measurements (three) to understand seasonal groundwater flow. The three wells that were completed in a water bearing zone do not provide a definitive picture of the groundwater flow path across the site.

Response:

The Remedial Investigation will evaluate the groundwater/surface water system and water quality standards for the Site. Please refer to the Public Meeting Presentation on [Ecology's Go East Corp. Landfill website](#)⁹, Site History and Frequently Asked Questions for a discussion of groundwater flow and past sampling.

D.21 Section 2.2 Groundwater Monitoring Wells, page 11, third paragraph, and Figures 4 and 5. This paragraph presents a conclusion about groundwater not being in contact with buried waste, which is unsupported by the data in the LFCP, in both the groundwater and waste depth data, and from the test pit information. Additionally, the author claims there is a subdrain beneath the landfill. Please see previous comment D.7 on that topic. Groundwater seeps were identified in several of the test pits excavated by HWA in 2002, by AESI in 2009, and by Terra Associates in 2019. This groundwater was clearly in contact with buried waste.

Figures 4 and 5 illustrate the IAWP author's conclusions about groundwater. Figure 4 indicates locations of two cross-sections through the landfill: A-A' extends east-southeast from a point A west of the landfill to test pit EP-2, then turning northeasterly near or through test pit TP-25 to point A' at the toe of the landfill's steep northeast slope. The second cross-section line B-B' comes from a point B, almost on the north property boundary of Lot 11, extending southeasterly near or through TP-25 and continuing in the same direction to point B' on the east side of the landfill, in Lot 52. These cross-sections are then shown in Figure 5. There are several concerns with this information:

Response:

Additional subset comments are provided in Appendix A. The Remedial Investigation will provide further information regarding the groundwater system at the Site.

D.22 Section 3.0 Regulatory Requirements, page 11, second paragraph. PDS has not yet issued the LDA-1 permit. See comment D.3.

Response:

Snohomish County Planning and Development Services authorized LDA #1 permit in May 2019, and the IAWP was revised accordingly. P&GE will pick up the permit before construction work begins.

⁹ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

D.23 Section 3.0 Regulatory Requirements, page 11, third paragraph. Identification of the final design drawings and construction specifications as being part of the LDA-1 plan set should be clearly stated here, and that the Construction Quality Assurance Plan is a separate document.

Response:

Comment noted. These are specific regulatory and permit requirements, and the documents are provided in Ecology's Go East Corp. Landfill website.

D.24 Section 4.1 Interim Action Components, page 12. This sequential list of activities seems to leave out some key components. The third bullet "Excavation of landfill material" probably means excavation of the wedge area, but this excavation must be preceded by logging and clearing a portion of the site and construction of TESCP facilities, but these activities are not listed. Key among these is construction of the stormwater detention pond, which is addressed in Comment A.6. The information in this section should be in agreement with the Suggested Construction Sequence provided on Sheet 9 of the LDA-1 plans.

Response:

Please see response to Comment 11 and the correspondence (Appendix B, email 5/11/2020) from Alan Noell to Pam Jenkins and Peggy Hurd regarding land clearing. Please see response to Comments 38 and 53, B.11 regarding pond construction and stormwater. These permitted activities are beyond the scope of the interim action.

D.25 Section 4.1.1 On-Site Fill Source Sampling, page 13. The amount of clean fill required to backfill the wedge area will be approximately 53,300 CY according to LDA-1 Sheet 5. The areas identified on Figure 7 as on-site source areas for fill cover roughly 6 acres. The proposed 10 samples in these areas means there will be not even two samples per acre, or one sample will represent over 5,300 cy of fill. This sampling frequency is statistically insufficient on a landfill site where there has been no previous sampling in these areas, and where there could be unknown areas of waste material or contamination in smaller localized zones. What is the anticipated excavation depth for this soil? Sampling is proposed at 1-3 ft bgs, but should include soils at the deepest excavation anticipated in each area, as well as soils near the surface. All samples should be analyzed for at least GRO, DRO, ORO, PCBs, and RCRA metals because petroleum contaminants and heavy metals are the most likely to be present anywhere on this site, based on the sample results from June 2019. Additional analyses on a portion of the samples are also warranted to demonstrate these soils meet Ecology's interim action levels for all analytes of interest. However, caution should be exercised in identifying any of these samples as "background." Historic aerial photographs indicate large areas of this site were disturbed during its operational history, including portions of the areas identified as borrow sources for clean fill.

Response:

As documented in Results of Pre-Construction Soil Sampling (July 30, 2020), no contamination was detected in the onsite fill source samples. As described in the Interim Action Work Plan, additional observation, field screening, and contingent sampling will be conducted during the excavation of the onsite fill.

D.26 Section 4.1.2 Former Storage Tank Sampling, page 14. Because the exact location of the old tank is unknown, one sample is insufficient. The brush should be cleared from the vicinity where the tank was last seen, and observations made for soil staining or any recent signs of soil

disturbance in the area. Field screening should be used, and three or four soil samples collected 6"-12" below the duff layer, spaced 3 to 6 feet apart.

Response:

Please see Results of Pre-Construction Soil Sampling (July 30, 2020). The location of the former tank was identified, the area was exposed, and there was no indication of contamination. A soil sample was collected, and diesel and oil-range petroleum hydrocarbons were detected at concentrations below the Interim Action Level.

D.27 Section 4.1.3 Supplemental Landfill Material Sampling, page 15. The plan presented here includes excavation of 12 test pits to a depth of 15 feet bgs within the wedge area, with a single soil sample to be collected from each test pit. The indicated test pit locations seem appropriately chosen to obtain further information in those areas of potentially highest contaminant concentrations. However, the proposed sampling plan avoids the depth where the heaviest contamination has been found in previous sampling, and does not provide a sufficient number of samples to accommodate variability in depth across a broad portion of the landfill. The highest concentration of oil range organics found in the June 2019 soil sampling event was at 20 feet bgs in TP-1, at the eastern extent of the residential area. Test pits excavated to only 15 feet bgs are not only likely to completely miss the most heavily contaminated soils, they will probably also miss the lowest portion of landfill material that must be excavated prior to the placement of clean fill in the wedge area.

Has the use of a drilling rig to obtain samples at multiple depths in both the wedge area and under the stormwater pond been considered? This method has a number of advantages. (1) The "reach" of the drilling probe is not limited as is an excavator/backhoe for test pits. (2) The bottom of the waste in each location can be relatively easily determined, information that is important for the interim action. (3) If split spoons are obtained every five feet, screening methods can readily identify two or three samples representing the most heavily contaminated layers from a single boring location that should be sent to the lab for analysis. (4) This method is more precise than test pit excavation, and generally safer than deep test pits for the person who is collecting the samples.

There are a few downsides to this method, most notably the possibility of refusal if the probe encounters concrete or some other impenetrable waste. Usually, relocating the boring by a few feet will allow the probe to advance to the desired depth.

A minimum of three discrete soil samples should be obtained from each boring or test pit location for the supplemental sampling. Discrete samples generally provide far more useful information than composite samples.

Response:

Please see first response to Comment 38.

D.28 Section 4.1.4 Excavation of Landfill Material and Reconnaissance of Northeastern Slope, page 16. This paragraph states that details regarding the removal of landfill material from the interim action area and reburied on the remaining portion of the landfill are contained in the LFCP. In fact, the description is on page 25 of the approved LFCP and details are located in the

LDA-1 plans dated May 30, 2019. However, the plans have recently been modified as can be seen on Sheet 7, Detail 3 of the April 2020 LDA-1 plans. This detail indicates a vertical cut into the waste on the landfill side of the wedge area excavation, in lieu of a cut angled at 1.5 ft vertical to 1 ft horizontal in the corresponding detail of the May 30, 2019 LDA plans (Sheet 7, Detail 3). The latter includes the note regarding this cut angle, “AS REQ’D FOR SAFETY.” Also, there is a distinct change in the shape and volume of the wedge area excavation as seen on Sheet 5, Grading Matrix Plan and Quantities. How were these changes approved? Have Ecology and SHD been provided an explanation of the method of this approach to excavation and how safety will be assured? Wouldn’t this change in approach necessitate a revision to LF closure permit No. SW-027? There is no explanation within the April 2020 plan of how this vertical cut will be supported during excavation, nor of landfill gas trench construction, seam-sealing the geomembrane, and backfilling with clean structural fill. An explanation of how these tasks will be safely accomplished should be included in some reviewable document. The main concern is the possibility of caving during excavation, and providing a safe work space as well as a guarantee that no landfill waste will be left below the clean structural fill.

Response:

Please see response to Comment 53, B.5 regarding plan approval. The contractor is responsible for work safety. The contractor may recommend changes based on constructability during construction.

D.29 Section 4.1.5 Confirmation Soil Sampling, page 17. Has the use of an onsite mobile laboratory been considered for the confirmation sampling? This could have the advantage of providing 24-hour turnaround for sample analysis results, and being able to proceed promptly with either further excavation or backfilling with clean fill, as indicated, rather than leaving the excavation open for several days while waiting for analytical results, and then having to wait again on additional sampling and analysis after further excavation, in the event that sample results show contaminant levels above the interim action levels.

Response:

This option is left to the discretion of the performing party (P&GE).

D.30 Section 4.1.6 Lot Exploration Outside Current Landfill Limits, pp. 17-18. There is no question that areas outside the approximate landfill limit need to be investigated for the possible presence of landfill waste and contaminants. Is this not one subject of the Remedial Investigation? What is proposed in the LFCP and reiterated in this section is completely inadequate for the known and potential contaminants at this site. Scarification of soil to a depth of 1 foot is (a) not deep enough to ensure there is no buried waste below the surface where soil may have been placed after cessation of landfill operations; and (b) will not provide any information on concentration of soil contaminants.

Response:

Landfill material is readily distinguished from native soil. This section describes additional investigation activities to identify potentially contaminated soils. The Remedial Investigation may address any data gaps.

D.31 Section 4.1.6 Lot Exploration Outside Current Landfill Limits, page 18, second paragraph. This section also states, “Landfill wastes found outside the current Landfill limit (if any) will be removed and placed within the future Landfill limit for capping or disposed of off-site in accordance with the LFCP,” etc. Again, this seems like an action for the future Cleanup Action Plan. How long will the landfill cap be left open for the discovery of wastes beyond the approximate landfill limit as currently described?

Response:

The existing landfill material will be consolidated and closed with a landfill cover in accordance with the permit and the design drawings and construction specifications. If contaminated soil is discovered beyond the landfill envelope, the contaminated soil will likely be disposed of offsite as part of the interim action. If applicable, the Remedial Investigation/Feasibility Study would address any residual contaminated soils.

D.32 The IAWP mentions nothing about landfill gas. What sort of protections will be in place regarding the potential release of landfill gas and soil contaminants during storm pond and wedge area excavation? Puget Sound Clean Air Agency regulations apply to this landfill closure and cleanup effort. Those rules should be noted in Section 3.0 Regulatory Requirements (p.12).

Response:

The landfill permit requires P&GE to follow all regulations and permitting requirements established by the Puget Sound Clean Air Agency (PSCAA). Applicable PSCAA regulations include PSCAA Regulation I, Article 9, Section 9.11 (Emission of Air Contaminant: Detriment to Person or Property) and Section 9.15 (Fugitive Dust Control Measures).

Comment 54: Stephen Moll (6/15/2020)

Our Kings Ridge and Point communities will soon to be subjected to harm in order that a few individuals line their pockets with cash and Snohomish County generate more revenue. What individuals or agencies will assume responsibility for this proximate physical and/or mental injury.

As early as 2/11/15, there was formal hearing testimony by environmental engineers on the likelihood of toxic materials being released into the environment when the soils on Go East property are disturbed and transported. The recent testing revealed presence of these toxic materials. The project requires trucking the materials offsite. Previous testimony revealed 2,500 tandem truckloads (owner estimated 49,000 cubic yards) will be transported from and to the landfill. I and my wife (who has asthma) live uphill from the site and will be directly impacted by dust released into the air and by the horrific noise pollution for weeks and possibly months.

As a retired military nurse who has years of experience working with environmental issues affecting communities, I am concerned about the impact of this project both professionally and personally. When this plan first came about, I went door to door in "The Point" and "Kings Ridge" developments. I surveyed residents living within 2-blocks of the property who would be exposed to these air pollutants. Of the 27 households interviewed, I determined the following:

- Twelve homes reported one or more residents having compromised cardiac and/or respiratory conditions. Two individuals had recent heart attacks and three residents were on oxygen support and/or humidifiers;
- One resident was immuno-compromised following cancer treatment;
- One women was in the midst of her pregnancy;
- Four households reported one or more children (infants, pre-school, and elementary school-age);
- Four teens were reported with special needs due to developmental disabilities.

This was just an informal sampling that revealed a number of people at high risk for complications related to their growth and development and current health issues. I have in my possession signed letters from each of these households expressing their concerns for their own health and safety. All indicated they are willing to take whatever steps necessary to hold owners and agencies accountable for proximate harm.

This project will result in a prolonged period of nerve-shattering noise generated by trucks and heavy equipment hauling, cutting, digging, and doing dynamic compacting. The noise will be intensified by the adjacent hills. The stress of this on the surrounding community is immeasurable. There is no time estimate for this landfill/construction. Hence, affected residents have no idea how long they will have to endure this extraordinary and painful experience.

Then comes the air pollution and ongoing noise and congestion that will be created by the addition of an estimated 150 to 200 vehicles to the neighborhood that has only one egress (from "The Point" up the hill of 108th St SE to 39th Ave SE). Snohomish County officials have already testified that the number of homes in the area exceeds that allowed by the WAC when there is only one egress. This project has no provision for an additional egress. In the event of an evacuation during any disaster, this will likely compound the number of injuries and possible deaths.

We expect, at a minimum, more thorough testing of soil and water be done before this "Go East Landfill/Bakerview" project takes another step forward. The project must include a second point of egress from this already congested corridor. Should the project be approved, we expect intense oversight by State environmental experts during every step of the project. Steps to limit noise disturbance, prevent spread of dust, contamination of groundwater, and/or release of underground gas fumes must be taken. We demand to know the exact amount of time the surrounding residents will be subjected to the apparent stressors and who we can hold responsible for the harm likely to evolve.

Response:

This development project was approved by the Snohomish County Planning and Development Services (PDS), who is the responsible agency for development. Ecology has no regulatory authority for development issues. PDS was the lead agency for implementing the State Environmental Policy Act (SEPA). Under SEPA, PDS issued Mitigated Determination of Non-Significance (MDNS) in 2014. The Snohomish County Hearings Examiner remanded the 2014 MDNS for further evaluation of dust, noise, and traffic. The Landfill Closure Plan (January 2018) encloses the independent evaluations of dust, noise, and traffic in Appendix M, and the independent recommendations were

adopted in the landfill closure plan. The Snohomish County Hearings examiner affirmed the updated 2017 MDNS on February 14, 2018.

P&GE collected supplemental landfill material, former storage tank area, and onsite fill source samples on June 29-30, 2020. The hazardous substances detected in the landfill material in June 2019 and June 2020 are consistent with the asphaltic material, roof tar, treated wood, and charred material encountered in the test pits. These chemicals include polycyclic aromatic hydrocarbons and heavy oil range petroleum hydrocarbons (which includes a spectrum of high molecular weight hydrocarbons). These chemicals are generally non-volatile and can be controlled through dust mitigation measures. The independent dust mitigation measures have been adopted in the Go East Landfill Closure Plan and the design drawings and construction specifications. Dust control best management practices will be followed, which include daily meetings and observation, limiting the work area to 1 acre, covering non-worked area, speed limits, wind restrictions, and dust suppression. No contaminated soils were identified beyond the landfill boundary. The sampling report is available in the online document repository on [Ecology's Go East Corp. Landfill website](#).¹⁰

The landfill permit requires P&GE to abide by the local noise ordinances. These ordinances are summarized in the independent noise impact analysis (Golder Associates, August 5, 2016), which is provided in Appendix M of the Go East Landfill Closure Plan.

Comment 55: Pam Jenkins (6/18/2020)

I would like to officially request permission from Ecology to have a representative onsite during the sampling of the wedge area. Landau Associates has offered one of their field guys who is HAZWOPER certified and has substantial experience on contaminated sites. He would serve as an observer for the HOAs and will be prepared to take soil samples for added quality assurance, if indicated. Your agreement to this request would go a long way toward reassuring the HOAs that the heavily contaminated materials encountered in the wedge area will be further characterized appropriately under MTCA.

Response:

Ecology does not have the authority to allow interested third parties on the property. Ecology redirected your request to P&GE's counsel on June 19, 2020. An Ecology representative was onsite during the collection of pre-construction soil sampling on June 29-30, 2020.

Comment 56: Monny Dake (6/20/2020)

Regarding contingency and insurance for the unforeseen... Who is assuming liability if something at any time goes wrong – P&GE, the county, or the state? For example, who bears financial responsibility for health issues experienced by nearby residents, or individuals along the transportation route, of airborne contaminants during the closure process? Who has liability

¹⁰ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

for further reclamation costs years into the future if further issues of additional harmful contaminants are discovered, and if leachate becomes an issue? Will future residents of the new homes to be built be required to sign an indemnity clause waiving rights to sue P&GE? Let's avoid these issues by requiring application of the most rigorous standards and best practices for landfill closure. Maybe we can even instance to raise the bar higher.

I will also note that 108th St SE is a road with relatively narrow shoulders and no sidewalks between 35th Ave SE and 38th Dr SE. There are many people and kids that walk and bicycle along this quarter mile stretch of road – some people pushing baby strollers and others with dogs on leashes. During the cleanup process the lack of total road width space will pose risk to pedestrian safety due to increased volume of large transport vehicles – carrying potentially hazardous materials. Additionally, with the South County Fire Station (12) located at the corner of 108th St SE and 35th Ave SE, traffic flow and management issues will likely result due to increased traffic on 108th St SE thereby preventing emergency vehicles from expediently entering and exiting the fire station. What are the mitigation plans to protect pedestrians, and allow unblocked access for station 12 emergency fire vehicles?

Response:

The landfill closure plans provide for the containment of landfill material under the current solid waste regulations. The solid waste regulations require stringent landfill closure standards, post-closure care requirements, and financial assurance to ensure resources are available for post-closure care. The Model Toxics Control Act provides a regulatory framework for the cleanup of any hazardous substances released from the landfill, and to ensure the environmental, health, and safety of future residents, and of workers and the public during the cleanup.

Please see response to Comment 54 regarding development issues and the Mitigated Determination of Non-Significance.

Comment 57: Mark Engelberg (6/22/2020)

It is risky to begin excavation without a thorough analysis of what sorts of materials are in the landfill.

Much of the plan, unfortunately, relies on trusting the same people who have a profit incentive to be dishonest about what they may find in the landfill, and to cut corners in cleaning it up. Every time a government agency relies on companies to self-police and report their own compliance data, it goes horribly wrong.

For this to be a valid plan that adequately protects the people who live in the area, there needs to be independent oversight.

Another potential risk is that it is entirely possible that they will discover complications along the way whose cost to fix exceeds the potential profit they can get from developing the land. What will they do then? Assuming they don't conceal the problem, they may simply decide it no longer makes sense to finish the project, and suddenly they drop everything and halt the project, leaving the landfill more dangerous than if they had left it undisturbed. The only way to avoid this risk is

to insist that they put into escrow an amount of money to cover the completion of the project by a third-party under even the most extreme scenarios of what might be present in the landfill.

It is rather cruel to begin excavation prior to offering the opportunity to have a face-to-face meeting to explain the safety mechanisms that will be put in place to ensure safe air quality during the excavation. I have painful nerve damage that could be permanently worsened by exposure to toxins in the air. I am rather concerned that you haven't taken the time to go over the details of this aspect of the plan. It seems rushed and ill-considered.

Who is going to be liable here when things go wrong? PG&E? Or the Department of Ecology?

Response:

Please see first response to Comment 38 regarding supplemental sampling of the landfill material. The June 2019 and June 2020 landfill material sampling results indicate the presence of polycyclic aromatic hydrocarbons and heavy oil range petroleum hydrocarbons, which is consistent with the asphalt shingles, roof tar, treated wood, and charred material observed in the test pits. No contaminated soils have been detected beyond the landfill boundary. The Results of Pre-Construction Soil Sampling are provided on Ecology's Go East Corp. Landfill website. An Ecology representative observed the sampling activities and photographs from the investigation are provided on the website.

Please see response to Comment 54 regarding the Mitigated Determination of Non-Significance, supplemental landfill material sampling, and dust control best management practices.

The Snohomish County Planning and Development Services requires P&GE to obtain approval of its Landfill Closure Plan and to commit to performance of all requirements of the Landfill Closure Plan as a condition of receiving any Land Disturbing Activity permit.

Comment 58: Julie Chittenden (6/24/2020)

Thank you for hosting the public participation meeting last Thursday concerning the Go East Landfill and your panel from Ecology as well as Snohomish County.

Could you please provide me with a list of participants who were online, as well as those connected via phone? I had hoped that a WebX forum with video would have been used as well as a recording of the meeting for those community members unable to participate that evening. I don't know if you realized that some of us lost the audio portion during the last hour and had to phone-in rather than use WebX. This is where a recording would have been helpful as I personally missed many of the questions and responses.

I have reviewed the PowerPoint presentation online with the narrative summary. I noticed that no dialogue was included for those participants who asked questions. I realize this was the first time that Ecology has conducted an online public meeting but it certainly wasn't what I had hoped for and fell far short of a public meeting.

Response:

Please see Appendix C for the list of the June 18, 2020 WebEx participants. Ecology decided to not record the public meeting, but to provide a copy of the presentation and frequently asked questions on our website as a public record. We have made ourselves available and responded to questions and answers on numerous phone calls with several interested parties throughout the extended public comment period, and we are providing a thorough responsiveness summary report to the numerous comments received.

This proposed development is very important to our community and how the waste removal is to be handled. It may not be a “high profile” clean up site, but we have spent over ten years, three hearings and hundreds of thousands of private dollars to have this land dealt with to a high level of clean up. It would be sad to see present and future homeowners placed at risk. Numerous times during the question/answer portion, you referred to “industry standards” in how the air, soil and water mitigation would be addressed. Isn’t every site different and the proposed development taken into account? In this case, with lot size averaging, it puts future homeowners closer to the landfill and critical land areas such as the steep slopes than even the state WACs are suppose to allow?

Response:

Snohomish County Planning and Development Services is the responsible agency for development, and they required P&GE to obtain a landfill permit with Snohomish Health District. Snohomish County Planning and Development Services abided by the State Environmental Policy Act during the permitting process. As cited, this project has been thoroughly vetted by the Snohomish County Hearings Examiner and by the Pollution Control Hearings Board, and the recommended changes were adopted.

Ecology is exercising its authority under the Model Toxics Control Act to ensure that any potential releases from the landfill or other sources on the property are addressed. P&GE has entered into a formal cleanup process with Ecology, which requires public participation. By engaging in this formal cleanup process, P&GE can ensure that the property meets stringent cleanup standards for residential development.

I was under the impression that the wedge area would have landfill debris completely removed but understood during the presentation that it would only be excavated to a certain depth, then covered with soil. Perhaps this needs to be addressed further as that was where petroleum was found and an area suspected of PCB’s.

Response:

P&GE intends to remove all of the landfill material from the wedge area and relocate the landfill material to the center of the landfill. The landfill permit allows the consolidation of landfill material, but requires the removal of dangerous waste, lead based paint, and asbestos from the landfill material. Additionally, P&GE plans to remove tires and carpet from the excavated landfill material because they are not readily compactable.

The June 2019 and June 2020 landfill sampling events detected polycyclic aromatic hydrocarbons and heavy-oil range petroleum hydrocarbons in the landfill material, which is consistent with the asphalt shingles, roof tar, treated wood, and charred material encountered in the test pits. There are no indications of dangerous waste or PCB-waste in the landfill.

The Interim Action Work Plan requires additional observation, field screening, and contingent sampling during the excavation of the landfill material, and the collection of confirmation soil samples from the native fill beneath the wedge area to ensure that any contaminated soils beneath the landfill material are removed.

You had told me during an earlier conversation that an HOA would not be allowed to assume responsibility of the landfill. At Thursday's meeting when asked again, your comment was that basically the land owners can do what they want because they own the land. Even with financial assurance, I have felt that the owners will step away once they have secured a buyer.

Response:

Please see last response to Comment 49.

I appreciate that Ecology is finally involved with this site, as we had suspected from the beginning that there was waste deposited at this site that was beyond what they were permitted to receive. We still have homeowners living in the area that were affected from the fires and smoldering debris for years. Please continue to help educate us through this process so we can feel confident of the future outcome.

Response:

We will continue to update our website, make ourselves available for questions, and abide by the public participation requirements.

Comment 59: Pam Jenkins (6/26/2020)

ISSUE 1. Ecology's Toxic Cleanup Program rightly reclassified the Go East Landfill as a confirmed contaminated site in 2019, based on data showing contaminant levels in groundwater and surface water reported in the 2018 Landfill Closure Plan (LFCP), above the corresponding water quality standards. If there were still skeptics at that time about the landfill being a cleanup site, however, the wedge area soil samples collected and analyzed for Pulte Homes in June 2019 were ample proof that Ecology had made the correct decision. The Go East Landfill contains soil that is heavily impacted with petroleum contaminants, has moderate levels of heavy metals, and contains low levels of carcinogenic polycyclic aromatic hydrocarbons (cPAHs). And this soil may contain other persistent toxic chemicals as well, for which the soil has not yet been analyzed.

Although the discovery of heavily contaminated soils was not anticipated by the LFCP, the landfill closure permit (Solid Waste Facility Permit #SW-027) issued by Snohomish Health District contains provisions relevant to this discovery. The pertinent sections of the permit are shown below. Note that item D. "Waste Screening" refers to the Landfill Closure Plan's description of screening the waste material in the wedge area, to ensure that the material being excavated and relocated on the remaining portion of the landfill does not contain materials that are inappropriate for disposal in a limited purpose landfill. This discussion is found at Section 3.6 in the LFCP. More than half of the parameters required to be tested in Table G.4 of the LFCP (page 29) exceeded the table's maximum values.

From Solid Waste Permit #SW-027, Section III: Specific Conditions for Plan of Operations, Maintenance and Closure Requirements

D. Waste Screening

1. Some wastes removed from the site must be screened for appropriate reuse, recycling, or disposal. The permittee must keep a dumpster or other means of containing wastes on site, and this must be available for inspection by the Health District.
2. Hazards, such as lead painted material, asbestos, or other waste requiring special handling or disposal must be characterized and disposed of in an appropriate manner. If biomedical wastes are found, they must be removed and appropriately disposed.
3. Hazards, including but not limited to containers containing liquids such as oils or solvents, need to be removed from the site and stored under cover and with secondary containment until they are properly disposed of. Appropriate records must be kept, including name of the hazard, quantity, and disposal receipts.
4. If contaminated soils are found, discovered by smell, characteristic, coloring or textures, or sampling, the permittee is required to remove the contamination, determine the extent of the contaminated area, and perform confirmation sampling that all the contaminated material has been removed. The Health District may attend confirmation sampling procedures and has the authority to take samples for the purpose of confirming that the contamination has been fully removed. (Emphasis added.)

Paragraph 4 of this excerpt from the closure permit is clear. Contaminated soils have been found in the wedge area by sampling. “The permittee is required to remove the contamination, determine the extent of the contaminated area, and perform confirmation sampling that all the contaminated material has been removed.”

Use of the word “removed” in this paragraph does not imply relocated back into the landfill. Just as in paragraphs 1, 2, and 3, the unsuitable material is not to be returned to the landfill, but “appropriately disposed.”

As a limited purpose landfill, the Go East Landfill closure is regulated by Chapter 173-350 WAC Solid Waste Handling Standards. However, this regulation does not apply to “contaminated soil, as defined in WAC 173-350-100, removed from the ground, not altered by additional contaminants, and placed or stored back at or near the location of generation within a project site.” WAC 173-350-020(2)(y).

Moreover, because this landfill does not conform to the current requirements of WAC 173-350-400 for landfill location and design, it would be inappropriate to dispose of contaminated soil excavated from the wedge area on the remaining landfill footprint.

The issue is this: both the Agreed Order and Interim Action Work Plan (IAWP) assume the contaminated material from the wedge area can be piled up on the remaining portion of the landfill. This is in direct opposition to the landfill closure permit (#SW-027) and the regulations under which the Landfill Closure Plan and closure permit were developed.

Solid Waste Permit #SW-027 Paragraph II.A. includes a general requirement that the facility be operated in a manner that does not pose a threat to human health and the environment. Ignoring

the soil sampling data would be a clear violation of that requirement.

Response:

In general, limited purpose landfills may receive non-hazardous materials that are not municipal solid waste, including contaminated soil. Limited purpose landfills have closure standards that require containment of the waste and monitoring requirements to confirm the waste is contained.

In WAC 173-350-100, contaminated soil is defined as soil that contains one or more hazardous substances from a release that exceed applicable cleanup standards. Landfill material includes both waste materials and intermixed soil. MTCA soil cleanup levels are not applicable within a landfill. For a landfill site, contaminated soil would be generated by the release of leachate that causes one or more hazardous substances to exceed MTCA soil cleanup levels. Contaminated soil can be generated beneath or beyond the landfill from a release, including from non-landfill releases.

The permit allows the consolidation of landfill material, but requires the removal of dangerous waste, lead based paint, and asbestos from the excavated material. Additionally, P&GE plans to remove tires and carpet from the excavated landfill material because they are not readily compactable. Section 3.6 of the Landfill Closure Plan provides a sampling plan for the landfill material. Sampling results were compared with MTCA values “to allow the contractor to determine the level of worker protection required.” When applicable, the samples were analyzed to determine whether they had the potential to leach hazardous substances above the dangerous waste criteria in WAC 173-303-090 (i.e., D-listed dangerous waste due to toxicity characteristic). Please see response to Comment 38 regarding the June 2019 and June 2020 waste characterization samples. The detected PAHs and heavy-oil-range petroleum hydrocarbons are consistent with the asphaltic material, roof tar, treated wood, and charred material encountered in the landfill material. The concentrations of other organic hazardous substances are generally negligible.

Section D.4 of the landfill permit requires the removal of contaminated soil based on confirmation sampling. The Model Toxics Control Act is the applicable regulation for addressing contaminated soil, and this regulation allows the contaminated soil to be removed by an interim action. This is no evidence at this point that contaminated soil exists beneath the landfill. The Interim Action Work Plan provides a confirmation sampling plan to assess whether contaminated soil exists beneath the excavated portion of the landfill. P&GE plans to remove contaminated soil, if encountered beneath or beyond the landfill limits, during the interim action. Since the landfill is not intended for new waste, P&GE will dispose of any contaminated soil offsite to a permitted facility.

Please see response to Comment 53, D.18 for asbestos containing material.

ISSUE 2. The next question is whether similar levels of contamination are present within other areas of the landfill. An estimated 15,000 to 20,000 cubic yards of landfill material will be excavated for construction of the stormwater detention ponds. The LFCP assumes this material will be relocated on the remaining portion of the landfill. If the soil being excavated for the stormwater pond also contains high levels of contaminants like the wedge area soil, this action would represent present-day disposal of heavily contaminated soil in a limited purpose landfill that is not and never was permitted to receive this type of material, and by virtue of its location and lack of a liner could not be permitted under current rules. Sampling of this material has not even been considered in the Interim Action Work Plan, but must be conducted in order to handle

this material appropriately under the closure permit and other relevant and appropriate regulations.

Response:

Please see third response to Comment 38.

ISSUE 3. Another question is whether the landfill can lawfully be closed under Chapter 173-350 WAC. Under the Model Toxics Control Act (MTCA) regulations, site cleanup must address all “legally applicable requirements” and all “relevant and appropriate requirements” as defined below.

WAC 173-340-710 - Applicable local, state and federal laws.

(3) Legally applicable requirements. Legally applicable requirements include those cleanup standards, standards of control, and other environmental protection requirements, criteria, or limitations adopted under state or federal law that specifically address a hazardous substance, cleanup action, location or other circumstances at the site.

(4) Relevant and appropriate requirements. Relevant and appropriate requirements include those cleanup standards, standards of control, and other environmental requirements, criteria, or limitations established under state or federal law that, while not legally applicable to the hazardous substance, cleanup action, location, or other circumstance at a site, address problems or situations sufficiently similar to those encountered at the site that their use is well suited to the particular site. WAC 173-340-710 through 173-340-760 identifies several requirements the department shall consider relevant and appropriate for establishing cleanup standards. For other regulatory requirements, the following criteria shall be evaluated, where pertinent, to determine whether such requirements are relevant and appropriate for a particular hazardous substance, remedial action, or site....

(7) Selection of cleanup actions. To demonstrate compliance with WAC 173-340-350 through 173-340-390, cleanup actions shall comply with all applicable state and federal laws in addition to the other requirements of this chapter. The following, which is not a complete list, are selected applications of specific applicable state and federal laws to cleanup actions.

(a) Water discharge requirements. Hazardous substances that are directly or indirectly released or proposed to be released to waters of the state shall be provided with all known, available and reasonable methods of treatment consistent with the requirements of chapters 90.48 and 90.54 RCW and the regulations that implement those statutes.

(b) Air emission requirements. Best available control technologies consistent with the requirements of chapter 70.94 RCW and the regulations that implement this statute shall be applied to releases of hazardous substances to the air resulting from cleanup actions at a site.

(c) Solid waste landfill closure requirements. For solid waste landfills, the solid waste closure requirements in chapter 173-304 WAC shall be minimum requirements for cleanup actions conducted under this chapter. In addition, when the department determines that the closure requirements in chapters 173-351 or 173-303 WAC are legally applicable or relevant and appropriate requirements, the more stringent closure requirements under those laws shall also apply to cleanup actions conducted

under this chapter.

(d) Sediment management requirements. Sediment cleanup actions conducted under this chapter shall comply with the sediment cleanup standards in chapter 173-204 WAC. In addition, a remedial investigation/feasibility study conducted under WAC 173-340-350 shall also comply with the cleanup study plan requirements under chapter 173-204 WAC. The process for selecting sediment cleanup actions under this chapter shall comply with the requirements in WAC 173-340-350 through 173-340-390.

(3) Interim actions. Interim actions conducted under this chapter shall comply with legally applicable requirements. The department may also determine, based on the criteria in subsection (3) of this section, that other requirements, criteria, or limitations are relevant and appropriate for interim actions.

The IAWP does not mention any of these considerations, in particular, that closure of the landfill must consider the requirements of Chapter 173-304 WAC along with Chapter 173-350 and follow the most stringent requirements.

Response:

WAC 173-304 was superseded by WAC 173-350 in 2003, and WAC 173-350 is more stringent than WAC 173-304. MTCA references WAC 173-304 because the regulation was written in 1988, before implementation of WAC 173-350, and this section of the WACs has not been updated. Landfills are no longer closed under WAC 173-304.

The landfill is being closed under a rigorous permitting process in compliance with WAC 173-350.

ISSUE 4. Under MTCA, there is a requirement to sample for the presence of PCBs at petroleum contaminated sites. See WAC 173-340-900, Table 830-1 Required Testing for Petroleum Releases, and footnotes 8 and 15.

The object of this sampling exercise, as with sampling at ANY site where contamination is suspected, is to FIND contamination, not to avoid it. The proposed supplemental sampling event, currently scheduled for June 29, 2020, is clearly designed to avoid the area of highest petroleum contamination identified in the previous wedge area sampling (June 2019). The sampling plan as described on pages 15-16 of the IAWP states that that test pits will be excavated to “native soil beneath the landfill material, or 15 feet below ground surface (bgs), whichever is encountered first. A single soil sample will be collected from each test pit for analysis. The highest level of petroleum contamination from the previous samples was identified at 20 feet deep in Test Pit 1. Not sampling at 20 feet bgs subverts the goal of Table 830-1’s testing requirement for PCBs and could place handling of the wedge material out of compliance with federal rules.

Because the LFCP and closure permit call for excavating ALL of the waste from the wedge area (which must include contaminated soil), this would imply that sampling should be done at or near the bottom of buried waste as well as at other elevations within the waste pile.

Response:

Please see first response to Comment 38.

ISSUE 5. Based on what we now know about contaminated soil in the landfill and what we do not know about impacts to environmental media, this is the time for Ecology to slow down and get the process right. Both WAC 173-350-040(3) and WAC 173-340-710(7) require compliance with all other applicable local, state, and federal laws and regulations, one of which is the federal Toxics Substance Control Act (TSCA), which regulates PCB waste.

Portions of the closure permit #SW-027 state this as well:

Section I: Standard Permit Conditions

Paragraph A. The permit may be revoked, suspended, or amended upon violation of any applicable local, state, or federal laws, or any of the conditions of this permit; or the permittee proposes significant changes to operation.

Paragraph B. Where any conflicts between any regulations are present, the more stringent regulations shall be in effect.

Paragraph F. This permit shall be subject to suspension or revocation if the Health District finds:

1. That the permit was obtained by misrepresenting or omitting any information that could have affected the issuance of the permit or will affect the current operation of the facility;
2. That there has been a violation of any of the conditions contained in this permit.

From the first day of the first SEPA hearing on this project, in December 2014, expert witnesses expressed concern that there was a serious lack of characterization data for both the landfill itself and the environmental media it affects, i.e., groundwater and surface water. At that time, did the site owners truly not know the landfill had received large quantities of heavily contaminated soil? The sampling data from June 2019 indicate that what is actually in the landfill is not what was represented to Snohomish Health District and Ecology when discussions were initiated regarding landfill closure, nor what was represented to the Hearing Examiner or the Pollution Control Hearings Board.

There has been an abundance of time to perform soil sampling to characterize the material within the landfill, as well as sampling of groundwater and surface water on the site. Information now in hand regarding contaminants in the landfill should prompt Ecology and SHD to require sampling of both groundwater, surface water, and sediments, so there is a more complete understanding of this landfill's impact on environmental media. First, of course, comprehensive sampling within the landfill is imperative to determine the contaminants of concern for initial and ongoing media sampling.

One must ask: Why is Ecology in such a hurry to close the landfill when there are still so many unaddressed issues? We still know almost nothing about groundwater quality and flow and surface water impacts, nothing about impact on sediments, and not enough about the characteristics of the waste in the landfill. It appears the supplemental sampling plan is purposely designed to not discover other significant contaminants that may be in the wedge area soil. And yet, Ecology is putting 98% of the site cleanup effort into what it is labeling an interim action. This is a complete subversion of the MTCA process and in violation of WAC 173-340-430 Interim Actions, subpart (4)(a) Timing:

Interim actions shall not be used to delay or supplant the cleanup process... [S]ufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted. (Emphasis added.)

Ecology must recognize the fact that one of the basic assumptions of the authors of the Landfill Closure Plan and Solid Waste Permit #SW-027 was that the waste in the landfill was benign. The discovery of heavily contaminated soil in the wedge area turns that basic premise on its head.

Following the standard procedure for investigation and cleanup of contaminated sites as laid out in the MTCA rules, conducting a complete remedial investigation and feasibility study, and incorporating all relevant and appropriate requirements will lead to a far better cleanup, less impact on the surrounding residents, and a healthier environment. That approach may ultimately save time and expense for the project proponents, as being surprised by new information late in the cleanup process could result in more expensive measures and possible legal corrective action.

Response:

Please see the first response to Comment 38 regarding waste characterization.

Landfill closure prevents waste contact, reduces erosion potential, improves slope stability, and protects groundwater and surface water quality. The removal of contaminated soil, if encountered, under an interim action is fully justified under the Model Toxics Control Act. The Remedial Investigation can be completed after landfill closure and after completion of the interim action.

ISSUE 6. Finally, I am frankly dismayed that Ecology has not committed to being onsite during the scheduled supplementary sampling on June 29th, nor to taking duplicate or split samples. As was pointed out several times in the public meeting, the project proponents have much to gain by not sampling the landfill properly and thus skirting potential outcomes that may make landfill closure more expensive. Aside from Ecology's or SHD's oversight, there is no way to assure sampling or other activities are actually being accomplished according to correct procedures. The site owners have refused to give the HOAs' consulting firm permission to be onsite during sampling. SHD also has the authority to be onsite during this activity and to take duplicate or split samples, but has been silent during this comment period.

One of Ecology's roles is to enforce the regulations and specific requirements of a site cleanup plan. A key part of that effort is to ensure that field operations are being done according to written plans and best management practices, and providing the oversight that inspires and ensures quality assurance of all site activities, especially those that are critical to future outcomes and decisions regarding the site cleanup.

Response:

An Ecology representative observed the supplemental landfill material, former storage tank area, and onsite fill source sampling on June 29-30, 2020. Ecology's Go East Corp. Landfill website provided photographs from this activity before the submittal of the sampling report. The Results from Pre-Construction Soil Sampling (July 30, 2020) is provided in the online document repository.

Comment 60: David Porter (6/27/2020)

The stream and ground water will not be adequately protected by capping the toxic material. Toxic material was found last July and proposed test pits are not going deep enough to reach the level of said material. The developer is in control of the 12 pits and no verification or overseeing of the digging or testing is being done by a neutral third party. Make sure the choice of test sites are looking for toxic waste rather than trying to avoid it because of higher expense exposure.

Response:

An Ecology representative observed the supplemental landfill material, former storage tank area, and onsite fill source sampling on June 29-30, 2020. Ecology's Go East Corp. Landfill website provided photographs from this activity before submittal of the sampling report. The Results from Pre-Construction Soil Sampling (July 30, 2020) is provided in the online document repository. The hazardous substances detected in the landfill material are consistent with the asphaltic material, roof tar, treated wood, and charred material encountered in the test pits.

The Interim Action Work Plan requires P&GE to collect confirmation soil samples in native soil beneath the excavated landfill material, and the removal of contaminated soil, if encountered, that exceeds stringent Interim Action Levels developed by Ecology that are protective of all soil, groundwater, surface water, and sediment exposure pathways.

The onsite fill source and former storage tank area sampling did not identify any contaminated soil beyond the landfill boundary. Additional observation, field testing, and contingent sampling will be performed during site grading operations.

Landfill closure prevents the infiltration of surface water through the landfill material and improves groundwater and surface water quality. The Remedial Investigation will further evaluate the groundwater and surface water system at the Site and evaluate water quality criteria.

Comment 61: Connie Klagge (6/27/2020)

My name is Connie Klagge and I have been a homeowner since 1995 in Kingsridge. When I purchased my home I was never informed that a toxic landfill was located just a few blocks to the east of my home. I found out the hard way when my two Samoyed dogs escaped from my backyard and ran down the hill. I chased them into what I now know was a toxic landfill that had never properly been closed. Once in the dump, I discovered a wickedly steep slope on the SE edge and a FILTHY, swamp-like pond on the west in which they were romping/playing in. I promptly leashed them up and took them back home for a bath. The contents of that "water" permeated their thick double coat of fur. Despite bathing them 3 times with special cleansing shampoos (including Dawn to counteract petroleum), brushing, vacuuming and combing them repeatedly every day for weeks, we eventually had to clip out sections of their hair. The stubborn debris clung to their skin/hair for weeks. The smell was so ACRID that my eyes itched/burned for 4 to 6 weeks. The dogs continued to scratch, lick and chew on their limbs and all 3 of us had RUNNY NOSES and COUGHS. The debris from their coats rubbed off and into my carpets. I finally had to have my carpets professionally cleaned to rid the house of the horrendous ODOR from just this one exposure to whatever toxins were in that landfill water. The stains in my carpet never came out. I am convinced that any disturbance of this landfill by digging/grading will release these same TOXINS into both the AIR and WATER not only seriously affecting the health of the surrounding residents, but will also negatively affect the livestock and crops in the Snohomish Valley below.

Response:

Please see response to Comment 50 regarding wetlands mitigation requirements during

property development. The wetlands are located near the western property boundary, are upstream of the landfill, and are recharged by groundwater and stormwater. The Interim Action Work Plan requires P&GE to collect confirmation soil samples from beneath the nearby excavated portion of the landfill to ensure that any contaminated soils are removed. The Agreed Order requires P&GE to prepare a Remedial Investigation Work Plan. The Remedial Investigation will evaluate the surface water and groundwater systems at the Site and develop water quality criteria.

It is my understanding that contaminants of arsenic, iron, and manganese were recently found in that water ABOVE THE LEGAL LIMITS. That will clearly pollute everything downstream despite the proposed run-off solutions.

Response:

The Remedial Investigation will further evaluate groundwater and surface water quality. Naturally occurring iron, manganese, and arsenic can be mobilized in anaerobic groundwater that results from biological reactions. When groundwater discharges to surface water, the concentrations of these metals decrease in the relatively aerobic surface water.

During the recent public web-ex meeting it was stated that a couple of retention bladders with 2 and a half feet of dirt covering would protect future residents from contact with the water/contaminants. SERIOUSLY? My dogs can dig a hole 3 to 4 feet deep in less than ten minutes! The builders that constructed my home left all sorts of debris buried under 3 to 5 feet of compacted soil in my side and back yard. Guess who found it and dug it up and out? The dogs unearthed it and occasionally still smell something under the earth in the backyard and dig up stuff from that depth. New residents in the proposed site will most likely have dogs. How long do you really think those bladders will be intact? Not long is my guess.

Response:

The final cover of the landfill includes 2-feet of soil cover, a 40-mil geomembrane (0.040-inch thick flexible linear low density polyethylene liner welded at the seams), and a 6-inch thick sand layer.

The AIR quality is also of great concern. Digging up these toxins will cause them to be released into the air regardless of water/dust suppression/MPH wind restrictions. And the suggestion that a methane trench for gas emission “above the breathing zone”? How high is that? Is that akin to the old concept of a “smoking zone” in an airplane as if we weren’t all breathing that in or a “peeing zone” in a public swimming pool? The whole concept reminds me of the early claims that the COVID 19 virus was just like the regular flu. Once the horse is out of the barn it will be too late to undo the damage that the TOXINS from that landfill will do to our lungs and immune systems.

Response:

Please see response to Comment 54 regarding landfill material contents, dust control, and air quality. Please see the fourth response to Comment 38 regarding the landfill gas trench and vents.

Given the fact that we live in an EARTHQUAKE prone, LANDSLIDE prone, RAINSOAKED and WINDY area, disturbing the steep slope on the SE edge of Bakersview property is just asking for another OSO! Directly below that slope is the OLYMPIC GAS PIPELINE. Have we forgotten the explosion in Bellingham several years ago? This proposed development is a major disaster just waiting to happen!

Response:

Please see the eighth response to Comment 52 regarding the steep slope.

Which leads me to another major concern. Allowing a developer/owner to self-report is a CONFLICT OF INTEREST! The progress of cleaning up this landfill and closing it should be overseen by a watchdog agency like the EPA or the Dept. of Ecology, not the individuals profiting from the project. How can we trust them to be honest, forthright or act with integrity? They have a \$million reasons not to regardless of their professional credentials. Will someone from EPA or Dept of Ecology be onsite at all times to ensure that things are being done properly? HEALTH is more important than WEALTH. Who is going to protect the health, safety and welfare of the citizens of Snohomish County?

Response:

Please see the fifth response to Comment 48 regarding the oversight of the cleanup.

Lastly, who can we contact if/when we, the residents in the area are being adversely affected? Please give me the courtesy of an answer to this question personally by replying to this email.

Response:

The Snohomish Health District can be contacted at 425-339-5250 regarding health issues. The Puget Sound Clean Air Agency can be contacted at <https://pscleanair.gov/262/File-a-Complaint> or 800-552-3565 regarding air quality complaints. Environmental problems can be reported to Ecology at nwroerts@ecy.wa.gov or 425-649-7000, or by completing the [Statewide Environmental Incident Report Form](#) (ERTS)¹¹. Ecology will ensure the appropriate regulatory agency is notified of the incident.

Thank you for opening this up to public comment. Please share my email with all the members of the Ecology Team.

Comment 62: Steven Smith (6/27/2020)

WE ARE LIVING IN AN UNPRECEDENTED TIME IN OUR COUNTRY'S HISTORY. WE ARE DEPENDING ON OUR SCIENTIST AND POLITICAL LEADERS TO MAKE DECISIONS THAT BEST SERVE THE HEALTH OF THE PEOPLE AND THE HEALTH OF OUR ENVIRONMENT. PLEASE DON'T IGNORE THE LAWS THE RULES AND REGULATIONS JUST FOR THE SAKE OF A FEW WEALTHY PEOPLE. A MESS THAT A FEW PEOPLE CREATED WILL EFFECT MANY PEOPLE FOR MANY YEARS

¹¹ <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/statewide-issue-reporting-form>

(ADVERSLY) IF YOUR DECISIONS ARE NOT MADE WITH THE BEST INTEREST OF ALL THE CITIZENS AND OUR ENVIRONMENT IN MIND!

Response:

Snohomish County Planning and Development Services is the responsible agency for development, and they required P&GE to obtain a landfill permit with Snohomish Health District. Snohomish County Planning and Development Services abided by the State Environmental Policy Act during the permitting process. Snohomish Health District issued a landfill permit that requires P&GE to close the landfill, perform post-closure care, and provide financial assurance as required under the current landfill regulations in WAC 173-350. Ecology is exercising its authority under the Model Toxics Control Act to ensure that any releases from the landfill or other sources on the property are addressed.

Comment 63: Tom Croissant (6/27/2020)

Per WAC 173-250-400 (3):

(3) Limited purpose landfills - Permit requirements - Location. All limited purpose landfills must be located to meet the following requirements:

(a) No landfill may be located... on or adjacent to an unstable slope or other geologic features which could compromise the structural integrity of the facility

(c) No landfill's active area may be located...within two hundred feet, measured horizontally, of a stream, lake, pond, river, saltwater body, or in any wetland.

Yet, it appears that we have both of these conditions as there are steep slopes in the immediate area and a stream and a wetland area. And now the plan is to make the landfill active again by moving thousands of cubic yards of debris from the wedge area to the core landfill area.

Does this landfill activity and additional burden on top of the landfill increase the possibility of instability at the toe of the landfill and the potential for compromising the structural integrity of the landfill?

Response:

The location requirements for limited purpose landfills in WAC 173-350-400(3) are intended for new solid waste handling units (i.e., landfill cells). WAC 173-350 was implemented in 2003, twenty years after the landfill operations ceased in 1983. Under the Effective Dates section in WAC 173-350-030, the “owner or operator of an existing facility must meet all applicable performance and design requirements, other than location or setback requirements.”

No new waste will be disposed in the landfill. The consolidation of landfill material and closure of the landfill does not invoke the location requirements for a new solid waste unit.

Please see the eighth response to Comment 52 regarding the evaluation of the steep slope on the landfill.

As for the contents of the landfill that will be excavated from the wedge area and stacked on top of the core landfill area. Are there any substances that are not allowed to be excavated and added

to the landfill? If testing of the waste is only planned for once every 2,500 cubic yards of waste it seems that DoE is not concerned with the contents of the wedge area but rather only cares that it is consolidated into the core landfill and capped and contained. This seems like a very low standard.

Response:

The landfill permit allows the consolidation of landfill material, but requires the removal of dangerous waste, lead based paint, and asbestos from the landfill material. Additionally, P&GE plans to remove tires and carpet from the excavated landfill material because they are not readily compactable. The June 2019 and June 2020 landfill sampling events detected polycyclic aromatic hydrocarbons and heavy-oil range petroleum hydrocarbons in the landfill material, which is consistent with the asphalt shingles, roof tar, treated wood, and charred material encountered in the test pits. There are no indications of dangerous waste or PCB-waste in the landfill. The Interim Action Work Plan requires additional observation, field screening, and contingent sampling during the excavation of the landfill material, and the collection of confirmation soil samples from the native fill beneath the wedge area to ensure that any contaminated soils beneath the landfill material are removed.

The characterization of groundwater movement and content seems inadequate. There has been very limited study of the groundwater at this site. Only 4 wells total and only 3 wells with any data. It does not seem adequate to characterize the difference between upgradient and downgradient groundwater contents such that it can be determined what materials are being introduced by the landfill. Groundwater should be characterized over a period of years with study in each of the 4 seasons so that it is well understood. And then after the situation is characterized and understood then take actions to ensure that the downgradient groundwater is within safety standards and will continue to stay within said standards.

Ecology prepared an initial investigation field report on June 13, 2019 based on available information. The report indicates that metals were detected at concentrations exceeding MTCA cleanup levels in three groundwater samples collected from monitoring wells in 2009. The report also indicates that elevated concentrations of metals were detected in surface water samples collected from a stream that originates at the base of the landfill's northeastern slope. So, it took over 10 years for actions to be taken over three groundwater samples taken in 2009? Imagine what we might learn from a comprehensive multi-season sampling of groundwater using well placed monitoring wells? The surface water stream at the base of the landfill likely pre-exists the landfill or at least has been there for decades. Yet it was only tested in 2009 and no actions taken for a decade?

In order to close this landfill in a manner that protects the environment and protects human health I expect the highest standards to be followed. I have never witnessed any evidence to suggest that the owners of the property are interested in employing high standards for closure of the landfill and the following property development. It is the responsibility of agencies like Dept of Ecology to hold the owners accountable to very high standards.

Response:

Please see response to Comment 33 regarding past monitoring and cleanup requirements.

Under the Model Toxics Control Act (WAC 173-340), the Remedial Investigation will evaluate the groundwater and surface water system and water quality criteria at the Site, which will include multiple rounds of sampling. The landfill will close under the current landfill regulations in WAC 173-350, which require post-closure care until functional stability criteria are met for landfill settlement, landfill gas, leachate, and groundwater quality. Groundwater will be monitored in accordance with WAC 173-350-500 during post-closure care.

Comment 64: Bradey Honsinger (6/27/2020)

My home is located near the former Go East landfill site—in fact, it is directly across from the site’s main entrance—so I have reason to be particularly concerned with the proposed closure plan for this landfill. I have four young children in my home, and the health effects of the proposed plan worry me greatly.

The Go East landfill was a disposal site for materials known to be hazardous and harmful, as evidenced by the multi-year fires fueled by toxic metals at the landfill. It operated as an unregulated landfill for some time after its permit last expired in 1982, illustrating its operators lack of commitment to legal waste management practices. Given this, it is highly likely that in addition to the known wastes, the landfill also contains unknown materials hazardous and harmful to human health and the environment, and its closure should be held to the highest standard of care.

Response:

Please see first response to Comment 38 regarding landfill material sampling and characterization.

The proposed Go East landfill Interim Action Work Plan is not adequate—it fails to protect my family’s health and the environment from the immediate effects of the closure and the long-term damage caused by the materials it contains.

Response:

Please see response to Comment 54 regarding the Mitigated Determination of Non-Significance, landfill material contents, and dust control best management practices. The Interim Action Work Plan does not call for work above and beyond the approved land disturbing activity permit and landfill permit. The Interim Action Work Plan provides sampling requirements and interim action levels for the native soil beneath and beyond the landfill boundary.

Soil and groundwater testing to date has been inadequate to characterize the contents and boundaries of the landfill, and the minimal additional testing planned before work begins is not sufficient. Groundwater testing has been limited to up-gradient and dry wells which, even if monitored for a sufficient period--and they were not--would not help determine the type and amount of toxic substances coming out of the landfill. Each round of soil test pits have expanded the boundaries of the landfill beyond what was previously known, but have not fully established the extent or the depth of the materials.

Response:

Please see response to Comment 53, D.19 regarding the landfill limits. P&GE collected supplemental landfill material, former storage tank area, and onsite fill source samples on June 29-30, 2020. Please see first response to Comment 38 regarding landfill material sampling. No hazardous substances were detected in the ten onsite fill source samples, other than naturally occurring metals at concentrations below the applicable cleanup levels. Please see response to Comment 53, D.26 regarding the storage tank area sampling. No contaminated soils have been detected beyond the landfill limits.

Please see response to Comment 33 regarding past monitoring and cleanup requirements. Under the Model Toxics Control Act (WAC 173-340), the Remedial Investigation will evaluate the groundwater and surface water system and water quality criteria at the Site, which will include multiple rounds of sampling. The landfill will close under the current landfill regulations in WAC 173-350, which require post-closure care until functional stability criteria are met for landfill settlement, landfill gas, leachate, and groundwater quality. Groundwater will be monitored in accordance with WAC 173-350-500 during post-closure care.

Testing and monitoring for toxics during the work is not sufficiently provided for in the plan. Visual inspection of soil during excavation will not catch toxics before they become hazardous. Previous tests have shown high levels of lead and mercury in the landfill, well above MTCA action levels; given the history and age of the landfill, it has a high probability of also containing asbestos. Disturbing this material during the extensive excavation planned will cause it to become airborne, creating an immediate health hazard to workers, neighbors, and my family.

Response:

Landfill regulations provide closure requirements to contain landfill material and monitoring requirements to evaluate the containment of landfill material. The Model Toxics Control Act cleanup levels do not apply within the landfill (lead exceeded the direct contact exposure screening level in 7 of 41 test pit samples and mercury exceeded the direct contact screening level in 1 of 41 test pit samples). There have been no indications of dangerous waste or PCB waste in the landfill material. The contents of the landfill material were evaluated for worker safety, and the design drawings and construction specifications provide robust dust control best management practices (See response to Comment 54). Friable asbestos containing material, including asbestos containing material that has a high probability of becoming friable because of handling, will be removed from the excavated landfill material, packaged to prevent the release of friable asbestos fibers, and transported offsite for disposal.

Public participation requirements under MTCA have not been met. Holding a single conference call--after de facto approval of the Interim Action Work Plan--is not a replacement for timely, in-person meetings. Online-only meetings disenfranchise those without technology access, including a significant number of elderly residents in our neighborhood. While I recognize the difficulties in allowing for public participation due to COVID-19 restrictions, this can't be an excuse to take shortcuts.

Response:

Please see the response to Comment 2 for the in-person public meeting request.

Comment 65: William Bentler (6/27/2020)

Your landfill history summary cites a single instance of heavy metals disposal wastes that ignited in 1972. You are quite specific as to the amount, and how it was isolated, then removed from the landfill. You do not cite a source, or supporting documentation for this claim. How did you arrive at this conclusion? Is it anecdotal information from Gary East? Do you have any evidence to support this claim?

In 2010 I and others from two adjacent neighborhood associations, spent days poring through 40 years of archived Health District records on this property. We were the ones who learned about the fire, from an old Everett Herald article. There was nothing else about this incident. I contacted Snohomish Fire District to obtain reports about the fire. They had none, and referred me to the State Fire Marshal's office in Olympia. That office said it had no retrievable archives from the early 1970s. So, how does DOE have such neat conclusions about the limited size and gravity of this incident?

Response:

The presentation for the June 18, 2020 public meeting includes a slide and discussion of past landfill fires. Ecology is relying primarily on the Findings of Fact in the Snohomish County Hearings Examiner decision (February 14, 2018). The presentation and decision are provided on [Ecology's Go East Corp. Landfill website](#).¹²

Findings of Fact, F.16 – “On August 21, 1974, an explosion occurred at the landfill because approximately 200 cubic yards of magnesium, phosphate, and aluminum dust from Northwest Wire and Rope in Seattle had been dumped there.”

Findings of Fact, F.17 – “Rekoway dug up material and spread it on the ground in the area of the sand mining operations on the southern portion of the site.”

I know the existence of two large, heavy steel boxes that lay concealed by blackberries at distances I estimate at 100 yards and 150 yards from my property. I think they are open topped debris boxes, probably brought in on flat bed trucks. They appear to still be full of debris. These are just the two I know about; there may well be more, when land clearing reveals them. I hope all concerned agencies will examine what they hold. Why was it worthwhile to abandon these heavy boxes that were clearly meant for a lot of reuse? What was in them is still there.

Response:

Comment noted. The land clearing activities will be overseen P&GE's consultants, including licensed professional engineers, licensed geologists, licensed hydrogeologists, environmental professionals, a certified asbestos inspector, and/or a certified lead risk assessor as appropriate. P&GE will remove and appropriately dispose of encountered waste material on the Site.

¹² <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

Comment 66: Peggy Hurd (6/28/2020)

First, I would like to thank you for setting up and hosting a public on-line meeting for the Go-East Landfill project. You, Mr. O'Connor and Ms. Rounds gave us some good information, and we appreciated the extra time and effort each of you took to set up and run the meeting.

However, it was not at all what we expected, given that the Model Toxics Control Act requires public participation:

WAC 173-340-600 (1) "The department's goal is to provide the public with timely information and meaningful opportunities for participation that are commensurate with the site. The department will meet this goal through a public participation program that includes: the early planning and development of a site-specific participation plan, the provision of public notices, public meetings or hearings, and the participation of regional citizens' advisory committees."

Although the site was identified as a MTCA site in September, 2019, there has been absolutely no public participation allowed until the public comment period opened in May, 2020—no public notices, no meetings, and no citizen committees. The Interim Action Work Plan and Agreed Order were developed by the site owners and the Department of Ecology with no public input, even when it was requested, let alone "early" input from the local residents who stand to be most affected by the problems in this project.

The public meeting, while informative, was not one of "public participation," sad to say. The cleanup plan was defended by Ecology, while the public's concerns were minimized. Over the last decade the homeowners' associations and private individuals have spent hundreds of thousands of dollars on this project. This is not a "NIMBY" project for the residents around the landfill. Our examination of the plan, with the help of a number of environmental and landfill closure experts, continues to reveal inaccuracies in the plan, poor design of protective systems, lack of adequate characterization of the site, and lack of care for the health of the future plat residents as well as those who already live around and below the site. Yet we felt that our comments were not received as anything more than uninformed worries that needed to be laid to rest. In fact, there are more serious concerns now than before, given the rushed timeline and the continued lack of definitive testing of the soil and groundwater.

We are definitely gratified that Ecology has taken the lead in the project at this point. It is discouraging that—since MTCA became law in 1989, not a new regulation—it has taken more than thirty years to get the beginning of appropriate testing done to accurately classify this site. And we ask now that the MTCA process not be bypassed in any way, even if the landfill owners are impatient to finish the closure and realize their profit. We are grateful that Ecology's mission, according to your website, is to protect, preserve, and enhance Washington's environment for current and future generations. This releases Ecology from the burden of allowing developers to bypass the MTCA laws.

We specifically ask that:

- 1) Public participation is now incorporated in a much greater way as the project Agreed Order and Interim Action Work Plan are revisited.

Response:

Snohomish County Planning and Developing Services was the lead agency for implementing the State Environmental Policy Act for the permitted development and landfill closure activities, which were not subject to public participation.

Ecology is committed to providing public participation during the cleanup of the Site. Ecology provided a public meeting, provided an extended public comment period, shared project documents above and beyond the cleanup documents, made ourselves available for numerous question and answer phone calls, and provided this responsiveness summary report.

Ecology is committed to providing updates on our [project website](#)¹³, answering questions, and providing the landfill closure and interim action completion reports on the website. P&GE will be developing a Remedial Investigation (RI) Work Plan for Ecology's approval. Ecology will post the RI Work Plan on the Ecology's Go East Corp. Landfill website. As discussed in Comment 53, B.18, RI Work Plans are not subject to public comment.

Ecology will provide a public meeting and formal public comment period for the draft Remedial Investigation/Feasibility Study and the draft Cleanup Action Plan.

2) Much more thorough site investigation is done. Test pits should be dug on the sites of toxic waste, down not only to the depth found before, but even below that. The actual depth and content of the waste should be discovered in the wedge area, on the northeast slope (which is fill but not slated to be covered), on every proposed lot site, and on the central landfill acres themselves.

Response:

Please see the response to your last question below. There are no requirements to characterize undisturbed portions of the landfill. Please see response below to Question 6 regarding the June 2019 and June 2020 sampling results. The landfill material sampling activities are predictive in nature for the heterogeneous waste, and there are no indications of dangerous waste or PCB waste in the landfill. The Interim Action Work Plan requires additional observation, field testing, and contingent sampling during the excavation of landfill material, and requires confirmation soil sampling in the underlying native soil to ensure that contaminated soils, if encountered, will be removed. The Interim Action Work Plan also requires a reconnaissance inspection of the entire northeast slope area and the removal and disposal of any exposed landfill wastes.

3) An up-gradient ground water well should be installed outside the proven footprint of the landfill waste.

Response:

This request will be considered in the development of the Remedial Investigation Work Plan.

4) A downgradient well should be installed in the actual downhill groundwater that has been shown to flow through the waste before any other closing activities are begun.

¹³ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

Response:

The landfill design drawings and construction specifications include the construction of two downgradient monitoring wells near the toe of the landfill. Because of the expected low yield of these wells, P&GE is also constructing a spring box to capture leachate that is discharging from the toe of the landfill.

5) All four wells should be tested at least eight times in the next two years, in accordance with MTCA requirements—before the landfill is disturbed any further and the residential plat developed.

Response:

There is no regulatory basis for sampling groundwater prior to landfill closure. The landfill permit requires closure under the current landfill regulations, which includes post-closure groundwater monitoring in accordance with WAC 173-350-500. Groundwater monitoring is required until groundwater quality criteria are met. WAC 173-350-500(4)(e) states that a minimum of eight independent samples are needed from non-impacted monitoring wells to calculate representative background concentrations, which can then be used as groundwater quality criteria.

The Remedial Investigation/Feasibility Study requires the identification of the chemicals of concern, the delineation of contamination in groundwater, and the development of proposed cleanup levels. The duration of testing is dependent on the presence of hazardous substances and their concentrations relative to the proposed cleanup levels. The Model Toxics Control Act allows representative background concentrations to be used as cleanup levels.

6) The results from June 29 test pits should be publicized and analyzed before any further action is allowed on the property, including tree removal and placing of erosion control structures.

Response:

The Results of Pre-Construction Soil Sampling are provided on Ecology’s website. P&GE collected supplemental landfill material, former storage tank area, and onsite fill source samples on June 29-30, 2020. The June 2020 sampling results are consistent with the June 2019 sampling results, and are predictive in nature. Please see first response to Comment 38 regarding landfill material sampling. No hazardous substances were detected in the ten onsite fill source samples, other than naturally occurring metals at concentrations below the applicable cleanup levels. Please see response to Comment 53, D.26 regarding the storage tank area sampling. No contaminated soils have been detected beyond the landfill limits.

My last questions are these: in the central part of the landfill, the place where wedge materials are to be piled and then covered, has extensive soil sampling be done there? If not, why not? Is it legal to have waste that is found to be toxic (for example, heavy motor oil, asbestos, zinc, etc.) left buried in the central part of the landfill? How does MTCA address that issue?

Response:

There are no requirements to sample landfill contents that will not be relocated. Landfill regulations provide closure requirements to contain landfill material and monitoring requirements to evaluate the containment of landfill material. The implementation of the current landfill closure requirements will increase the protectiveness of the landfill. The state cleanup regulation, the Model Toxics Control Act, is applicable for any releases

from the landfill to surrounding environmental media and for any potential contamination beyond the landfill. The cleanup regulation provides a regulatory framework for developing cleanup standards, evaluating contamination, and developing cleanup options. Cleanup regulations can be used to evaluate a release from a permitted landfill, and to develop cleanup alternatives to restore the landfill containment and control functions. Cleanup regulations do not supplant the landfill regulations, and Ecology does not usurp jurisdictional health department's permitting authority.

This is a difficult, complicated project, and I do appreciate the work you are doing on it. Thank you for considering all the issues brought up, and ensuring that the environment and human health are protected.

Comment 67: Teresa Manspeaker (6/28/2020)

It has come to my attention that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if found in the wedge area.

Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

I would appreciate your support to correct this oversight for the best possible outcome for everyone!

Response:

See response to Comment 59, Issue 1.

Comment 68: Steve Chittenden (6/28/2020)

It is my understanding that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if found in the wedge area. Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

Response:

See response to Comment 59, Issue 1.

Comment 69: Julie Chittenden (6/28/2020)

There's seems to be deviation between the Solid Waste Permit #SW-027 issued by the Snohomish Health District and the Interim Action Work Plan with Ecology. The Solid Waste Permit is very specific with regards to the handling of contaminated soils. In section III, D.4: "If contaminated soils are found, discovered by smell, characteristic coloring or textures, or sampling, the permittee is required to remove the contamination, determine the extent of the contaminated area, and perform confirmation sampling that all the contaminated material has been removed. The Health District may attend confirmation sampling procedures and has the authority to take samples for the purpose of confirming that the contamination has been fully

removed." We have always been told that any contaminated soil would be removed offsite per regulations and that it cannot be redeposited on the remaining landfill. During the WebX presentation, it was stated that "landfill material and contaminated soil are removed from beyond the final landfill boundary." What was not specific was where that soil would be removed to. Could you clarify this area as it has raised considerable concern?

Response:

See response to Comment 59, Issue 1.

Comment 70: Curt Marsh (6/28/2020)

I live in this neighborhood and absolutely object to any use of this land for building purposes.

Response:

Comment noted. The Snohomish County Planning and Development Services is the responsible agency for development.

Comment 71: Steven Hurd (6/28/2020)

Your online presentation on June 19 gave the homeowners a useful overview of how Ecology views the history of the Go East landfill and the PACE's plans going forward.

However, a big part of the story was missing, namely the reluctance that Gary East, PACE, SHD, and now Ecology show in following applicable laws, regulations, and engineering standards:

- PACE has spent a lot of money – and will spend more – because Gary East et al failed to operate the landfill according to the law before PACE bought it. It's relevant that he failed to pay property taxes on the land for several years.
- The county waived regulations regarding traffic access and density with no notice rationale given.
- PACE has several times corrected substantial deficiencies in their engineering plans, but only after homeowners pointed them out.
- Location, number and depth of test pits, both completed and planned, are woefully inadequate.
- Contrary to MTCA requirements, Ecology did not kept the homeowners updated as plans were developing.
- When, late in the process, the novel virus prevented an in-person meeting with homeowners, Ecology's solution was to skip the meeting entirely. Only after homeowners pushed back did they agree to hold an online meeting.
- PACE now plans to begin land disturbance before the test result have been received and analyzed.

The county - and now Ecology - have shown a consistent willingness to cut technical, legal and regulatory corners in favor of Go East/PACE. This has left homeowners with low confidence

that PACE will act in good faith as they start to dig into earth that we know contains legally significant amounts of hazardous materials.

Homeowners also have low confidence that the proposed methane-containment system will be properly maintained after it is built. PACE certainly will have no incentive to maintain it, and it is highly unlikely that new residents would have the incentive to organize and fund a maintenance program.

Since homeowners did not get a chance to make inputs until the end of the approval process, I propose Ecology do the following before any land is disturbed:

- Mark up a copy of the MTCA document, briefly describing at each step how the requirement will be met
- Send a copy of the markup to each homeowner
- Set up an online meeting with homeowners in which Ecology can talk through the key points and field questions.

Thank you,

Steve Hurd

Response:

Please see response to Comment 66, question 1. P&GE obtained permits that allow the development of the property and require closure of the landfill. Snohomish County Planning and Development Services was the lead agency for implementing the State Environmental Policy. The Snohomish County Hearings Examiner affirmed the Mitigated Determination of Non-Significance and the Pollution Control Hearings Board affirmed the landfill closure plan.

P&GE is entering into an Agreed Order with Ecology to clean up the site in accordance with the Model Toxics Control Act, subject to public participation requirements in WAC 173-340-610. Ecology is not usurping any permitting authorities and gives deference to the Snohomish County Hearings Examiner and the Pollution Control Hearings Board. The landfill closure and development activities are not subject to public comment. Nevertheless, Ecology has provided background information and responded to landfill closure comments in numerous phone calls, the public meeting, and this responsiveness summary report.

Please see sixth response to Comment 49 regarding post-closure care and financial assurance requirements under the landfill permit, which include maintenance of the landfill gas system.

Ecology held a public meeting, as required when ten or more persons request a meeting. Please see response to Comment 2 regarding the in-person public meeting request. Ecology also extended the public comment period, for a total of 52 days, to allow for public comment after the public meeting.

Ecology solicited comments on the Agreed Order and the Interim Action Work Plan. The Interim Action Work Plan provides sampling plans and interim action levels that complement the landfill permit condition to remove contaminated soils if found. As requested in public comments, P&GE collected supplemental landfill material, storage tank area, and onsite fill source samples on June 29-30, 2020, with Ecology oversight.

The sample results are consistent with the previous testing, do not preclude waste consolidation, and no contaminated soils have been detected beyond the landfill boundary.

P&GE is now required by permit to close the landfill, which increases the protectiveness of the landfill. The Interim Action Work Plan provides additional sampling requirements that can only be performed during landfill closure. By following these requirements, P&GE can demonstrate that soil on the new parcels meets cleanup standards developed in accordance with state regulations.

Ecology will approve the Agreed Order and Interim Action Work Plan only after reviewing public comments, and having prepared this Responsiveness Summary Report to respond to specific comments. These documents are available on [Ecology's Go East Corp. Landfill website](#).¹⁴

The next phase of the cleanup process is developing the Remedial Investigation Work Plan. The public comments received will be fully considered in the development and approval of the work plan. Please see response to Comment 53, B.18 regarding the Remedial Investigation Work Plan.

Comment 72: William Bentler (6/28/2020)

Our neighborhoods were reminded that the Solid Waste Permit requires removal of contaminated soil found in the "wedge area" of this contaminated landfill.

The Agreed Order and Interim Action Work Plan do not address this requirement. Not removing, but instead, relocating identified contaminated wastes from the wedge area violates the permit.

Response:

See response to Comment 59, Issue 1.

Comment 73: Ben Zarlingo (6/28/2020)

I appreciate the opportunity to participate in the discussions related to future activity on the Go East landfill property in the vicinity 108th St. SE in Snohomish County. Please consider the questions and comments that follow.

1) I see in the amended Decision of the Snohomish County Hearing Examiner (https://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=6320&meta_id=408383) section F.52 on page 14 that the future subdivision on this site is expected to have a homeowners association that will likely be responsible for maintenance and monitoring of the landfill. Perhaps this document is out of date, as later documents (including the one shared at the recent online public meeting) indicate that the housing developer is likely to purchase only the post-closure, non-landfill portion of the parcel in question. I am concerned about actual long-term responsibility for post-closure monitoring and any required work. The sale of the marketable portion of this property will leave only a portion that is wholly a landfill, and essentially only an

¹⁴ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

ongoing liability in the hands of P&GE, an LLC. This LLC will apparently have the landfill as its only asset, and I do not see how any long-term responsibility can be assured. I assume the LLC could be dissolved, leaving the public—presumably in the form of Snohomish County residents—responsible for any future costs. The public hearing document and discussion at the hearing itself mentioned “financial assurance” from P&GE but provided no specifics. What assurance do we, the residents and taxpayers of Snohomish County have that resources will be available long-term from P&GE to avoid the need for Snohomish County to bear costs and responsibility for this troublesome landfill?

Response:

Please see sixth response to Comment 49.

2) There is apparently a petroleum pipeline crossing the property, indicated by a sign currently on the property. I do not recall this pipeline being discussed at public meetings or marked on documents shared with the public in connection with closure of this landfill. What is the nature of this pipeline and its effect on the closure and future development activities?

Response:

The easement for the petroleum pipeline corresponds with the east boundary of the 40.9-acre property, and is shown in Exhibit A (Site Location Diagram) of the Agreed Order. The easement extends north from the Pinehurst at Waldenwood Subdivision, between 4529 and 4605 113th Street SE. The easement extends along the base of the ravine on the eastern property boundary and is about 300 feet downstream from the toe of the landfill. The pipeline easement is beyond the development and landfill closure areas.

3) Several residents of a housing development (I believe it is called Kings Ridge) bordering the west edge of the landfill parcel in question have occupied and developed some of the adjacent edge of the landfill parcel as part of their housing lots. I do not see this mentioned in discussion of the landfill parcel cleanup and closure, and do not see any portion of the landfill parcel listed as part of their online legal description. There are suggestive markings on pages 26 and 27 of the Agreed Order, but I have not found further specifics or explanation. Does the cleanup and closure plan mention the existence of these encroachments? Are there easements or other arrangements that would make these abutting property owners a part of the cleanup and capping operation? Are there any limitations or hold harmless agreements between them and P&GE or other parties involved with this landfill closure?

Response:

Please see second response to Comment 39. The land disturbing activity permit allows land clearing and grading below the easements. The easements are distant and upland from the landfill closure and cleanup areas on the property. The agreements between P&GE and these easement holders are beyond the scope of the Agreed Order.

4) Is it not customary to have a buffer between the edges of a landfill and newly-developed residential properties? I believe the lot sizes in this development will be rather small, placing some houses very close to the edge of the newly-capped landfill, as I see no evidence of a buffer. Will there be some limit to the slope of the landfill edge adjacent to the residential properties, and some limit to the differences in elevation?

Response:

The landfill is not subject to setback requirements for new landfill units, as exempted in WAC 173-350-030 and affirmed by the Pollution Control Hearings Board. The landfill closure plan states that an adequate buffer will be provided between the landfill and residential lots to allow operation of the landfill management features, including vehicular access and landfill gas monitoring probes. The design drawings specify a methane gas vent trench enclosed by a geomembrane liner between the landfill and residential lots, and specify a minimum 6-foot distance between the methane gas vent trench and residential lots. Landfill gas probes will be placed between the lined trench and the landfill property boundary. The residential lots are generally higher than the landfill, except for several adjoining lots near the southwest corner of the landfill.

Comment 74: Catherine Mitcheltree (6/29/2020)

I've been made aware that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if contaminated soil is found in the wedge area.

Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

I would really appreciate your support to correct this oversight for the best possible outcome for everyone involved.

Response:

See response to Comment 59, Issue 1.

Comment 75: Michelle Welch (6/30/2020)

I live in the Kings Ridge area of Everett near the Go East Corp Landfill Site and I have two children. I am concerned that the landfill closure permit #SW-027 for the Go East Landfill may require removal of contaminated soil. I am concerned about this for the health of my neighbors and family. In addition, it is my understanding that both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement but not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit. I'd love to continue to be informed on how this decision will be made and how I can best protect my family should it move forward.

Response:

See response to Comment 59, Issue 1.

Comment 76: Mike McCallister (7/1/2020)

Due to medical issues, I was unable to participate in the Town Meeting for Go East's project. Earlier, I had called to express my concerns, as a former emergency manager for Snohomish

County with degrees in geology and geophysics, on the segment of 108th St SE between 35th Ave SE and 45th Ave SE.

I do not know if DoE is aware of documented subsurface springs under 108th at the crown of the hill near 39th St. There are many surface cracks on the road, and Public Works regularly has to cut down suckers from roadside trees that track the spring's drainage along the north side of 108th. The trees have also sent roots under the road that have buckled the surface.

Unfortunately, SE 108th is the only access route for Go East, as well as the only egress for more than 60 homes at The Point, and side streets from 39th to 45th SE. By WA State emergency access standards the 108th route is already over permissible limits for "daily trips" with the neighborhood's existing population. Another 100 homes will place all the persons living east of 40th SE off 108th in jeopardy in the event of an earthquake or severe storm. Also of major concern is that it is my understanding that Go East plans to haul out thousands of truckloads of rock and soil from the old landfill. I believe this action will jeopardize the condition of an already hazardous egress route.

I urge DoE to conduct a survey of this road, and require Go East to guarantee repairs as needed, or alternatively, to develop an alternate plan for access/egress to their project.

I would be happy to meet with DoE at your convenience to visit the site and discuss historical concerns. I have previously met with Snohomish County Public Works Director and their Road Maintenance personnel to discuss 108th problems as far back as 1996-97.

Response:

We would like to apologize for missing your phone call. We received your voicemail belatedly due to remote work during the Covid-19 pandemic.

The Snohomish County Planning and Development Services is the responsible agency for development issues. Your comment has been forwarded to Paul Macready with Planning and Development Services. Planning and Development Services issued a Mitigated Determination of Non-Significance for this project on May 17, 2017, in accordance with the State Environmental Policy Act. The Mitigated Determination of Non-Significance was affirmed by the Snohomish County Hearings Examiner on February 14, 2018.

Public Outreach Summary

Ecology's public involvement activities related to the Go East Corp. Landfill cleanup site's 52-day comment period (May 8 – June 28, 2020) included:

- **Fact Sheet:**
 - US mail distribution of fact sheet announcing the Go East Corp. Landfill proposed Agreed Order, Interim Action Work Plan, and Public Participation Plan. Approximately 13,210 people received the notification. Fact sheet was scheduled to arrive in mailboxes by May 4, 2020.
- **Postcard Mailing:**
 - US mail distribution of the postcard mailing announcing the Go East Corp. Landfill public comment period extension and online public meeting. Approximately 10,655 people received the notification. Postcard was scheduled to arrive in mailboxes by June 2, 2020.
- **Display Ads:**
 - Publication of two display ads were in Everett Herald dated April 30, 2020, and May 8, 2020 to announce the comment period.
 - Publication of an ad in the Everett Herald dated June 8, 2020 to announce the public meeting and extension of the comment period.
- **Media outreach:**
 - May 8, 2020: Email to Everett Herald, My Everett News, Everett Tribune, KRKO, KSER
 - June 11, 2020: Updated email to Everett Herald, My Everett News, Everett Tribune, KRKO, KSER
- **Media Coverage:**
 - May 8, 2020: My Everett News - Housing Development Planned at Former South Everett Landfill with History of Fires
- **Social Media:**
 - **Twitter:** May 8 and June 11, 2020.
- **Websites:**
 - Announcement of the public comment period and posting of the fact sheet, and associated documents for review on [Ecology's Go East Corp. Landfill website](https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294)¹⁵
 - The Go East Corp. Landfill comment period was on [Ecology's home webpage](https://ecology.wa.gov/)¹⁶ in the "Public Input & Events" section.

¹⁵ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

¹⁶ <https://ecology.wa.gov/>

- **Document Repositories:**
 - [Ecology's Go East Corp. Landfill website](#)¹⁷ includes an online document repository.
 - Due to the COVID-19 Emergency Response, we were not able to provide documents at the repositories listed below:
 - Mill Creek Public Library in Mill Creek, WA
 - Ecology's Northwest Regional Office in Bellevue, WA
- **Public Meeting:**
 - Ecology held a public meeting on Thursday, June 18, 2020 from 7 – 9 p.m. online. Approximately 105 people registered for the meeting.
 - Ecology staff presented information about the Go East Corp. Landfill cleanup and answered questions throughout the presentation.

Next Steps

After review of public comments, Ecology finalized the Agreed Order, Interim Action Work Plan, and Public Participation Plan

¹⁷ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

Appendices

Appendix A. Go East Corp. Landfill Public Comments in Original Format

Noell, Alan L. (ECY)

From: Mallams, Kerri <kerri@thebluesmanbbq.com>
Sent: Tuesday, May 5, 2020 8:29 AM
To: Noell, Alan L. (ECY)
Subject: Go-East Landfill

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Greetings Alan Noell,

I am a resident of The Point development in Everett, WA. I am writing with my concern over the proposed development of the Go-East Landfill.

Please prohibit any further action on the property until the public comment period and public meeting to be held.

As a matter of public safety and environmental health, we should allow all public participation in the future development of this waste site.

I would appreciate information on future actions, comment period and public meetings.

--Kerri Mallams--
10605 44th Ave SE
Everett, WA 98208
425-238-6611

Noell, Alan L. (ECY)

From: Sue Closser <suec@sunriseemail.com>
Sent: Tuesday, May 5, 2020 12:53 PM
To: Noell, Alan L. (ECY)
Subject: Go Ease Landfill

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Dear Mr. Noell:

It is very important for our health and our environment that the public meeting be held and comments and explanations not be restricted in any way. For this reason, I ask that the landfill work be postponed, if necessary, in order to allow the full input from the public. In this way no resident of the county will be limited in giving input. It is my view that the project is far too important and has far too many hazards to be pushed forward in spite of the Covid 19 pandemic. I realize the impossibility of a public meeting at this time. I also realize that eventually (in phase 4 of the governor's plan) we will be able to meet safely in large groups again, and the public meeting could be held at that time.

I request that the Dept. of Ecology not allow any further action on the landfill until the public comment period and public meeting have been held. Please do not forgo the public meeting due to the shelter at home restrictions.

Sincerely,
Sue A Closser
10630 44 Ave SE,
Everett, WA 98208

Mailing:
Sue Closser
P● Box 2479
Everett, WA 98213

Noell, Alan L. (ECY)

From: Julie Chittenden <juliechittenden@comcast.net>
Sent: Wednesday, May 6, 2020 11:08 AM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294
Attachments: This is a formal request for a public information meeting as mandated through the MTCA process-2.docx

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Hello Alan,

Thank you for your phone call yesterday and information regarding the public comment period scheduled to commence May 8 to June 7. To date, we have not received any written communication from Ecology to notify our HOA or surrounding community. Documents cannot be viewed at closed facilities and have not been provided to individuals on public record for this site.

As part of the MTCA process, I would formally like to request a public meeting to discuss the preliminary agreed order and work plan after the Governor's stay-home order has been lifted. I have attached a letter which describes in greater detail the need for a public venue to assure our HOA associations and surrounding community that their health will not be compromised during the Interim Action Work Plan and subsequent plans for development of this site.

Thank you,

Julie Chittenden
President
Kings Ridge Homeowner's Association

Julie Chittenden
Kings Ridge HOA
1011 39th Dr. SE
Everett, WA 98208

May 6, 2020

Department of Ecology
Northwest Regional Office
Alan Noell
3190 160th Ave SE
Bellevue, WA 98008

Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

This is a formal request for a public information meeting as mandated through the MTCA process. Because of the complexity of the landfill closure and subsequent development of a residential community, the public needs a venue where participants are allowed to view all relevant documents related to the closure activities so they can be assured that their health will not be at risk due to activity on this site. A public forum, not online, would be necessary after the current sheltering orders are lifted due to COVID-19. Many of our older residents are not Zoom savvy and an online venue would preclude their participation. We need a public meeting to accommodate a hundred people or more.

In addition, we feel that to begin activity on the site is presumptuous that all concerns have been met. We would ask that no activity begin until the community has had a public forum.

It has been up to the adjacent HOA's to synthesize and disperse information as plans for this development have progressed over the last ten years. Never during this time, has the owner's P & GE conducted any type of public meeting to explain to the public what is being proposed and how the public will be protected from containments discovered on this property. We have had to hire our own experts at homeowner's expense to obtain information relevant to the project.

The scope of the closure plan has changed since the discovery of petroleum on this site last year. The extent or source of the contamination has not been disclosed. I have also not seen an addendum to the closure plan where petroleum contamination will be mitigated as the original permit was for woodwaste. I am gravely concerned that the main venue for discovery of petroleum is by smell whereas, vigorous sampling of the soil should be scheduled. The metal drums or 500 gallon tank discovered on the property have not been investigated as they may suggest a source for petroleum found on the site.

The current interim activities do not account for the original buffer of trees that were scheduled to be left to mitigate airborne pollutants. It would appear from the current plans that only two trees adjacent to the entrance are scheduled to remain. I have a concerned mother in our HOA with an asthmatic child whose home is directly adjacent to the western edge of the

development. I cannot assure her or the child that they **will** not experience direct exposure. Families like these **want** a public venue to ask questions regarding public health exposure. This needs to be provided by the Department of Ecology as part of the public participation process as outlined through MTCA.

The relocation of the stream may pose additional hazards as it **will** pass through areas not sufficiently tested for contaminants. Testing to the North of the stream contains observed landfill material but does not state the depth of these test areas. There is no information **which** indicates the **flow** of groundwater that may pass through the area of the relocation **which** could redeposit contaminants. The outflow of the downstream channel **which** terminates in the lower Snohomish valley area should be tested to assure local farmers that their soils **will** not be contaminated from irrigation pumped from the surrounding ditches. These individuals have had little to no education regarding this development and **will want** a public venue to express their concerns.

To assure our HOA associations and surrounding community that their health **will** not be compromised during the development of this site, please consider this request for a public venue **where** these concerns can be properly addressed.

Sincerely,

Julie Chittenden
President
Kings Ridge Homeowner's Association

Noell, Alan L. (ECY)

From: Steve Chittenden <SteveChittenden@Comcast.net>
Sent: Wednesday, May 6, 2020 12:51 PM
To: Noell, Alan L. (ECY)
Subject: Go East Landfill Site

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Dear Mr. Noell,

I am writing to request a public venue outlined in the MTCA for public participation. This public venue will need to be enough space for about 100 or more people. This will need to take place after Governor Inslee lifts the Stay at Home order for all in Washington State. Very Gratefully, Steven Chittenden

Noell, Alan L. (ECY)

From: Nettle bill & Pat <willnettle3@gmail.com>
Sent: Wednesday, May 6, 2020 3:06 PM
To: Noell, Alan L. (ECY)
Subject: Go-East landfill, Snohomish County

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We strongly urge that the landfill cleanup, at the Go-East development site, 4330 108th Street, Everett. WA 98208, be expedited as rapidly as possible with no further delays. The landfill work should not be delayed.

Bill & Bat Nettle
Lot 16, The Point

Noell, Alan L. (ECY)

From: Linda Lamprecht <lanlamp@aol.com>
Sent: Wednesday, May 6, 2020 8:29 PM
To: Noell, Alan L. (ECY)
Subject: East Corp Landfill public hearing

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Mr. Noell,

I'd like to request a public forum to discuss the proposed East Corp Landfill project. Because of the stay home, stay safe order from Governor Inslee, I respectfully request that the public meeting be postponed until after the order is lifted.

Thank you,
Lance and Linda Lamprecht

Noell, Alan L. (ECY)

From: rally291x2@gmail.com
Sent: Thursday, May 7, 2020 11:29 AM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Dear Sir;

I respectfully request that you not allow any further action to take place on the landfill until after the public comment AND **Public Meeting** be held (AFTER the Covid-19 quarantine is over) so that the multiple neighborhoods impacted by the property have a chance to share their concerns and for all material to be brought forward for proper review.

When the FIRST EVER soil samples were taken last year and concluded that the site was TOXIC, I'm gravely concerned more for the people that would purchase these homes on a toxic waste site more than I am for myself personally. That would be a horrible thing to do.

Thank you kindly for your time and consideration.
Teresa Manspeaker

Noell, Alan L. (ECY)

From: Comcast <yule@comcast.net>
Sent: Thursday, May 7, 2020 1:36 PM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hi Alan,

I am a homeowner adjacent to the Go East "Bakerview" landfill and am requesting a public forum rather than a COVID 19 style zoom meeting. It is vitally important to both myself and my family that our concerns be heard. A landfill that caught on fire and burned for several years in the 80s should be scrutinized and not rubber stamped.

I appreciate your attention

v/r,

Bruce Yule
Homeowner
10800 41st Dr SE
Everett Wa 98208
(206)890-3816e

Sent from my iPhone

Noell, Alan L. (ECY)

From: STEPHEN MOLL <stevemoll18@comcast.net>
Sent: Thursday, May 7, 2020 1:43 PM
To: Noell, Alan L. (ECY)
Cc: Julie Chittenden; Peggy Hurd
Subject: GoEast Corp Landfill Site - Public Hearing

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From: Stephen C. Moll, RN, MN (retired)
Major, USAF Nurse Corps (retired)
10827 40th Ave SE
Everett, WA 98208
(206) 595-5929

To: Alan Noell, Washington State Department of Ecology

Subj: GoEast Corp Landfill Site - Facility Site ID #2708 - Cleanup Site ID: 4294
Public Hearing

Dear Mr. Noell,

Here we go again! Another attempt by the owners/developers of this MCTA designated toxic waste dump to avoid facing the public while pushing through its closure so they can build low cost homes on top of it. They are looking to take advantage of the current "sheltering in place" as directed by Governor Insley as an opportunity to expedite the process by accepting comment through email and written letters as testimony, and thereby side-stepping the need to face the public.

As a retired health care worker with years of experience in and around toxic environments, and as the head of an aged household with a spouse who has a long history of respiratory illness, I object vehemently to this planned shortcut!! The public is at risk with this plan to stir up and transport toxic waste through our community. Our home overlooks this toxic land and will surely be exposed to the airborne waste product. A face-to-face public hearing must take place before ANY ACTIVITY is allowed on this property. There is no reason that your agency cannot table this project until a hearing can take place where the unified voices of those about to be affected can be heard.

Thank you for your attention to this matter. Sincerely,

Stephen C. Moll, RN, MN (retired)
Major, USAF Nurse Corps (retired)

Noell, Alan L. (ECY)

From: william.bentler@frontier.com
Sent: Thursday, May 7, 2020 3:26 PM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill site

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Mr. Noell,

I have lived adjacent to this property for almost 22 years. Yesterday, my mailbox was stuffed with 16 duplicate copies of the mailer your agency sent, inviting a comment period from May 8 to Jun 7 2020. Other neighbors also received numerous, superfluous copies too..

It seems obvious this missive was composed well before the current pandemic crisis. It seems invalid, since it cites a nearby library in Mill Creek as a resource for document review. Obviously, all such libraries are in lockdown status for the foreseeable future. That in turn invalidates the projected time table for owner activity to resume by this summer.

I am glad for DOE's intervention in this interminable, dubious enterprise, and I hope future such bulletins will have more updated information.

Respectfully,

William Bentler
10805 42nd Dr SE
Everett 98208
425-337-7338e

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Friday, May 8, 2020 8:57 AM
To: jenkins.p2@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Pam Jenkins
Address: 1342 Tractor Loop
City: East Wenatchee
Province: Washington
Postal Code: 98802
Email: jenkins.p2@gmail.com
Submitted By: Practical Environmental Solutions

Go East Corp Landfill

Comment on Interim Action Work Plan Regarding Air Quality Protection for Adjacent Homeowners - IMMEDIATE ACTION REQUIRED.

Logging of trees and vegetative clearing should NOT occur until public comments on the Interim Action Work Plan have been received by Ecology and appropriately responded to. It appears that logging and clearing of vegetation will eliminate one of the mitigations for fugitive dust that are included in the Landfill Closure Plan.

Please see entire comment with detailed explanation, references, and figures in uploaded file.

Attachment(s):
20200508 Comment on IAWP re AQ.pdf

Practical Environmental Solutions

Comment on Interim Action Work Plan Regarding Air Quality Protection for Adjacent Homeowners - IMMEDIATE ACTION REQUIRED.

Logging of trees and vegetative clearing should NOT occur until public comments on the Interim Action Work Plan have been received by Ecology and appropriately responded to. It appears that logging and clearing of vegetation will eliminate one of the mitigations for fugitive dust that are included in the Landfill Closure Plan.

Please see entire comment with detailed explanation, references, and figures in uploaded file.

Comment on *Interim Action Work Plan* Regarding Air Quality Protection for Adjacent Homeowners

Immediate Action Required

Logging of trees and vegetative clearing should NOT occur until public comments on the Interim Action Work Plan have been received by Ecology and appropriately responded to. It appears that logging and clearing of vegetation will eliminate one of the mitigations for fugitive dust that are included in the Landfill Closure Plan (LFCP).

The *Air Quality Fugitive Dust Impact Analysis* prepared by Golder Associates (Aug. 5, 2016), appearing in Appendix M of the 2018 *Go East Landfill Closure Plan* (2018 LFCP) clearly assumes that perimeter trees and vegetation are part of the fugitive dust control during earth and waste moving activities. The Golder report is attached to this document.

Golder's analysis was prepared in response to the Snohomish County Hearing Examiner Decision of April 14, 2015, as part of a third-party review of the LFCP dated October 28, 2015.

Section 3.0 of the *Air Quality Fugitive Dust Impact Analysis* addresses "Mitigation of Fugitive Dust Emissions," and subsection 3.1 focuses on "Road Dust." Within this subsection is provided a bullet list of five best management practices within the Closure Plan, including this one:

- **Vegetative buffer:** Only 10 acres of the 40 acre property will be devegetated for the landfill closure. Fugitive dust is typically heavy and settles relatively nearby. **The dense tree canopy and vegetation remaining around the perimeter of the site will provide a screen around the closure activities to help mitigate the drift of fugitive dust from the property.** (Closure Plan p. 21) (*Emphasis added.*)

Maintaining a vegetative buffer is a best management practice not just for road dust, but for any earthmoving activities – including excavation and grading, as a supplement to watering the exposed soil and implementing high wind closures.

The landfill, including the interim action area (wedge area), will need to be cleared to accomplish the proposed interim action. But there is no need to log the entire subdivision area, in particular, the trees that create a buffer along the northern and western boundaries, as part of the interim action.

Section 3.3 "Proposed Grading/Reshaping the Existing Landfill" on page 22 of the 2018 LFCP states the following:

The first phase in closing the landfill will be for the trees and vegetation to be removed from an area of approximately 10 acres of the landfill plus adjacent areas that are to be developed into a residential plat to accommodate site grading and landfill cover. The balance of the property will remain in its existing and natural condition with current vegetation. It is estimated the tree removal phase will take about a month and a half to two months to log, and remove all

marketable wood and grubbing from the developed portions of the site. It is anticipated the entire developed area including the landfill site and adjacent area to be graded to obtain fill material for the landfill closure (subdivision area) will be logged and grubbed as the first phase of the closure activity.

Section 9.2.7 “Actual Construction Onsite” on page 53 of the 2018 LFCP provides similarly little detail (bullet points unrelated to clearing, excavation, and grading have been omitted from list):

- Commence Construction Phase (Land Disturbance Activity (LDA) for closure phase)
- Commence the Landfill Closure work as detailed in the approved “Landfill Closure Plan”.
- Accomplish any additional desired test holes to further define the limits of the relocate landfill edge. (might want to do this during final design phase)
- Commence clearing activity in phases. Stock pile and cover any topsoils for reuse later. Log and clear entire landfill area and area outside the landfill to be graded. (Estimate 1 to 2 months to complete clearing phase.)
- Remove vegetation from main landfill area, chip, stock pile, etc. as needed, proof roll and ready for accepting the relocated “wedgefill”. Stumps in the landfill area where no excavation is to occur may be left in place.
- Remove vegetation from areas to be excavated onsite outside landfill area.

The precise locations of large trees (at least 12 inches in diameter) have been identified. See Land Disturbing Activity (LDA) permit application plans (dated May 30, 2019) (Sheets 2 and 3 of 25 entitled “Existing Conditions”). But this drawing does not indicate which trees will be logged, only where existing trees are located. Sheet 15 “Temporary Erosion & Sediment Control Plan” indicates a 26-inch tree and a 36-inch cedar will be protected on either side of the construction entrance. No other standing trees are shown.

Likewise, “Landfill Closure Specifications and Requirements” are provided on Sheet 14 of the LDA plans. Item 1 in these specifications states:

1. Log, clear, and remove vegetative material from the landfill area. Remove logs and brush from site, chip and stockpile limbs to be protected onsite for future use or remove from site as deemed appropriate. Comply with Forest Practice Permit requirements.

But again, there is no further detail provided as to where trees and vegetation will be removed and where they will remain.

We have not seen any specifications, notes, or drawings that confirm the vegetation buffer.

There does not appear to be any imperative to clear the entire 17-acre landfill-subdivision construction site at this time. Ecology should not authorize clearing in areas that need not be cleared for the interim action, especially where those trees and vegetation serve as an important air quality protection for the adjacent neighbors.

The construction entrance for the closure project is the existing road into the landfill property, entering the site from the northwest corner and heading briefly southeast, then bending eastward, then southward, generally outside of the future closed landfill footprint. The residences most at risk from roadway dust are those located closest to the construction entrance and site roadway. There

are 9 homes whose lots are immediately adjacent to the Go East property near the entrance, along the western and northern property boundaries. In addition, there are 4 other residences along the western property boundary further to the south, that would also be impacted by dust during the stream relocation grading. The locations of these lots are shown on LDA Sheet 1.

As can be seen on LDA Sheet 2, there is also a number of large trees (and no doubt smaller vegetation) near the landfill property perimeter. Presumably, these are the trees and vegetation that Golder was referring to in the *Air Quality Fugitive Dust Analysis*, as they are located closest to the areas where road dust will be generated.

Sheet 5 of the LDA plans provides four diagrams indicating excavation areas, the final location for relocated wedge material, and grading outside of the modified landfill area. It is clear on this drawing that wedge excavation as described in the *Interim Action Work Plan* would not require the removal of the perimeter trees and vegetation that Golder Associates prescribed as part of the fugitive dust control measures.

In summary, we feel it is entirely inappropriate for the trees near the northern and western property boundaries to be cleared until after the excavation and grading activities for the interim action have been completed.

Attachments:

- Go East Closure Plan Technical Review – *Air Quality Fugitive Dust Impact Analysis*, Golder Associates, Aug. 5, 2016
- Cover page and Table of Contents, Oct. 28, 2015 *Go East LFCP*, plus pages 14 and 21
- Cover page and Table of Contents and pages 15 and 22 of final *2018 Go East LFCP*
- Sheets 1, 2, 3, 5, 14, and 15 from LDA #1 plan set, dated May 30, 2019.

Submitted by Pam Jenkins, PE, on behalf of the Kings Ridge and 108th Street Point Homeowners Associations

Practical Environmental Solutions
1342 Tractor Loop, Wenatchee, WA 98802
jenkins.p2@gmail.com



TECHNICAL MEMORANDUM

Date: August 5, 2016
To: Mr. Kevin Plemel MPA, RS
From: Chad Darby, Frank Shuri, PE
cc:
Project No.: 1661103
Company: Snohomish County Health District
Email:
**RE: GO EAST LANDFILL CLOSURE PLAN TECHNICAL REVIEW
AIR QUALITY FUGITIVE DUST IMPACT ANALYSIS**

1.0 INTRODUCTION

Golder has conducted an evaluation of air quality impacts for the Go East Landfill closure in Snohomish County, Washington (Project) as part of a 3rd party review of the Landfill Closure Plan dated October 28, 2015 (the LFCP). Based on the Snohomish County Planning and Development Services letter dated June 14, 2016, fugitive dust and particulate matter generated from construction activities associated with landfill closure was identified as one of the areas in need of additional environmental review. The assessment presented in this memorandum will include a discussion of sources of fugitive dust and proposed mitigation measures.

2.0 BASIC FUGITIVE DUST AND PARTICULATE INFORMATION

Particulate emissions from landfill closure activities generally result from vehicle exhaust, vehicle generated road dust, wind erosion, and soil disturbance in combination with wind movement. Vehicle exhaust is mitigated by the standards that vehicle manufacturers must meet for engine design. No additional mitigation is expected to be necessary for vehicle exhaust. Vehicles also create dust by tracking dirt in or out of the site as well as re-suspending any dust already on the roads. Fugitive dust is generated when wind velocities reach a critical level at which surface materials are stripped and become airborne. This can occur on uncovered storage piles or ground that has been freshly disturbed.

3.0 MITIGATION OF FUGITIVE DUST EMISSIONS

The following discusses mitigation measures that are appropriate for this project. Many of these are already included in the Landfill Closure Plan.

3.1 Road Dust

Road dust can be generated from tires that are tracking material as well as dust on the road that becomes resuspended when disturbed by tires. To minimize dust from these sources, the Closure Plan has proposed a number of mitigation measures that meet best management practices. These include:

080516_Dust Mitigation_Go East Landfill.Docx

Golder Associates Inc.
1300 NE Union Hill Road, Suite 200
Redmond, WA 98052 USA

Tel: (425) 333-0777 Fax: (425) 332-6498 www.golder.com

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- **Watering:** Water trucks will be used to ensure that surfaces are not dusty. This is a standard industry practice to minimize dust from roadways and disturbed surfaces. (Closure Plan p. 4)
- **Vegetative buffer:** Only 10 acres of the 40 acre property will be devegetated for the landfill closure. Fugitive dust is typically heavy and settles relatively nearby. The dense tree canopy and vegetation remaining around the perimeter of the site will provide a screen around the closure activities to help mitigate the drift of fugitive dust from the property. (Closure Plan p. 21)
- **Earthen materials will be obtained on-site:** To minimize off-site vehicle travel, the project is proposing to use on-site earthen materials for backfill and grading. This will reduce track-in/track-out of material and off-site road dust generation. (Closure Plan p. 5)
- **Track-out control:** The facility will have a stabilized construction entrance consisting of coarse rock that cannot be tracked off the property and will also help remove soil from tires. The Closure Plan also indicates that there will be a wheel wash station. (Closure Plan p. 9)
- **Hours of Operation:** Hours of activity will be limited to 8 a.m. to 5 p.m. which reduces the number of hours of dust generation and therefore the overall amount of generation. (Closure Plan p. 5)

Several additional measures are also recommended. These represent the best practices of the industry and include the following: **These additional measures have been added to Section 3.6.3. Air and Odor Control Activities in the LFCP.**

- **Speed limits on-site:** Vehicle speed affects the disturbance of dusty road surfaces. For both safety and dust control, vehicles should limit on-site speeds to 15 mph.
- **High Wind Closures:** Earthwork operations should be curtailed during dry, windy conditions when mitigation measures (such as watering) cannot be effectively implemented. Road dust is easily generated during dry conditions and can remain airborne for a long distance during high winds. Curtailment of dust-generating activities is a standard surface disturbance best practice when other mitigation measures are no longer effective.
- **Training:** The construction manager should provide training and regular debriefings of crews on the importance of implementing and maintaining fugitive dust control measures. This includes the importance of ongoing observations to determine if conditions have deteriorated or a mitigation measure is ineffective or not being used properly.
- **Inspections:** On-site workers should conduct a daily inspection to ensure that mitigation measures are remaining effective and that there are no areas of inadequate dust control.

These mitigation measures represent the best practices of the industry for reducing road dust impacts from closure construction, and fugitive dust from road travel should be minimized to the extent practicable.

3.2 Fugitive Dust Emissions from Wind Erosion

Fugitive dust from wind erosion results when wind exceeds a threshold friction velocity that will suspend erodible material from a surface. Wind erosion is most severe on storage piles of fine material due to the pile profile and the availability of erodible material. The Closure Plan includes several best management practices that should minimize wind erosion to the extent practicable. These include:

- **Storage Pile Covering:** Any exposed piles of soil or landfill material will be covered when not being worked with visqueen and sandbags. (Visqueen is a thin plastic sheet). (Closure Plan p. 4)

- **Limiting Disturbed Areas:** The area of the landfill being worked on will be limited to one acre at a given time. (Closure Plan p. 5) This will significantly reduce the amount of surface area that can produce dust. The site consists of 40 acres, so this limited disturbance area will represent only a small portion of the site.
- **Covering Disturbed Areas:** Exposed landfill areas will be covered at the end of each working day with visqueen and anchored with sandbags. (Closure Plan p. 5) This will prevent wind erosion when the site is not actively being worked.
- **Vegetative cover:** Once final grading is concluded, the site will be revegetated as soon as possible to secure soils from wind and water erosion. (Closure Plan p. 24)
- **Other best management practices:** Several of the practices discussed previously for dust control from roads will also reduce dust from disturbed areas. These include watering, maintaining a vegetative buffer, limiting hours of operation, implementing high-wind closures, training, and inspections.

The limitation to one acre of disturbance and the effort to cover storage piles and landfill areas when not in use exceed standard practices on many projects. These relatively restrictive efforts represent best dust management practices and will have a significant impact on reducing emissions from the site.

4.0 CONCLUSIONS

The Go East Landfill Closure plan includes a number of actions that will be taken to mitigate fugitive dust. These represent best management practices for dust control. We recommend adding best management practices of establishing on-site vehicle speed limits, curtailing operations in high winds during dry conditions, conducting training on minimizing fugitive dust, and ensuring that there are daily inspections of mitigation measures. In aggregate, these actions will reduce fugitive dust emissions to minimal levels. With the proposed additions, the Closure Plan represents best management practices that are consistent with other sites where fugitive dust is mitigated in a well-controlled manner. Golder's opinion is that the proposed mitigation measures, when implemented properly, will result in insignificant off-site impacts from fugitive dust. **All additional recommended mitigation measures have been added to requirements in the LFCP.**

GOLDER ASSOCIATES INC.



Chad Darby
Senior Consultant

Frank S. Shuri, LG, LEG, PE
Principal and Practice Leader

GO EAST LANDFILL CLOSURE PLAN

GO EAST LANDFILL

4330 108th Street SE
Everett, Washington 98208

Prepared For:

P&GE, LLC

c/o PACE Engineers, Inc.
11255 Kirkland Way, Suite 300
Kirkland, WA 98033-6715

Revised: October 28, 2015

PACE Contact Person:
Marty Penhallegon, P.E., President
Steve Calhoun, A.S.L.A.
425.827.2014



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GO EAST LANDFILL CLOSURE PLAN

February 8, 2012

As Proposed by P&GE, LLC, Applicant

Supplemented as of October 28, 2015

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layer until consuming most of the available fuel contained therein. It did not and could not penetrate the lower and subterranean "lift" cells which remained intact.

By 1985 the fire ceased burning due to lack of fuel. It left behind a cratered surface of the fill area where the process of burning wood waste in the top layer of cells resulted in subsidence and sluffing of the dirt tops and walls of the affected cells. Some of these craters were as deep as 6 to 8 feet having a circumference of approximately 10 feet. The walls between the cells were weakened by the destruction of the wood waste lateral support that had burned. These uneven surface conditions persist to this day. These surface conditions pose a hazard to the many neighbors who trespass on the site. To remedy this requires that the site be graded, leveled and the historic craters filled with materials existing elsewhere on the landfill. Since the fire burned itself out, the site has been fostering the growth of trees, grasses, native shrubbery and non-native plants such as blackberries.

1.6. Property Description and Existing Vegetative Conditions

The 40-acre property encompasses a topographically diverse area consisting of ridges and ravines, as well as some flatter areas. Within the property, the Go East Landfill is located generally in the northern half of the property in a pre-existing ravine. Landfill material (solid waste landfill – wood, mineral, and concrete solid materials) was placed in multiple cells, approximately 25-feet by 20-feet by 8-feet deep. The material was compacted as placement occurred by the weight of the moving bulldozer equipment. The limits of the landfill encompass an area of approximately 9.6 acres. The north and west portions of the landfill area generally slope towards the southeast at roughly 4- to 5-percent grade. The northwest corner of the property and the northern portion of the property generally slope down towards the landfill area. The northeast portion of the property consists of fill slopes created by landfill activities and slopes easterly down to the ravine below. The sloping hillsides in the northeast portion of the property originally conveyed the natural surface water runoff discharge from the north half of the property to the east to the bottom of the ravine that existed. The terrain on the eastern and southern property lines of the property slope down to the ravines below. The southern third of the property consists of steeply-sided incised drainage ravines which run from west to east, turn northward at the eastern edge of the property, and extend beyond the northeast corner of the property to the Snohomish River Valley. A detailed account of the proposed grading and slope conditions can be found in Chapter 3 of this report and the Appendices there referenced.

Current vegetative cover in the landfill area of the property consists of a variety of trees, including red alder and black cottonwood as well as grass, native, and non-native shrubbery, including Himalayan blackberry bushes.

As documented for this project in Appendix C, the *Mitigation Plan* by Wetland Resources, Inc., dated February 23, 2010, there is a Category III wetland in the northwestern portion of the property, part of which extends offsite to the west. This is the result of the construction of a pond created in 1979 for water storage and fire protection during the landfill operations in the 1980s as directed by the County Fire Marshal and SHD. A stream flows from the west into this wetland, and thence southeast to a point where it drops down a slope to intersect with another stream that flows to the east. This combined stream continues east exiting the property along its eastern boundary, before turning in a northerly direction.



of the southern ravine. Here the roadway runs east for about 400 linear feet. The gravel roadway then turns to the north and continues between the eastern limits of the landfill and the ravine to the east. The road ends at the ravine to the north.

3.3. Proposed Grading/Reshaping the Existing Landfill

The first phase in closing the landfill will be for the trees and vegetation to be removed from an area of approximately 10 acres of the landfill plus adjacent areas that are to be developed into a residential plat to accommodate site grading and landfill cover. The balance of the property will remain in its existing and natural condition with current vegetation. It is estimated the tree removal phase will take about a month and a half to two months to log, and remove all marketable wood and grubbing from the developed portions of the site. It is anticipated the entire developed area including the landfill site and adjacent area to be graded to obtain fill material for the landfill closure (subdivision area) will be logged and grubbed as the first phase of the closure activity. Stumps and grubbing that must be removed will be loaded to be disposed of offsite. Stumps and ground cover that can be left in place will not be removed. Any top soil in the areas to be regraded will be stockpiled and covered to be used at a later time.

The northern half of the property will generally be graded to meet the appropriate landfill cover requirements as previously discussed and graded to allow for future uses of the site. Suitable onsite soil material (as defined by the geotechnical engineer) will be used to the maximum extent feasible to balance the grading efforts. This will require re-grading some areas adjacent to the landfill so onsite soils can be used in the grading efforts needed to reshape the landfill surface to minimize import of off-site materials. Only in the event there is not sufficient suitable onsite materials from outside the landfill area (as needed to reshape and close the landfill) will imported structural fill material be brought onto the site for completing the landfill closure. Current plans call for balancing the cut/fill requirement of the Bakerview project using onsite materials to the maximum extent possible. Any exposed and scattered landfill debris outside the landfill area will be cleaned up and placed on the landfill and covered per the landfill cover system requirements in Section 4 of this report. Only materials designated by SHD would be removed from the property as described elsewhere.

3.4. Waste Relocation

3.4.1. Introduction

There will be four relocations of waste material within the existing landfill to accomplish the closure. These are: The detention pond area, the northeast slope area, the landfill perimeter area (so-called **Wedge** area) and the landfill Cover 1 area. All of the waste material to be relocated was lawfully placed on the property while CU-7-72 was in effect. None of this material was imported into the landfill since its closure in 1983. These relocations will result in the improvement of the landfill for the safety and betterment of the public that is currently and in the future will be, using the site, the protection of the surrounding environment, and the amelioration and improvement of surface and sub-surface water qualities historically associated with the prevailing conditions of the water courses over, through and under the landfill for the past 30-plus years.

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Prepared For:
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11255 Kirkland Way, Suite 300
Kirkland, WA 98033-3417

Revised: October 28, 2015
Third Party Review updates August 8, 2016
Snohomish County Hearing Examiner Decision Issued December 8, 2017

PACE Contact Person:
Marty Penhallegon, P.E., President
Steve Calhoon, A.S.L.A.
425.827.2014

January 2018 Update



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GO EAST LANDFILL CLOSURE PLAN
February 8, 2012
As Proposed by P&GE, LLC, Applicant
Supplemented as of October 28, 2015
With updates to include third party review August 8, 2016, and
Snohomish County Hearing Examiner Decision Issued December 8, 2017

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contained in the adjoining and now exposed cells. Over the many days and nights this damaging water treatment was conducted numerous cells were opened and the original small fire greatly increased and spread.

Fortunately, and because of the sound construction by Go East of the "lift" cells, the fire remained confined to the topmost layer of the site's cells. The fire wandered around this top layer until consuming most of the available fuel contained therein. It did not and could not penetrate the lower and subterranean "lift" cells which remained intact.

By 1985 the fire ceased burning due to lack of fuel. It left behind a cratered surface of the fill area where the process of burning wood waste in the top layer of cells resulted in subsidence and sluffing of the dirt tops and walls of the affected cells. Some of these craters were as deep as 6 to 8 feet having a circumference of approximately 10 feet. The walls between the cells were weakened by the destruction of the wood waste lateral support that had burned. These uneven surface conditions persist to this day. These surface conditions pose a hazard to the many neighbors who trespass on the site. To remedy this requires that the site be graded, leveled and the historic craters filled with materials existing elsewhere on the landfill. Since the fire burned itself out, the site has been fostering the growth of trees, grasses, native shrubbery and non-native plants such as blackberries.

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The 40-acre property encompasses a topographically diverse area consisting of ridges and ravines, as well as some flatter areas. Within the property, the Go East Landfill is located generally in the northern half of the property in a pre-existing ravine. Landfill material (solid waste landfill – wood, mineral, and concrete solid materials) was placed in multiple cells, approximately 25 feet by 20 feet by 8 feet deep. The material was compacted as placement occurred by the weight of the moving bulldozer equipment. The limits of the landfill encompass an area of approximately 9.6 acres. The north and west portions of the landfill area generally slope towards the southeast at roughly 4 to 5 percent grade. The northwest corner of the property and the northern portion of the property generally slope down towards the landfill area. The northeast portion of the property consists of fill slopes created by landfill activities and slopes easterly down to the ravine below. The sloping hillsides in the northeast portion of the property originally conveyed the natural surface water runoff discharge from the north half of the property to the east to the bottom of the ravine that existed. The terrain on the eastern and southern property lines of the property slope down to the ravines below. The southern third of the property consists of steeply-sided incised drainage ravines which run from west to east, turn northward at the eastern edge of the property, and extend beyond the northeast corner of the property to the Snohomish River Valley. A detailed account of the proposed grading and slope conditions can be found in Chapter 3 of this report and the Appendices there referenced.

Current vegetative cover in the landfill area of the property consists of a variety of trees including red alder and black cottonwood as well as grass, native, and non-native shrubbery including Himalayan blackberry bushes.

The existing access to the site is via 108th Street SE. At the northwest corner of the property there is a gravel roadway/trail leading down to the landfill area. The road works its way down the grade towards the south and then turns east between the limits of the landfill and the edge of the southern ravine. Here the roadway runs east for about 400 linear feet. The gravel roadway then turns to the north and continues between the eastern limits of the landfill and the ravine to the east. The road ends at the ravine to the north.

3.3 Proposed Grading/Reshaping the Existing Landfill

The first phase in closing the landfill will be for the trees and vegetation to be removed from an area of approximately 10 acres of the landfill plus adjacent areas that are to be developed into a residential plat to accommodate site grading and landfill cover. The balance of the property will remain in its existing and natural condition with current vegetation. It is estimated the tree removal phase will take about a month and a half to two months to log, and remove all marketable wood and grubbing from the developed portions of the site. It is anticipated the entire developed area including the landfill site and adjacent area to be graded to obtain fill material for the landfill closure (subdivision area) will be logged and grubbed as the first phase of the closure activity. Stumps and grubbing that must be removed will be loaded to be disposed of offsite. Stumps and ground cover that can be left in place will not be removed. Any top soil in the areas to be regraded will be stockpiled and covered to be used at a later time.

The northern half of the property will generally be graded to meet the appropriate landfill cover requirements as previously discussed and graded to allow for future uses of the site. Suitable onsite soil material (as defined by the geotechnical engineer) will be used to the maximum extent feasible to balance the grading efforts. This will require re-grading some areas adjacent to the landfill so onsite soils can be used in the grading efforts needed to reshape the landfill surface to minimize import of offsite materials. Only in the event there is not sufficient suitable onsite materials from outside the landfill area (as needed to reshape and close the landfill) will imported structural fill material be brought onto the site for completing the landfill closure. Current plans call for balancing the cut/fill requirement of the Bakerview project using onsite materials to the maximum extent possible. Any exposed and scattered landfill debris outside the landfill area will be cleaned up and placed on the landfill and covered per the landfill cover system requirements in Section 4 of this report. Only materials designated by SHD would be removed from the property as described elsewhere.

As a condition of plat approval, the Hearing Examiner is requiring the following testing program for the lot areas. (Note: Material from many of the lot and road areas is being excavated and used as fill of the various landfill cover requirements. This testing will coordinate with the mass site excavations.)

P&GE shall submit a test pit sampling program for PDS and third-party expert approval. The purpose of the sampling program will be to determine whether any waste lies under any of the residential lots. The sampling program should be of such depth and frequency to assure future residents that waste does not lie under their houses and yards. The results of the sampling program shall be filed with PDS and promptly provided to the Homeowners Associations. If

GO EAST LANDFILL CLOSURE

LAND DISTURBANCE ACTIVITY - LDA #1

MAY 30, 2019

DR:

ENGINEERS, INC
MILTON, FL
LANDWAY, SUITE 300
MILWAUKEE, WI 53033
WWW.PACEENGINEERS.COM

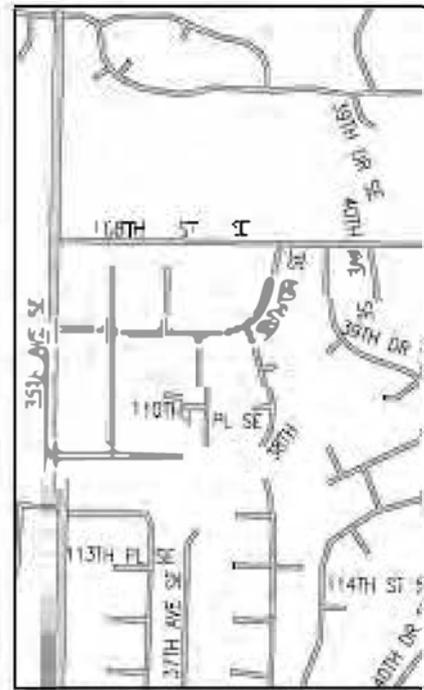
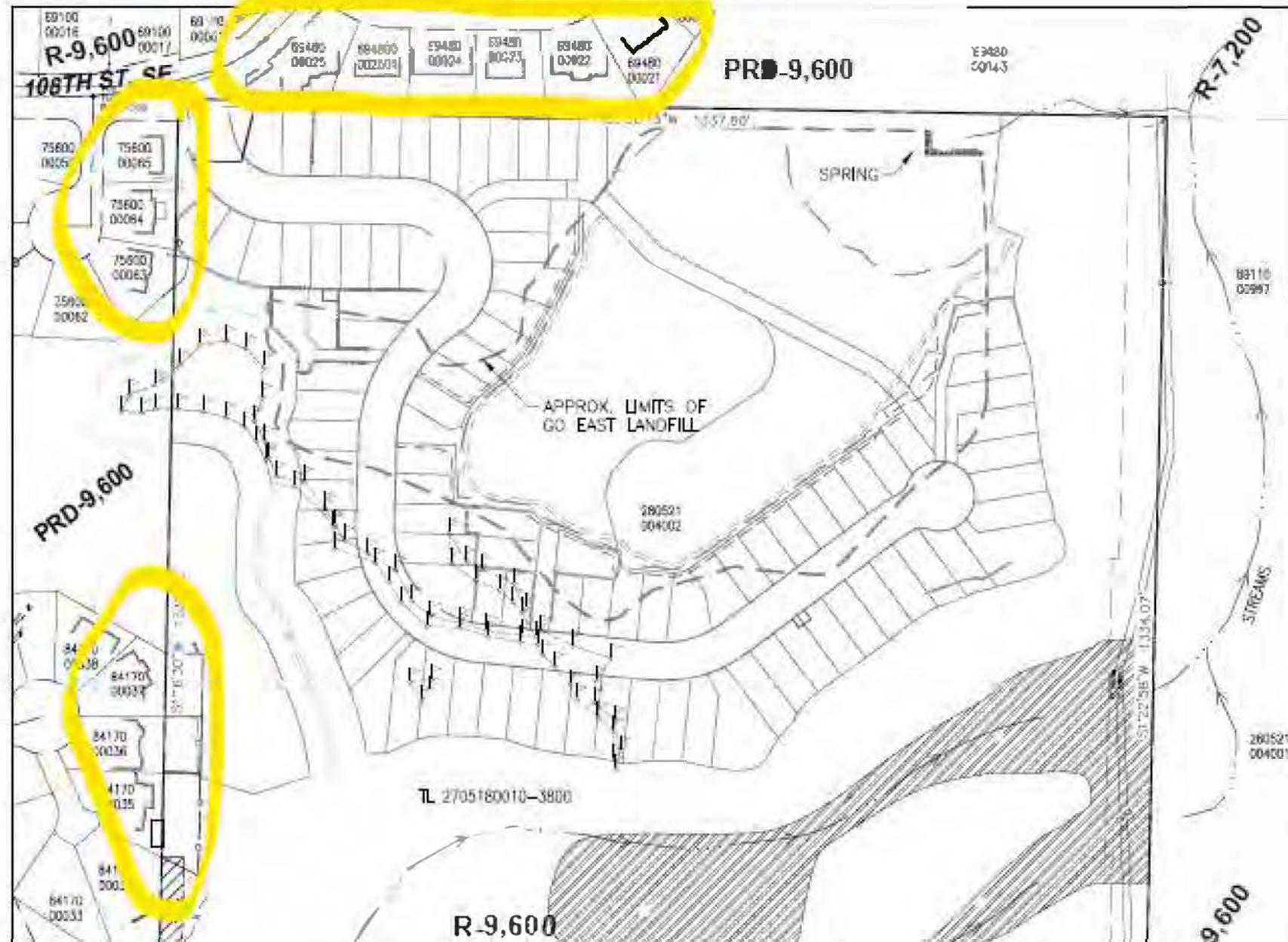
MECHANICAL:

LANDWAY, SUITE 100
MILWAUKEE, WI 53033

TRAFFIC CONSULTANTS, INC
P.O. BOX 100
WISCONSIN DR., SUITE B
MILWAUKEE, WI 53033
WWW.PACEENGINEERS.COM

LAND EROSION AND
SILT CONTROL LEAD:

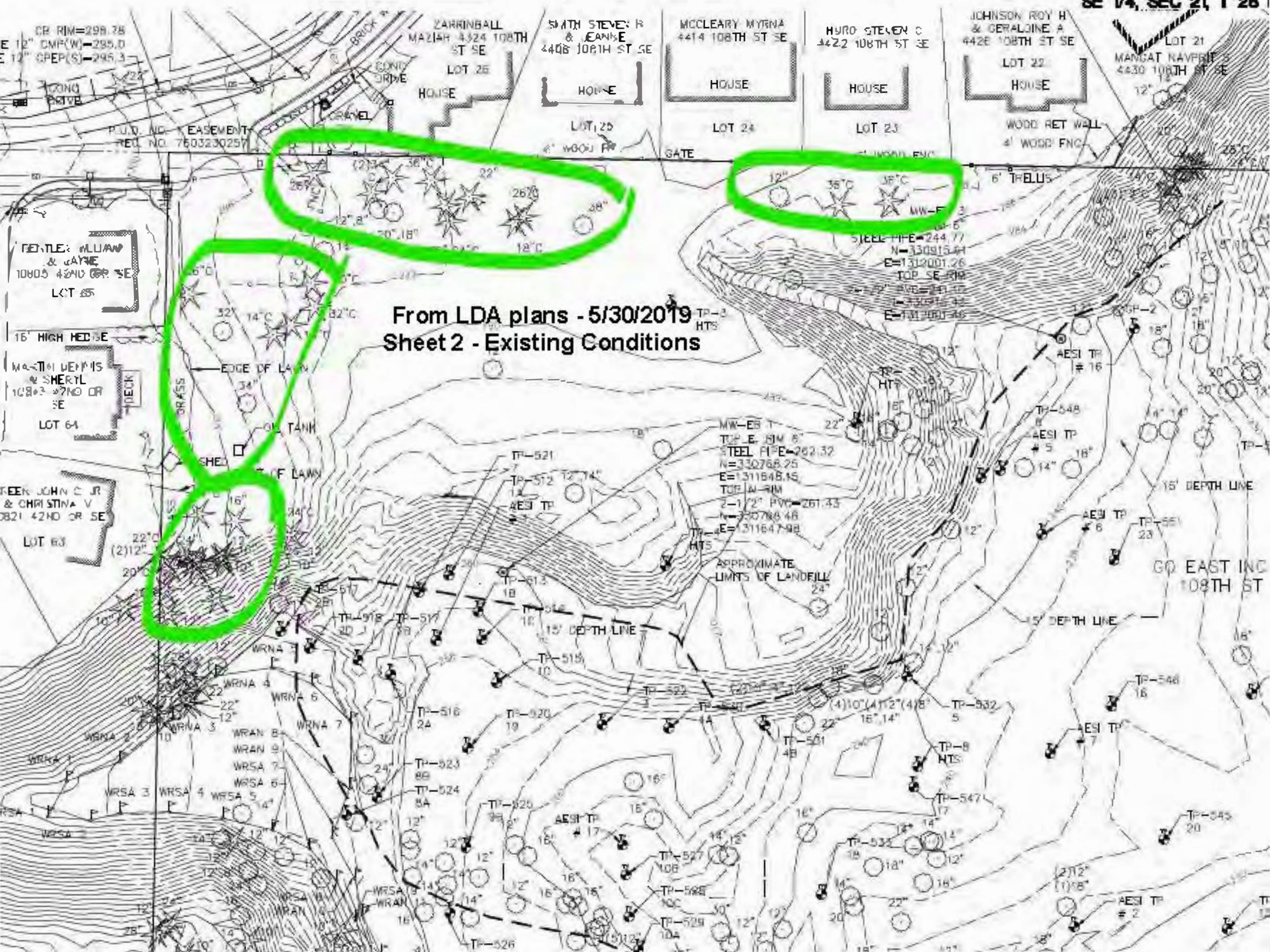
ENGINEERS, INC
MILWAUKEE, WI 53033
LANDWAY, SUITE 300
MILWAUKEE, WI 53033
WWW.PACEENGINEERS.COM



VICINARITY
1"=800'

Sheet List Table

Sheet Number	



From LDA plans - 5/30/2019
Sheet 2 - Existing Conditions

CB RIM=298.78
E 12" CMP(W)=295.0
E 12" CPEP(S)=295.3

ZARRINBALL
MAZIAH 4324 108TH
ST SE
LOT 26
HOUSE

SMITH STEVEN R
& JENNIFER
4408 108TH ST SE
LOT 25
HOUSE

MCCLEARY MYRNA
4414 108TH ST SE
LOT 24
HOUSE

MURO STEVEN C
4422 108TH ST SE
LOT 23
HOUSE

JOHNSON ROY H
& GERALDINE A
442E 108TH ST SE
LOT 22
HOUSE

LOT 21
MANGAT NAVPIT S
4430 108TH ST SE

DEWILE: MLIANP
& JAYNE
10805 42ND DR SE
LOT 65

MARTIN DENNIS
& SHERYL
10803 42ND DR
SE
LOT 64

TEEN JOHN C JR
& CHRISTINA V
821 42ND DR SE
LOT 63

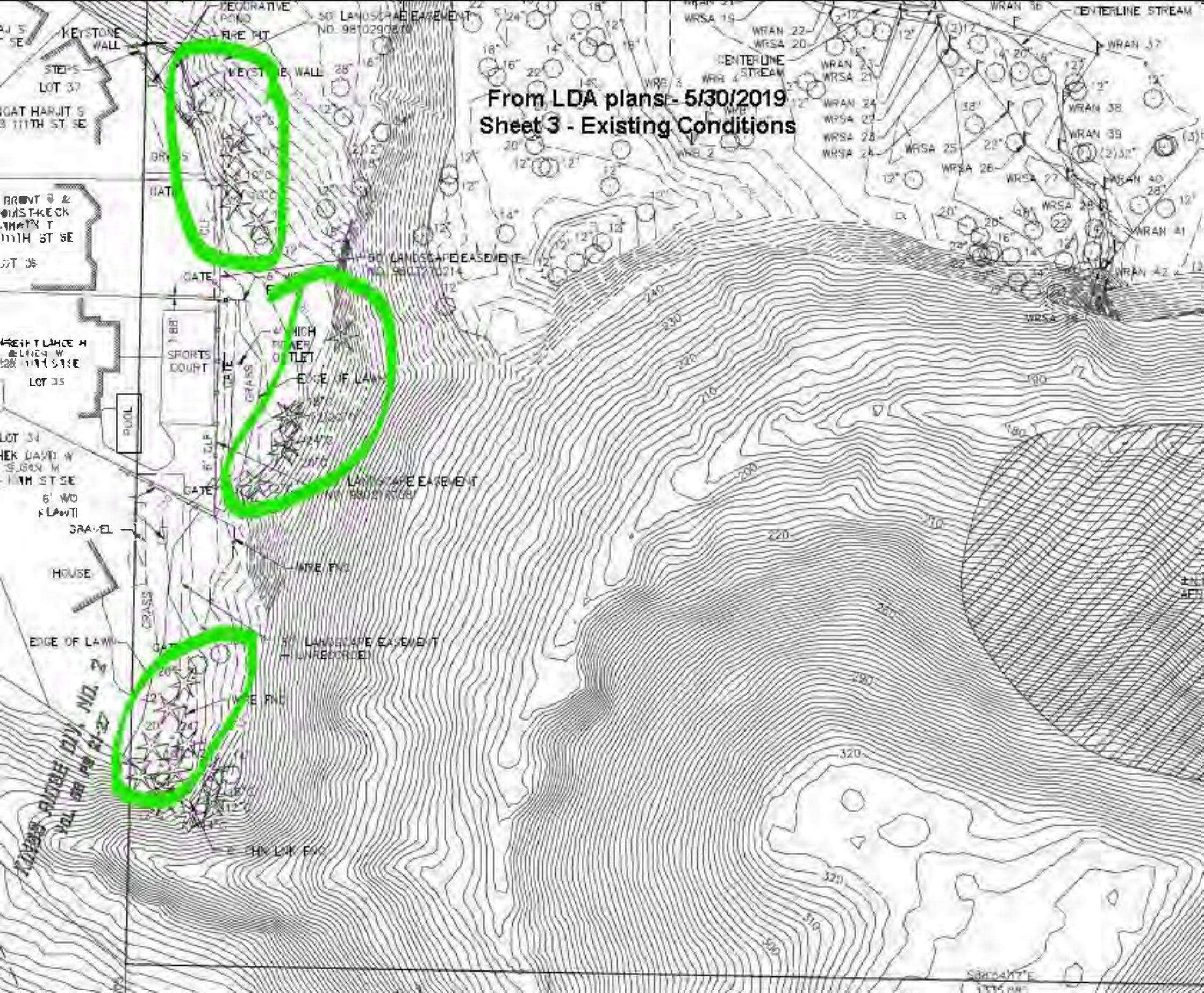
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N=330915.41
E=1312001.26
TOP SE RIM
2-1/2" PVC=241.45
N=330915.42
E=1312001.26

MW-ES 1
TOP E SIM 6"
STEEL PIPE=262.32
N=330766.25
E=1311648.15
TOP W RIM
2-1/2" PVC=261.33
N=330766.48
E=1311647.98

APPROXIMATE
LIMITS OF LANDELL

GO EAST INC
108TH ST

From LDA plans - 5/30/2019
Sheet 3 - Existing Conditions



From LDA plans - 5/30/2019 - Sheet 5 - Grading Matrix Plan & Quantities



WEDGE EXCAVATION
165,953 SF

LIMITS OF
LANDFILL

TOP OF WEDGE
EXCAVATION (APPROX.)

BOTTOM OF
WEDGE (APPROX.)

LIMITS OF
DISTURBANCE

WEDGE EXCAVATION VOLUME:
47,169 CY

ESTIMATED QUANTITIES**

6,782± cyds
12,483± cyds
47,169± cyds
47,606± cyds
20,564± cyds
~~47,169± cyds~~
~~44,468± cyds~~



WEDGE EXCAVATION

1" = 100'

LANDFILL CLOSURE Storm Details and Specifications SPECIFICATIONS AND REQUIREMENTS

THE FOLLOWING SPECIFICATIONS APPLY TO THE GO EAST LANDFILL CLOSURE ACTIVITIES ONLY, AND NOT TO THE BAKERVIEW FLAT OR LAND DISTURBANCE ACTIVITY PERMIT ISSUED FOR THE BAKERVIEW FLAT WORK.

1. LOGS, CLEAR, AND REMOVE VEGETATIVE MATERIAL FROM THE LANDFILL AREA. REMOVE LOGS AND BRUSH FROM SITE. CHIP AND STOCKPILE LIMBS TO BE PROTECTED ONSITE FOR FUTURE USE OR REMOVE FROM SITE AS DEEMED APPROPRIATE. COMPLY WITH FOREST PRACTICE PERMIT REQUIREMENTS.
2. REMOVE TOPSOIL/ORGANIC SOILS, STOCKPILE, AND COVER AND PROTECT ONSITE FOR FUTURE REUSE ON THE RECONFIGURED LANDFILL AREA.
3. REMOVE PREVIOUSLY PLACED COVER MATERIAL OVER THE LANDFILL LYING BELOW THE REMOVED TOPSOIL (ITEM 2 ABOVE), STOCKPILE ONSITE, AND PROTECT BY COVERING WITH PLASTIC SHEETING, OR EQUAL FOR FUTURE REUSE ON THE RECONFIGURED LANDFILL.
4. MAINTAIN PLASTIC SHEETING COVER OVER ALL EXPOSED LANDFILL NOT BEING WORKED. MAXIMUM ONE ACRE CAN BE WORKED AT ANY ONE TIME AND IT MUST BE COVERED NIGHTLY WITH PLASTIC SHEETING.
5. GRADE, PROOF-ROLL AND COMPACT THE LANDFILL SURFACE FOR THE AREA INSIDE THE WEDGE THAT IS TO REMAIN. SEE SECTION 9.0 SITE PREPARATION, OF THE GEOTECH REPORT, APPENDIX A OF THE LANDFILL CLOSURE PLAN FOR FURTHER REQUIREMENTS.
6. STRUCTURAL FILL SHALL BE PLACED IN THE WEDGE AREAS AND FILL AREAS OUTSIDE THE RECONFIGURED LANDFILL AS DESCRIBED IN SECTION 10.0 OF THE GEOTECH REPORT, CONTAINED IN APPENDIX A OF THE LANDFILL CLOSURE PLAN.
 - PLACE STRUCTURAL FILL (ASSUMED TO BE SITE EXCAVATION FROM OUTSIDE THE LANDFILL BUT COULD BE IMPORT MATERIALS) IN 2- INCH LOOSE LIFTS AT OPTIMUM MOISTURE CONTENT TO AT LEAST 95 PERCENT OF THE MODIFIED PROCTOR MAXIMUM DENSITY USING ASTM D1557 AS THE STANDARD. WITHIN THE LANDFILL PLACE IN 2- INCH LOOSE FILLS AND COMPACT TO 90% MAXIMUM DENSITY.
7. SOILS PLACED OVER THE GEOMEMBRANE SHOULD HAVE A MAXIMUM PARTICLE SIZE OF 2 INCHES (NOT CRUSHED/FRACTURED) AND NOT CONTAIN ANY LANDFILL OR DELETERIOUS MATERIAL. IT IS ANTICIPATED COVER MATERIAL WILL BE FROM ONSITE EXCAVATION LOCATED OUTSIDE THE LANDFILL PROPER BUT COULD INCLUDE IMPORT MATERIAL INCLUDING TOPSOILS. A MINIMUM OF THE TOP 12 INCHES SHALL BE VEGETATIVE MATERIAL (WHICH CAN CONSIST OF STOCK PILED

108TH ST SE

From LDA plans 5/30/2019 Sheet 15 - Temp. Erosion & Sediment Control Plan

PROVIDE CATCH BASIN PROTECTION FOR ALL DOWNSTREAM CATCH BASINS WITHIN 100' OF GRAVEL CONSTRUCTION ENTRANCE



PROTECT EXISTING 26" TREE

GRAVEL CONSTRUCTION ENTRANCE



PROTECT EXISTING 36" CEDAR

LIMITS OF LANDFILL

CB CONSTRUCTED AS PART OF PLAT

IE SWALE 260.5±

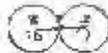
5+50±

6+00

IE SWALE 250.5±

EXISTING WETLAND (TO REMAIN) PROTECT DURING CONSTRUCTION

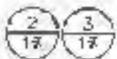
IE SWALE 257.5±



INTERCEPTOR SWALE WITH CHECK DAMS

IE SWALE 255.5±

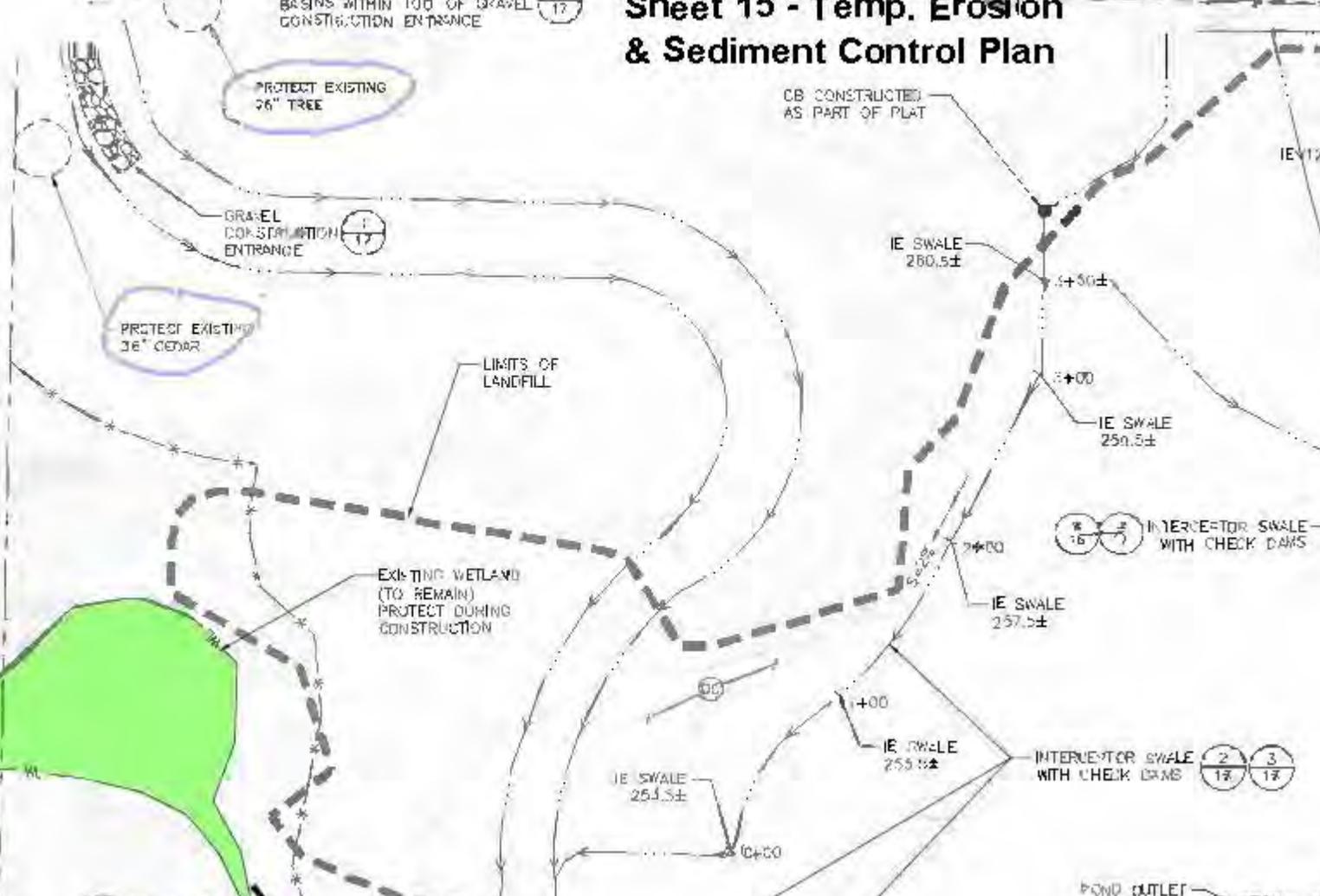
INTERCEPTOR SWALE WITH CHECK DAMS



IE SWALE 254.5±

10+00

POND OUTLET



Noell, Alan L. (ECY)

From: Bradey Honsinger <bradeyh@gmail.com>
Sent: Friday, May 8, 2020 12:28 PM
To: Noell, Alan L. (ECY); Lui, Nancy (ECY)
Subject: Public meeting for Go East Corp Landfill project

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

I request that a public meeting be held for the Go East Corp Landfill project before any further action is taken. This project will have a direct effect on my family, and a public meeting is critical to allow us to understand the impact and provide feedback.

Sincerely,
- Bradey Honsingere

Noell, Alan L. (ECY)

From: Cathy Mitcheltree <captaingraham12@gmail.com>
Sent: Friday, May 8, 2020 1:19 PM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ID #2708-clean up site ID: 4294

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

I'm requesting that meeting regarding the subject referenced above be a public venue **not Zoom** when the stay home order is lifted.

Thank you for your time,

Catherine C. Mitcheltree
Home owner in the Kings Ridge HOA
425-919-9440e

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Friday, May 8, 2020 9:39 PM
To: afmsean@gmail.com
Subject: Go East Corp Landfill comment

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Sean Danielson
Address: 8530 10th Ave W APT A301
City: Everett
Province: Washington
Postal Code: 98204
Email: afmsean@gmail.com

Go East Corp Landfill

I don't care where you build new housing, just BUILD, and market them to people and families that are living in the bottom 50% of the economy. Specifically, people who are making less than \$60,000 a year -- and especially people who are making less than \$40,000 a year. The more you help them financially, the less likely they will to become a burden on society, and the more likely they will be able to save for retirement, and improve their quality of life. (And ultimately, they'll become more productive members of society)

Now, if only corporations had this revelation...

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, May 9, 2020 9:06 AM
To: Dla_2@yahoo.com
Subject: Go East Corp Landfill comment

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Dana Tackett
Address: 7810 Grant Drive
City: Everett
Province: Washington
Postal Code: 98203
Email: Dla_2@yahoo.com

Go East Corp Landfill

No more houses. Leave the land as is. Our area can not handle the traffic increase, the schools are already busting at the seams. This development makes normal every day life less enjoyable as we end up sitting in traffic. The tax revenue gained by these houses doesn't seem to help the city at all. I am 100% against this development.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, May 9, 2020 9:15 AM
To: marymor4hair@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Mary Morrison
Address: 10917 32nd dr se
City: Everett
Province: Washington
Postal Code: 98208
Email: marymor4hair@gmail.com

Go East Corp Landfill

I have lived on 32nd dr se for 31 years. 32nd dr is a open road to 108th. The traffic has increased every year by 100s of drivers who drive at up to speeds of 50mph. they use our road to avoid the light at 35th and 110th st. I fear that someone will be killed mostly a child if this traffic increases due to more people cutting through to get to the Eastside of 35th. There needs to be some type of traffic slowing devises installed on our road such as speed bumps or completely blocking the road as it once was a dead end. There is also a small county owned park right next door to us where kids play and walk through. I believe this is where there will be an accident if more traffic is added to this horrible mess already. Please do not ignore our adjoining neighborhood for we will be the most impacted by this development of land . There is no other way in or out of this land. Thanks for listening.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, May 9, 2020 2:21 PM
To: gailmk121290@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Gail Kieckhefer
Address: 3722 114th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: gailmk121290@gmail.com

Go East Corp Landfill

I strongly believe this should NOT move forward until/if the metals in 3 ground water samples which are above concentrations exceeding MTCA and those in the stream that originates at the base of the northeastern slope can be brought down to a level that is below the accepted MTCA acceptable levels.

Stop this action before contaminating more of our ground water and making citizens of Snohomish county sick.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, May 9, 2020 3:04 PM
To: jagoodale@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Jerome Goodale
Address: 10804 42nd Dr SE
City: Everett
Province: Washington
Postal Code: 98208
Email: jagoodale@gmail.com

Go East Corp Landfill

At one time this was a Federal dump site used for toxic materials from the Boeing Company. Somehow the records have disappeared and now we are to assume that the run off toxic water that has been found and the years of underground fires are all the result of thrown away scrap wood? How dumb do you have to be to believe that There needs to be an in-interested third party brought in by the State or Federal government to inspect and test this entire site before any remedial action is taken by these developers.

Noell, Alan L. (ECY)

From: steven <smiths75@frontier.com>
Sent: Saturday, May 9, 2020 11:07 PM
To: Noell, Alan L. (ECY)
Subject: go east landfill

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There are so many environmental issues that we must allow for public comment. The water run off to the agriculture in the valley, maintenance of the land fill and the general health of the surrounding neighborhoods. There could be so many future problems, we just can't ignore them!

Sent from [Mail](#) for Windows 10

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, May 10, 2020 4:38 PM
To: bc_rich_master@msn.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Ryan McFadden
Address: 11014 19th Ave SE suite 8
City: Everett
Province: Washington
Postal Code: 98208
Email: bc_rich_master@msn.com

Go East Corp Landfill

My family has lived near this area since 1999.
I have autism and have been taking my dogs back there for many years, it is a very peaceful experience and helps me manage my symptoms and having woods in our neighborhood is good for everyone.
I am against this development!
Stop being greedy and leave Nature to Nature.

Noell, Alan L. (ECY)

From: gwsund <gwsund@frontier.com>
Sent: Sunday, May 10, 2020 5:03 PM
To: Noell, Alan L. (ECY)
Subject: Go east land fill

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Please delay until a public meeting and comment can be held.

Sent from my Verizon, Samsung Galaxy smartphone

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 11, 2020 7:14 AM
To: mjhurd2005@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Peggy Hurd
Address: 4422 108th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: mjhurd2005@gmail.com

Go East Corp Landfill

Dear Alan,

Thank you for the time last week letting me know about the process we are now in on the Go-East Landfill closure process. At this point, I'd like to submit two comments:

- 1) Please rescind permission for P&GE to start clearing vegetation on the property. The tree buffer required for air quality needs to be preserved, and there is not enough information in any plan that I can find as to which trees will be removed. We have serious concerns about toxins being released into the air without the mitigation required.
- 2) Ecology's Public Participation Plan on the Go-East Landfill Site states that there will be a public meeting scheduled should you receive 10 comments requesting one. The homeowners have a great number of questions, concerns and pieces of information they would like to deliver in person at a public meeting to Ecology, especially since there are so many environmental hazards for our neighborhood. We understand that the meeting will have to be postponed until the state is in Phase 4 of the reopening, requiring an extension of the public comment period. Since this project has gone on for more than a decade, there is no reason now to rush the project by cancelling this most important step on a MTCA site.

Thank you for your work

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 11, 2020 10:14 AM
To: geraldjohnson@seanet.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Gerald Johnson
Address: 10729 45th Ave SE
City: Everett
Province: Washington
Postal Code: 98208-4609
Email: geraldjohnson@seanet.com

Go East Corp Landfill

My wife and I request that you schedule a public meeting concerning the P&GE land fill. Thank you.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 11, 2020 10:24 AM
To: carri@lou1@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Carrie McCain
Address: 12116 205th ave e
City: Everett
Province: Washington
Postal Code: 98391
Email: carri@lou1@gmail.com

Go East Corp Landfill

This is a crazy idea. No matter the cleanup it would not be safe. People will get sick. Children will be born with mental and physical disabilities. I lived in a town with such issues. Everyone ended up with health problems some mental. It was eventually condemned. My whole family has issues.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 11, 2020 12:07 PM
To: kerri@bluesmanbbq.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Kerri Mallams
Address: 10605 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: kerri@bluesmanbbq.com

Go East Corp Landfill

Please allow public in-person meeting once Governor's phase 4 is implemented. This will allow information to be presented, questions to be asked and answered and a true sense of public and professional opinions to be shared and understood.

Noell, Alan L. (ECY)

From: Nettle bill & Pat <willnettle3@gmail.com>
Sent: Monday, May 11, 2020 1:01 PM
To: Noell, Alan L. (ECY)
Subject: Development site at 4330 108th Street, Everett, WA 98208

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We strongly urge that you forego any further action that would delay this development. The development should be allowed to go forward with the landfill cleanup as well as the scheduled clearing of the entire project according to approved plans as rapidly as possible.

Pat & Bill Nettle
Lot 16, The Point

Noell, Alan L. (ECY)

From: Julie Chittenden <juliedhittenden@comcast.net>
Sent: Monday, May 11, 2020 4:31 PM
To: Noell, Alan L. (ECY)
Subject: Re: Go East Landfill documents

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Will there be a posting at the site and a flier box where people could pick up the information? People from the Silverlake community will want to see where this site is. I can have documents available for Kings Ridge residents.

Julie

Sent from my iPad

On May 11, 2020, at 2:10 PM, Noell, Alan L. (ECY) <alanoe461@ecy.wa.gov> wrote:

Julie,

I think we discussed earlier, and wanted to follow up. As you know, the library is closed now, so we cannot post hard copies there. Can we send a set of documents to your house for anyone to check out. I don't have your address.

Thanks,

Alan Noell, PhD, PE

Solid Waste Management Program

Department of Ecology, Northwest Regional Office I feel information

3190 160th Ave SE, Bellevue, WA 98008-5452

Office 425-649-7015, Cell 425-213-4803

alan.noell@ecy.wa.gov



<https://ecology.wa.gov/Waste-Toxics/Solid-waste/litter/Solid-waste>

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 11, 2020 11:13 PM
To: Dcpmsw@aol.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Diana Leblanc
Address: 10917 39th Drive Southeast
City: Everett
Province: Washington
Postal Code: 98208
Email: Dcpmsw@aol.com

Go East Corp Landfill

Please postpone the public hearing until the stay at home order has been lifted and people can safely participate. I also request that you not allow clearing of the land to begin until the public hearing has taken place. I live close to this area and am very concerned about the health impacts of this development. We have members of our household whose health may be compromised by the clearing of this land. Our voices need to be heard. Please allow a fair, safe and due process. Thank you very much.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Tuesday, May 12, 2020 7:02 AM
To: leblanc3852@yahoo.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Robert LeBlanc
Address: 10917 39th Drive SE
City: Everett
Province: Washington
Postal Code: 98208
Email: leblanc3852@yahoo.com

Go East Corp Landfill

Please postpone the the public hearing until the stay at home order is lifted and people can safely participate. I request you don't allow the clearing of the land until this hearing occurs. I live near the area and am concerned about the health and safety of my family and my neighbors.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Tuesday, May 12, 2020 10:41 AM
To: joydmac@yahoo.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Joyce McNeely
Address: 10602 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: joydmac@yahoo.com

Go East Corp Landfill

The board and neighbors have been working hard for many years to keep our neighborhood safe. The hearing on the project should be put off until there can be a public hearing so everyone who wishes can be heard.

A review concerning plans for the removal and barrier of trees should also be considered.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Wednesday, May 13, 2020 2:33 PM
To: malowneyr@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Renee Malowney
Address: 10606 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: malowneyr@gmail.com

Go East Corp Landfill

Before we decide, there needs to be a public, in-person meeting when Phase 4 of the governor's plan is implemented. Then gatherings of 50 or more people will be considered safe, and we will have the opportunity to share all of our information--charts, history of the property, knowledge of the owners' actions, etc.--with the officials at Ecology. It's vital that we be able to hear together, in person, the safeguards that Ecology will be requiring. There is no reason to rush the project and skip this vital step, especially on a project of this complexity.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Thursday, May 14, 2020 10:29 AM
To: Smiths75@frontier.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Steven Smith
Address: 4406 108th st se
City: Everett
Province: Washington
Postal Code: 98208
Email: Smiths75@frontier.com

Go East Corp Landfill

With the large number of environmental issues being raised (toxic waste run off to agricultural valley below, maintenance of the closed toxic dump, traffic concerns, air pollution from the disturbance of toxins, etc) we deserve the right to comment in person on this proposed closer. Many of us in very close proximity to this project are older and have health issues (respiratory, eye problems etc). During the closer process has there been an established buffer zone of trees, around the whole project finalized? This would help in mitigating some of the noise and toxic particles released during closer. During this especially crazy time in our world history, is this really the best time to open up Pandora's box, just so a few people can make another small profit on a bad place to build houses in the first place? Thank you

May 14 2020

Subject: GO EAST CORP LANDFILL SITE COMMENT.

The current land owners, P&GE knowingly purchased the contaminated site and should be held accountable for the cleanup, which should have been completed within 2 years of the land purchase. Development into residential plats should not be permitted.

K. Erickson

11503 43rd Drive SE.

Everett, WA. 98208

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, May 16, 2020 1:16 PM
To: dchldiu@yahoo.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Decebal Cheldiu
Address: 11307 45th Ave SE
City: Everett
Province: Washington
Postal Code: 98208-9168
Email: dchldiu@yahoo.com

Go East Corp Landfill

I'm definitely on the same page as all neighbors here in Pinehurst at Waldenwood saying "NAY" to the subject housing development over the old landfill area. Everybody here is very anxious over potential dangers from buried waste being excavated. We're all definitely against the planned P&GE development.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, May 18, 2020 10:16 AM
To: JAMESA101@HOTMAIL.COM
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: JIM BRANDLEY
Address: 10630 32ND DR SE
City: EVERETT
Province: Washington
Postal Code: 98208
Email: JAMESA101@HOTMAIL.COM

Go East Corp Landfill

Do not see where there will be monitoring long term? Will final platte, HOA be responsible for area?

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Tuesday, May 19, 2020 9:31 AM
To: teaateatzis@yahoo.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Keith and Gail martinez
Address: 11104 50th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: teaateatzis@yahoo.com

Go East Corp Landfill

Attachment(s):
Ecology Report.pdf

Go East Corp Landfill
CSID 4294
4330 108th St SE
Everett, WA 98208

To Whom It May Concern,

I have read over the Department of Ecology Report on the landfill site listed as 4294. I have a few questions and concerns after reading this report.

The site has a long history of use and abuse including several fires. I find it interesting that the Dept. of Ecology is just now interested in cleaning it up. If the site has contaminated run-off into a nearby stream, it would seem this would have been addressed long ago. Now with the purchase by PG&E, efforts seem to be moving in a hurried way to "improving the site" for a large housing project.

I am also worried you are not considering that houses will be built right next to this site. Are there contaminated air particles emitting from the site along with the ground contamination? Should a person worry about growing a garden there one day? Why not keep the area to the 9.6 acres? Why dig into the site to reduce it to 6.8 acres?

I live in a neighboring subdivision and love to hear and see the wildlife around me, including hawks, owls, pileated woodpeckers, deer, and the occasional bear. I am worried if the city keeps taking green space to accommodate everyone (that needs a house or profit from it) the area will not be able to maintain the reason so many people want to live here.

In conclusion, I think the Dept. of Ecology needs to take a better look at cleaning up, correcting and maintaining our beautiful area. Not just accommodating a big corporation that just wants to profit off 97 new houses.

Sincerely,

Gail and Keith Martinez

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Tuesday, May 26, 2020 1:08 PM
To: miball@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Mike Ball
Address: 10903 34th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: miball@gmail.com

Go East Corp Landfill

Please keep me informed of the progress of this project

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Wednesday, May 27, 2020 1:31 PM
To: jdavis@landauinc.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: jeremy davis
Address: 130 2nd avenue south
City: edmonds
Province: Washington
Postal Code: 98020
Email: jdavis@landauinc.com
Submitted By: landau associates

Go East Corp Landfill

Attachment(s):
LAI_IAWP Comment Letter_052720.pdf

May 27, 2020

Alan Noell
Washington State Department of Ecology – Site Manager
Northwest Regional Office – Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

Transmitted via email to: alan.noell@ecy.wa.gov

**Re: Go East Corp Landfill Cleanup Site – Interim Action Work Plan
4330 108th St SE, Everett, WA 98208
Facility/Site ID: 2708
Cleanup Site ID: 4294
LAI Project No. 1780001.020**

Dear Alan:

Thank you for the opportunity to provide comments on the Draft Interim Action Work Plan (IAWP) for the Go East Corp Landfill cleanup site (Site). The draft IAWP referred to herein was prepared by GeoEngineers on April 23, 2020, and was accessed online through the Washington State Department of Ecology's Document Repository. Landau Associates Inc. (LAI) reviewed this document on behalf of neighbors in the community who are concerned about the safety of the planned redevelopment at this cleanup site.

As described in the draft IAWP, the property owner plans to excavate and relocate approximately 50,000 to 60,000 cubic yards of buried wastes at the landfill in order to shrink the overall footprint of the landfill and to provide space for constructing housing in locations where buried wastes currently reside. Landau Associates, Inc. (LAI) appreciates the importance of conducting environmental cleanups, and also returning historical landfill sites to beneficial land uses for the community. Our interest in this project, and our past and current comments on the topic, relate to assuring that the project is implemented in a safe and environmentally protective manner. The importance of these issues is elevated based on the close proximity of existing residential dwellings adjacent to the proposed action, and the immediate proximity of proposed future dwellings.

Our comments are organized below into three general categories for your consideration: ***Data Gaps***, ***Landfill Closure Controls***, and ***Compliance Monitoring***.

Data Gaps

Based on review of the draft IAWP, the following data gaps have been identified that should be addressed prior to initiating relocation of the buried wastes.

Characterizing the Waste Materials in the "Wedge Area"

In June 2019, test pits were excavated to collect samples of the waste that will be excavated and relocated. Of the 25 sample locations around the landfill perimeter, 48 percent had concentrations of petroleum

hydrocarbons in the heavy-oil range that exceed the cleanup standards. At the only location where samples were collected at multiple depths (test pit TP-1), the maximum concentration observed was 28,000 milligrams per kilogram (mg/kg) of heavy oil, which is fourteen times greater than the cleanup level of 2,000 mg/kg. This high concentration is indicative of the presence of non-aqueous phase liquid (NAPL) product. This detection was at the deepest sample collected – at 20 feet below ground surface (ft bgs). This detection was in the deepest sample collected and concentrations were increasing with greater depth; thus, higher levels of contamination may be present deeper. At the other test pit locations, only one sample at each location was submitted for laboratory analysis and, although many of these additional samples also exceeded the cleanup criteria, it is unclear at what depth those samples were collected, and whether those samples were collected in the deepest zone apparently having the heaviest contamination. Those samples may have been collected from stockpiles of the soil excavated during advancement of the test pits, and may represent average conditions and may not show the highest levels of contamination encountered.

Prior to implementing the interim action and excavating the waste, the heavily contaminated soil observed at test pit TP-1 should be sampled again (at least near the original test pit location, and potentially other locations), and analyzed for polychlorinated biphenyls (PCBs), as required by Washington Administrative Code (WAC) 173-340-900; Table 830-1¹. This follow-up analysis for PCBs is critical to the interim action, and for the solid waste permit, since the presence of PCBs may trigger the federal Toxics Substance Control Act regulations. The wastes may require special handling, more stringent compliance monitoring to assure complete removal, and, if PCBs are present, it may not be appropriate for these wastes to be landfilled at the Go East landfill.

Heavy oil contamination of unknown origins from this time period has a reasonable probability of containing PCBs. The landfill's history between 1972 and 1986 includes 9 years of smoldering subsurface and surface fires, and only 5 years without fire. This is uncommon and indicative of poor waste screening and landfilling practices during operation – furthering the importance of proper waste characterization prior to excavation.

The draft IA WP indicates follow-up sampling for PCBs will occur in test pits that are advanced only to a depth of 15 ft bgs, but this is likely not deep enough to conduct the analysis on the heavily contaminated material, which was encountered deeper in TP-1, near 20 ft bgs. It may be necessary to collect the needed samples using a drilling rig, if test-pit excavations are unable to stand open long enough for careful sample collection.

Characterizing groundwater conditions prior to excavation

As noted in the draft IAWP, the actual depth of groundwater is estimated based on known elevations in three locations (groundwater monitoring wells), unverified speculation that an effective leachate drainage system was installed in the early 1970s, and limited visual observations during advancement of test pits around the site perimeter². Understanding the groundwater quality is important prior to advancing the

¹ Table 830-1 footnote 15 authorizes certain exceptions to the PCB testing requirement, but none of those exceptions applies here.

² Shallow groundwater seepage was noted in 6 of 47 test pits from 2002; 3 of 17 test pits from 2009; and 5 of 15 test pits from January 2019.]

project, since groundwater may be contaminated throughout a large area of the landfill, and disturbing the soil during the excavation activities could release contamination that is otherwise bound to soil particles and not presently migrating.

Primarily, it is necessary to determine if the heavy-oil contamination found during the June 2019 test pit sampling has affected groundwater. This requirement is explicit in the Model Toxics Control Act (MTCA) regulations (WAC 173-340-350(7)(c)(iii)(c)). Assessing the possible groundwater contamination later in the remedial investigation process would not be prudent. Based on the heavy oil findings and the plans to build houses over this area that could preclude or foreclose future remedial alternatives, it appears important to conduct this investigation prior to the redevelopment activities.

Under the solid waste regulations, the groundwater monitoring network should include monitoring wells that are installed to a depth sufficient to yield representative groundwater quality samples from the shallowest groundwater, per WAC 173-350-500(3)(a)(i). There is a significant gap in monitoring coverage in the eastern portion of the landfill, which also coincides with the highest and deepest levels of oil contamination, since the well there (MW-4) was not installed deep enough to encounter groundwater.

Based on these data gaps and the proposed project schedule, a groundwater monitoring well should be installed prior to earthwork activities, in close proximity to the June 2019 test pit, TP-1. A properly designed and constructed groundwater monitoring well can be used to determine with much greater accuracy whether groundwater will be encountered during the interim action excavation, and whether the local groundwater is impacted by the heavy oil contamination or other contaminants. The well would then also provide for future ongoing groundwater monitoring during the postclosure care period.

Landfill Closure Controls

Two of the proposed landfill closure controls provided for review by Ecology require clarification, or additional engineering.

First, the closure includes building a stormwater detention pond on top of the waste. Earlier plans included removing waste from beneath the pond and conducting dynamic compaction to provide for long-term stability of the pond. These activities were designed to reduce the potential for long-term differential settlement beneath the pond, which could negatively affect the membrane and future operations and maintenance. The plans have been updated to remove the requirement for dynamic compaction. Wood waste will be used to build-up a 15-ft base beneath the pond, but it is not clear from the plans what wood waste would be acceptable, and what compaction levels will be required of the contractor to ensure long-term performance of the pond. This is an important consideration since the future homeowners will be responsible for operations and maintenance activities.

Landfill gas (LFG) control will be provided by a collection trench built around portions of the landfill. The trench does not extend as deep as nearby waste, and will be keyed into native sandy and gravelly soil. As a result, the trenches are unlikely to be a reliable barrier. The plans indicate that the trench system could later be converted to an active extraction system using a blower system, but, based on the details provided, the perimeter trench does not seem well-suited for active extraction and would require significant retrofits. Since these retrofits probably require several months for design and construction, this

contingency does not provide timely mechanism for improving safety for the directly adjacent planned structures.

Based on these perceived deficiencies in the LFG control system design, we request that additional compliance monitoring be included to verify the safety of the future building sites that will be directly adjacent to the interceptor trench. Those requirements are discussed in the following section.

Additionally, the LFG control system proposes to ventilate LFG directly to the common area where the public will gather. For cleanups in Washington State involving air emissions, it is required that the responsible party confirms air cleanup criteria are met in ambient air for emissions from remedial actions (WAC 173-340-750(1)(a)). Ensuring the planned vents would be compliant requires modeling or sampling efforts to characterize the discharge to ensure the emissions are safe for breathing. We understand this has not been conducted. If Ecology approves foregoing this evaluation, we recommend the venting approach be modified. This could include terminating vents at 15 ft above ground surface, rerouting the vents so they do not discharge at the basketball courts, or designing for gas treatment with granular activated carbon prior to discharge to remove odors or volatile organic compounds.

Compliance Monitoring

Based on observations of sulfur odors while advancing the 2019 test pits, the IAWP should include procedures for conducting gas monitoring in the worker breathing airspace and at the site perimeter during construction. This monitoring data can be used to adjust construction practices, as needed, to ensure the safety of onsite workers and the neighboring community. The workspace and ambient air should be monitored for methane, oxygen, and sulfur dioxide, and dust/particulate monitoring.

The LFG monitoring network proposed for installation around the perimeter of the landfill could be greatly improved through the use of discrete shallow-, mid-, and deep-monitoring ports. These could be constructed with 5- to 10-ft well-screens, and constructed using traditional installation methods using nested probes (with Ecology's approval through variance request), or in separate borings. And, the probes should be offset from the edge of the interceptor trench by at least 5 ft. This level of monitoring ability is warranted based on the close proximity of proposed housing.

LAI appreciates the opportunity to provide these comments.

LANDAU ASSOCIATES, INC.



Jeremy Davis, PE, PMP
Senior Associate Engineer

JMD/TAM

\\edmdata01\projects\1780\001020\R\IAWP Comment Letter\LAI_IAWP Comment Letter_052620.docx

Noell, Alan L. (ECY)

From: Julie Chittenden <juliechittenden@comcast.net>
Sent: Wednesday, May 27, 2020 3:49 PM
To: Noell, Alan L. (ECY)
Subject: Go East Landfill

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hello Alan,

I haven't heard from you regarding a public meeting for the Go East landfill development. I'm assuming the required number of requests for a public meeting has been met. Would you please let me know at your earliest convenience, when this will take place?

I have also requested some type of kiosk or plastic flier box at the property site where people could pick up information. At present, there is no signage of any kind on the property giving notice to the proposed development or DOE's involvement.

I pursued a public participation grant only to find out that remaining funds in the grant program were withdrawn by the state because of cut-backs.

Are people allowed access to visit the property and walk the landfill area to observe the debris field? I took the liberty last Friday and walked the entire area of the proposed development. It was most helpful in trying to understand the complexity of this project and the possible impact for current and future homeowners. A number of questions and concerns have yet to be answered. They are:

1. Which trees will be left as a dust barrier? The clearing permit is for red alders but there are numerous evergreens and big leaf maple trees on the north and west sides of the property.

2. The property on the North and Southwest sides have deep ravines and steep hillsides. Both of these areas are mapped on page 37 of the Interim Action Plan as "on site source for structural fill." If the trees are removed with vegetation in these areas and soil removed as fill, I would question whether that could affect the stability of the hillside. I noted during my walk of the property, a lot of water seepage on the west side of property that might affect the stability of the western slope.

Four property owners have easements with Gary East on a shelf of land on the western side of the property above a steep slope where proposed home sites are indicated. A fifth property owner near the entrance also has a new easement. How will their easements be affected during development?

3. In order to access that upper shelf of land on the West side of the property, does the plan grant access to the developers to use the Kings Ridge common area as an entrance to Go East property for clearing purposes?

Hopefully, you have had a chance to visit this property to not only observe the extent of the debris field, but also the uniqueness of the steep slopes bordered by large ravines. I am looking forward to hearing from you soon.

Julie Chittenden,

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Thursday, June 4, 2020 4:32 PM
To: jenkins.p2@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Pam Jenkins
Address: 1342 Tractor Loop
City: East Wenatchee
Province: Washington
Postal Code: 98802
Email: jenkins.p2@gmail.com
Submitted By: Practical Environmental Solutions

Go East Corp Landfill

Please see time-sensitive comment letter regarding schedule for items in the Interim Action Work Plan and Agreed Order.

Attachment(s):
2020-06-04 Comment letter re schedule -.PDF



PRACTICAL ENVIRONMENTAL SOLUTIONS

1342 Tractor Loop, East Wenatchee, WA 98802

jenkins.p2@gmail.com • 509.846.4965

June 4, 2020

Alan Noell
Site Manager, Solid Waste Program
Washington State Department of Ecology, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452

Email transmittal to: alan.noell@ecy.wa.gov and via Ecology's comment portal

Re: Go East Corp Landfill – Document review
4330 108th St SE, Everett, WA 98208
Facility/Site ID: 2708; Cleanup Site ID: 4294

Dear Alan:

Again, thank you for your willingness to receive, read, and process public comments on the proposed future actions on the Go East Landfill. I appreciate Ecology's extending the public comment period on this project and your willingness to establish a WebX video conference in lieu of a public meeting due to the Governor's ongoing Covid-19 restrictions. Herein are comments that require your immediate attention, as they relate to the schedule you communicated to me in our phone conversation on May 28th. During that call, you provided me the following schedule:

- June 18 – WebX meeting with interested public, hosted by Ecology
- June 22 – P&GE to conduct supplemental soil sampling in the wedge area, with results to be made public 3 weeks later (July 13)
- June 28 – last day for public comments to be received
- July 6 – P&GE to begin implementing temporary erosion and control measures
- July 13 – Results of soil sampling to be released to public
- July 13 – P&GE to begin stream diversion and tree removal
- Aug 3 – begin earth moving (i.e., excavation of wedge area)

Certainly, since this project is already at the construction plan stage as a result of the work Ecology has done on it under Solid Waste regulations, there is impetus to propose moving forward with an interim action under MTCA. However, it is even more important at this juncture to beware of putting the cart before the horse. One of the fundamental pieces of the Model Toxics Control Act (MTCA) process is to find out what the characteristics of a suspected or confirmed contaminated site are

BEFORE implementing cleanup or mitigation actions, unless there are circumstances where immediate action is needed to address exposure issues. This site is no different in that regard.

Until June 2019, there had been no sampling or analysis of the material within the landfill itself. We now know that there are significant levels of petroleum contaminants, polycyclic aromatic hydrocarbons (PAHs), and heavy metals in the landfill. Rightly, Ecology is requiring that further sampling and analysis be accomplished for analytes that have not yet been investigated. There is the possibility that results of this supplementary sampling and analysis effort could significantly impact future cleanup activities at the site. This is the basis for the following comments. Additional remarks of a less urgent nature are forthcoming. My comments are offered on behalf of the homeowners living adjacent to and near the landfill, who have requested my technical review of the Interim Action Plan (IAWP), Agreed Order, and Public Participation Plan.

- (1) The “supplemental sampling” that has been proposed in the Interim Action Work Plan is to occur in 12 test pits within the wedge area, focusing on those areas where the previous sampling (June 2019) revealed areas of significant petroleum, polycyclic aromatic hydrocarbone (PAH), and heavy metal concentrations. We agree with the selection of those areas for this sampling exercise. However, samples should be taken at a minimum of three depths in each location, and include waste fill near the bottom of the waste, since all of the waste material and contaminated soil to depth must be excavated and relocated.

In the prior sampling event, the highest levels of contamination were found in TP-1 at 20 feet below ground surface (bgs), but this was not the bottom of the waste at that location. The IAWP proposal to excavate new test pits to only 15 feet bgs could well miss the areas of highest contamination. This sampling exercise should answer two important questions: (1) How deep is the waste in the wedge area? (2) What are the concentrations of hazardous waste constituents within the wedge area? Samples should be collected at a minimum of three depths at each sampling location. Consideration might be given to using a drilling rig in lieu of test pits in order to facilitate sampling at depth, ensure worker safety while sampling, determine the bottom of the waste, and provide samples at discrete intervals.

- (2) The supplemental sampling also needs to include investigation of soil/fill under the future stormwater pond, at several locations and multiple depths. Landfill material removal for the pond will precede excavation of the wedge area because the pond serves as both temporary sediment control during wedge area excavation and landfill closure, and as the permanent stormwater pond for the closed landfill and future residential development. The presence and concentration of hazardous constituents must be known BEFORE pond excavation begins. **In no way should any excavation of landfill material precede public notification of soil sample results from the stormwater pond area.** Again, obtaining samples at depth using a drilling rig may be the best method to obtain the samples needed—from multiple depths at several locations--and to determine the depth of fill in this area.

- (3) **Provision must be made for establishing temporary sediment control for excavation of the stormwater pond.** Fill removal from the pond area is not an insignificant piece of this project. The pond is nearly the size of a football field, 350 ft long and 100 ft wide. The excavation will be

at least 29 feet deep. Between 15,000 and 20,000 cubic yards of landfill material will be excavated and relocated. There must be temporary sediment control established BEFORE this sizable excavation and construction event begins, especially in light of the possibility of highly contaminated soils being present. Snohomish County Planning and Development Services needs to be made aware of this issue as well, as it was the approving agency for the stormwater management plan.

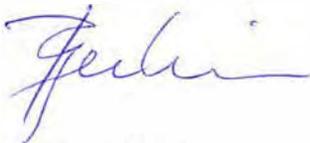
(4) **I hope that sufficient thought has been given to the possibility that if PCBs are found at levels above the Toxic Substance Control Act (TSCA) threshold of 1 mg/kg, several elements of the interim action and landfill closure will necessarily change.** It would seem prudent to accomplish the supplemental sampling as quickly as possible in order to attain certainty on the concentration or absence of PCBs within the "interim action area." AFTER those analytical results have been received from the lab and made public, it would be appropriate to hold a public meeting when there is certainty about the final resting place for landfill material that is proposed to be excavated and relocated from this landfill.

(5) It will be important for Ecology to be onsite during supplementary sampling, and to obtain and submit for analysis a number of split and duplicate samples from both the stormwater pond and wedge areas to ensure sampling and analysis are being performed without bias and with the utmost in quality control.

(6) Finally, the homeowners associations do not feel a WebX meeting is an appropriate substitute for a true in-person public meeting as described in the MTCA rule. Many of the neighborhood residents may not participate because of their unfamiliarity with video meetings and/or lack of an appropriate video device. **Based on the comments above, holding a public comment meeting before all supplemental sampling results are known is premature anyway.** Therefore, we suggest postponing the public meeting for a few weeks, until after July 13. If the Governor's Covid-19 restrictions still prevent a large in-person gathering, perhaps consideration could be given to holding a few small group public meetings that allow for social distancing and a free exchange of information from Ecology and questions from the public.

Thank you again, Alan, for the opportunity to submit comments on this project. Please feel free to call me if clarification is needed on any of these points. I sincerely appreciate your willingness to carefully consider these remarks and to exercise your best judgment for the protection of the environment and especially the existing residents living near this project site.

Warm regards,



Pam Jenkins, P.E.

Practical Environmental Solutions

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Friday, June 5, 2020 11:31 AM
To: rkillian43@aol.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Ronald Killian
Address: 12524 43rd Dr SE# 25
City: Everett
Province: Washington
Postal Code: 98208
Email: rkillian43@aol.com

Go East Corp Landfill

Living close to areas where landfills have been certified "safe" for housing I must implore the officials in charge to look very closely at other sites that continue to have issues, years after being filled and used for housing or parks. Unsafe/unpleasant odors, ground movement, toxic runoff and in some cases fires that burn for long periods. Check your records and you will find these concerns to be valid. I for one am against such use until the powers to be can guarantee no hazards builders and home owners.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Friday, June 5, 2020 2:26 PM
To: frankiesavage@hotmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Frankie Savage
Address: 5106 115th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: frankiesavage@hotmail.com

Go East Corp Landfill

This county seems willing to approve questionable building areas (landslide prone, flood plain, etc.) while putting taxpayers at risk of lawsuits, increased insurance costs and the county losing their decent credit rating.

How will you control the water table, its level, movements and contents at this site? Do you even have knowledge of all the contaminants on this site?

Who will be paying for the ill health effects caused by these hazardous contaminants? (Remember Love Canal, Flint MI water, Hanford, Hinkleys poisoned water aka Erin Brockovitch, and the hundreds of other approved failures?) What entity has the deepest pockets and most responsibility in this scenario?

How will anyone purchasing or selling property be informed of ALL the hazardous products in this site and for how long? Can this site ever be guaranteed totally safe?

Where did the contaminated excavated sand and gravel go under the 1972 permit and who approved it?

Sincerely,

Frankie Savage

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 6, 2020 10:20 AM
To: tomcroissant@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Thomas Croissant
Address: 10709 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: tomcroissant@gmail.com

Go East Corp Landfill

I am concerned about this proposal. I feel that it is most appropriate to hold a community meeting where concerned parties can attend to have a thorough public discussion regarding this proposal. Please schedule a public meeting after Snohomish County reaches Phase 4 so that we can all stay safe during this time.

Thank you,

Thomas Croissant

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 6, 2020 10:28 AM
To: mimimeitz@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Marianne Giffard
Address: 10709 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: mimimeitz@gmail.com

Go East Corp Landfill

I am concerned about this landfill closure plan and the subsequent development plans. I am requesting a public meeting to discuss these plans with the concerned community.

Please schedule a public meeting after Snohomish County reaches COVID-19 phase 4 to maintain our public safety.

Thank you,

Marianne

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 6, 2020 3:20 PM
To: Gyunality@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Grace Yun
Address: 10710 45th AVE SE
City: Everett
Province: Washington
Postal Code: 98208
Email: Gyunality@gmail.com

Go East Corp Landfill

Hello,

I am a resident of the neighborhood "The Point" and am humbly requesting an in-person meeting to take place after the risks associated with Covid-19 have been reduced to the safest levels as determined by the governing bodies of Washington State. My husband and I have questions and concerns regarding the Go East Landfill Project and would greatly appreciate an opportunity to discuss the topic along side the rest of our lovely community. We believe it is important to be informed of the personal, social and ecological affects that this project may produce and to voice our concerns in order to reach an understanding and compromise that best suits our communities well being.

Thank you for your time,
Grace and Patrick Woolfenden

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 7, 2020 12:24 PM
To: breon2222@mac.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Brenda Ferguson
Address: 12406 42nd Dr SE
City: Everett
Province: Washington
Postal Code: 98208
Email: breon2222@mac.com

Go East Corp Landfill

After reviewing the information, I don't think that the health of the public and the environment is adequately protected by the proposed mitigation. Previous owners of the land have simply passed responsibility for failure to follow the law to the succeeding owner. Finally the purchasers of homes in the proposed development will be responsible and will have no recourse.

I hope the Department of Ecology will hold the land owners responsible and mandate steps to make the land "whole" and safe.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Wednesday, June 10, 2020 10:19 PM
To: mindy.engelberg@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Mindy Engelberg
Address: 10721 45 Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: mindy.engelberg@gmail.com

Go East Corp Landfill

I have a some questions about the landfill closure and construction plan:

First, Are the people who will be sold these houses going to be told they were build on top of a former landfill and that their recreation area is on top of a landfill that had toxic waste?

Second, once perspective buyers are made aware of the landfill, why would they want to buy property there? I fear the houses will be built and no one will buy them, resulting in unoccupied houses or empty lots and a closed landfill for no reason.

Having the Bakerview home owners association owning the landfill is a really bad idea. Why is this being allowed to happen? What is to prevent them from ignoring or not monitoring that part of the property? What if the landfill is shown to continue to cause problems? (fires, contamination, etc) How can a homeowners assoc. be equipped to handle this sort of thing? (and, again, who would want to buy a home that comes with such a responsibility? This is insane)

And finally, why is ecology allowing this company to build houses on and/or near a toxic waste landfill in the first place? This just says "bad idea" to me. How could this possible go well?

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Thursday, June 11, 2020 11:44AM
To: ray@imtglobalinc.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Ray Kimble
Address: 4419 108th St SE
City: Everett
Province: Washington
Postal Code: 98208-4600
Email: ray@imtglobalinc.com

Go East Corp Landfill

Because there are known hazardous chemicals in the landfill, and there will be extensive excavation of landfill material, how will Ecology ensure that residents living adjacent to or near the landfill will not be adversely impacted by dust, vapors, noise, and other hazards?

If the developers decide to walk away from the cleanup and not develop what will the Dept of Ecology do about continuing the cleanup.

It appears that runoff from the landfill goes into a stream that flows under Lowell-Larimer Road into irrigation ditches for many blueberry farms in the Snohomish flood plain. What testing has Ecology performed of this runoff? When was the last time this runoff was tested? Did that testing include the full list of priority pollutants?

What is the estimate for how long the cleanup will take

Will the Dept of Ecology have some one onsite to oversee the cleanup

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Thursday, June 11, 2020 2:35 PM
To: jlersch47@hotmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Jaclyn Kimble
Address: 4419 108th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: jlersch47@hotmail.com

Go East Corp Landfill

I am a homeowner in The Pointe neighborhood, adjacent to the Go East Corp property. I am also the mother of a 2 year old little girl. We live in a home across from the houses that will back up to the new development. Almost daily, our family walks past the former entrance to the landfill (to be the entrance to the proposed new neighborhood).

I have many concerns about this proposed landfill "closure" and how it will impact the health and wellness of my family, particularly my young child.

During the closure process, how exactly will you ensure that contaminants do not reach the air my family breathes and the water that penetrates the soil my child plays on?

If an accidental release of contaminants occurs, how will I be informed?

Will the ecological impact monitoring be independently conducted?

Will there be an independent representative there monitoring the closure and capping the ENTIRE time? If not, how frequently will the process be monitored - daily, weekly, etc?

If the housing development comes to fruition, how often will future monitoring of soil and water be conducted? How can the public access the results of this testing?

Please clarify the legality and process by which the developers will be able to transfer responsibility of maintaining the future landfill to the homeowner's association of the new development.

Thank you
Jaclyn Kimble

Noell, Alan L. (ECY)

From: Julie Chittenden <juliechittenden@comcast.net>
Sent: Friday, June 12, 2020 11:46 AM
To: Noell, Alan L. (ECY)
Subject: Storm Water Pond on West Side of Go East Landfill

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Hello Alan,

Does the Interim Action Plan address the current storm water pond on the West side of the Go East Landfill. Since the stream will be re-routed, I am assuming the outflow from this retention pond will follow the stream as well. Right now, it is a very stagnant green water and it appears homes will be adjacent to the pond. Will there be attempts to clean up this area and prevent contaminated dust from settling on the pond?

Thank you. Julie Chittenden



Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 13, 2020 12:24 AM
To: 2bkarenk@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Karen Kephart
Address: 2428 97th Pl SE
City: Everett
Province: Washington
Postal Code: 98208
Email: 2bkarenk@gmail.com

Go East Corp Landfill

It couldn't be greed that is causing people to approve what is wrong in so many ways, is it? Tainted, poisoned land isn't where people should be living, right? Whose conscience could hold up to approving children to play where the ground is known to have been exposed to who knows what? The results of the smelter that defiled the ground poisoned in N Everett were exposed decades later after houses had been built and families had been raised and exposed to all of its deadly poisons. The cost was not only high in dollars. Do you want to live with a decision that doesn't truly take families' quality and length of life into consideration? Even if some land clean up is done, it couldn't really make it clean enough for a baby to eat dirt and kids to play in the mud and other things that are part of raising a family. Would you want your child or grandchild to be exposed to who knows what on that site? Please think about more than dollars and cents and the financial bottom line when making this decision.

From: Lui, Nancy (ECY)
Sent: Saturday, June 13, 2020 7:04 AM
To: d.salsman@kendra.com
Subject: Department of Ecology - follow up

Good Evening Mr. Salsman,

It was a pleasure talking with you.

Below is a list of questions that you asked. As we discussed, I would send the questions back to you to ensure that I did not miss anything. Once I get your confirmation, I will put your list of questions into our e-commenting system.

Your comments are important.

1. How much will you be hauling off site? How long will it take?
2. Is the truck traffic going up the hill to 108th and 40th SE. street?
I am concerned about truck traffic going through residential area.
3. Who will be doing oversight of the cleanup?
4. How much authority does Ecology have to shut down the site if they have to?
5. You are concerned about the development; kids digging holes and making forts next to the landfill.
6. Are people being notified what they are buying into?

7. You are concern about long term maintenance and the HOA overseeing it.
8. You are concerned about the landslides, steep slopes and run-off issues.
9. You are concerned about access issues with the new development.

I will ask the site manager Alan Noell to call you.

I will call you before the meeting starts on June 18, 2020 to ensure you are not having technical issues.

Thank you for your interest in this site. If you have any other questions, please give me a call at 425-393-5679.

Nancy

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 13, 2020 5:28 PM
To: jenkins.p2@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Pam Jenkins
Address: 1342 Tractor Loop
City: East Wenatchee
Province: Washington
Postal Code: 98802
Email: jenkins.p2@gmail.com
Submitted By: Practical Environmental Solutions

Go East Corp Landfill

Please see uploaded comment letter with several attachments. Thank you for your careful consideration of these comments.

Attachment(s):
2020-06-13 PES comments on A● PPP IAWP .pdf



PRACTICAL ENVIRONMENTAL SOLUTIONS

1342 Tractor Loop, East Wenatchee, WA 98802

jenkins.p2@gmail.com • 509.846.4965

June 13, 2020

Alan Noell
Site Manager, Solid Waste Program
Washington State Department of Ecology, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452

Email transmittal to: alan.noell@ecy.wa.gov and via Ecology's online comment portal

Re: Go East Corp Landfill – Review of Agreed Order, Interim Action Work Plan, and Public Participation Plan
4330 108th St SE, Everett, WA 98208
Facility/Site ID: 2708; Cleanup Site ID: 4294

Dear Alan:

Thank you for the opportunity to review and comment on the Public Participation Plan, draft Agreed Order, and draft Interim Action Work Plan for the Go East Landfill. These documents were accessed initially online through Ecology's online document repository, and subsequently I received hard copies of these three documents through the mail. Thank you for your thoughtfulness in shipping them to me in a binder. I have also reviewed related project documents including the Land Disturbing Activity #1 plans, dated April 2020. Additional comments on other texts may be forthcoming.

This review has been done on behalf of the Kings Ridge and 108th Street Point Homeowners Associations, which represent the current residents who will be most impacted by activities on the Go East Landfill property. The observations are arranged in sections. Major and/or overall comments are in Section A. Comments on the Agreed Order are in Section B, on the Public Participation Plan in Section C, and on the Interim Action Work Plan in Section D. In addition, there are several attachments. Please feel free to call me if you desire clarification or wish to discuss any of these comments.

Thank you for taking the time to consider these remarks.

Warm regards,

Pam Jenkins, P.E.

PRACTICAL ENVIRONMENTAL SOLUTIONS

Enclosures

A.e MAJOR AND OVERALL PROJECT COMMENTS

- A.1 **What exactly is the “interim action”?** The description of the interim action in the Agreed Order (AO) does not agree with the description in the Interim Action Work Plan (IAWP). The AO includes the entire landfill closure action in the interim action, whereas the IAWP describes the interim action as primarily the excavation of the wedge area material within the periphery of the landfill and subsequent confirmation sampling. The Public Participation Plan identifies what is called the “wedge area” in the Landfill Closure Plan (LFCP) as the “interim action area.” There are several activities which must precede excavation of the wedge area. Why are these not consistently included in the description of the interim action? **All of the documents and their exhibits must be clear and in agreement regarding the definition of the interim action.**
- A.2 **What is the overall plan?** The first paragraph mentions future plans and studies for the site through preparation of a draft cleanup action plan. But nothing is said about finalizing that cleanup plan or accomplishing the cleanup actions specified in the plan. This suggests that pursuing a robust cleanup—and full protection of human health and the environment—is not Ecology’s goal, but simply trying to squeeze the existing landfill closure (a plan that we now know was based on incorrect assumptions regarding the waste in the landfill) into an interim action **without first completing characterization of the site and giving full consideration to what site cleanup will entail.**
- A.3 Performing the RI after landfill closure presents two issues: (1) Discovery of buried waste. Once the landfill is closed, any waste material found onsite will have to be disposed of offsite in permitted solid waste facility. (2) The rough grading outlined in the LDA-1 plans could result in spreading waste material, especially contaminated soil, into residential areas, which is precisely what must be avoided. Therefore, a plan for systematic sampling of the soil in the residential areas should be established and executed prior to any grading activity in the future residential portion of the property. In addition, sampling should be conducted in the areas that will be excavated for stream diversion and relocation, stormwater pipe installation, construction of the rock-lined channel on the north edge of the property, and construction at the base of the steep northeast slope.
- A.4 **In no way should even rough grading for the subdivision be done prior to completion of the RI/FS and any soil cleanup actions the RI/FS indicates need to be accomplished.** Ecology has failed to demonstrate in the IAWP and Agreed Order that there is a compelling reason to not follow the typical sequence for conducting the RI/FS, then preparing a draft cleanup plan, final cleanup plan, and implementing the cleanup. It is now clear that the material in this landfill is not benign, as was assumed by both the Hearing Examiner and the PCHB. We now know the landfill contains material that is heavily contaminated with hazardous constituents. If ever there was a time to pause and do this project with a high standard of care, it is now. Moreover, WAC 173-340-430(4)(a) clearly states: “Interim actions shall not be used to delay or supplant the cleanup process.” (Emphasis added.)

- A.5 **I hope that sufficient thought has been given to the possibility that if PCBs are found at levels above the Toxic Substance Control Act (TSCA) threshold of 1 mg/kg, several elements of the interim action and landfill closure will necessarily change.** It would seem prudent to accomplish the supplemental sampling as quickly as possible in order to attain certainty on the concentration or absence of PCBs within the interim action area. This topic is further discussed in the Interim Action Work Plan comment section below. The Agreed Order should include a clause that requires revision of the IAWP, and public review of that revision, to accommodate any additional requirements under MTCA and federal rules that may apply.
- A.6 Construction of the stormwater pond is an element of the temporary erosion and sediment control plan (TESCP), and this pond is also the permanent stormwater pond for the landfill and future residential development. The pond must be in place before excavation of the wedge area, but there must also be some sort of temporary stormwater and sediment collection vessel while the **15,000 or more cubic yards of waste is excavated from the pond area and temporarily stockpiled. The TESCP presents no provision for this.** Moreover, it is imperative to know whether the buried waste material in the pond area contains PCBs above the TSCA threshold level of 1 mg per kg, in order to ensure proper handling of that waste and fill. **Thus we recommend that subsurface sampling in the pond area be added to the supplemental sampling that is currently planned, using the same full suite of analytes, and sampling at multiple locations and depths.**
- A.7 Construction specifications for the stormwater pond, located on top of the landfill, have recently been changed, in a departure from the construction process that was approved in the 2018 LFCP. In lieu of using dynamic compaction to compress the waste material under the stormwater ponds, there is now (as of April 2, 2020) a note on Sheet 6 of 25 of the LDA-1 plans stating:

EXCAVATE EXISTING **WOOD WASTE** AT LEAST 15 FEET **BELOW** **BOTTOM** OF DETENTION POND SYSTEM UNDER COVER SYSTEM 2. REPLACE **WITH** RECOMPACTED **WOOD WASTE** IN 12-INCH MAXIMUM LOOSE LIFTS COMPACTED **WITH** AT LEAST 5 PASSES OF LANDFILL COMPACTOR PER GEOTECHNICAL ENGINEER.

There are several issues here:

- A.7a Using wood waste in the subgrade for the pond liner is in direct conflict with the geotextile supplier's installation directions. The Construction Quality Control Manual from Northwest Linings & Geotextiles Products, Inc., included in App. E of the LFCP, states in Section A - Earth Work:

Surfaces to be lined shall be smooth and free of debris, roots, and angular or sharp rocks to a depth of four (4) inches. All fill shall consist of well-graded material **free of organics**, trash, clayballs or other harmful matter." (Emphasis added.)

- A.7be Using wood waste as the subsurface under the stormwater pond is an invitation for differential settlement as the wood decomposes, and thereby also making sediment removal from the pond more difficult in the future. A lumpy surface in the pond bottom could cause the liner to be cut or torn during the cleaning process, requiring an expensive repair of the liner.
- A.7ce We do not know how deep the waste is under the pond system. None of the four test pits excavated within the future pond area reached the bottom of the waste. The deepest test pit, TP-15 near the east end of the pond, was excavated to 25 ft below ground surface (bgs), and there was waste material at the bottom of the excavation. The deepest excavation for the ponds is anticipated to be about 29 ft bgs.
- A.7de The test pit data tell us there were many different waste materials besides wood in the five test pits mentioned above. What the note on Sheet 6 note says about compacting "wood waste" raises questions. Would the wood waste be sorted out from the other waste materials and then compacted for use under the pond liner? Or would some other source of wood waste be used in the pond subgrade?
- A.7ee Use of recompacted wood waste laid in 12-inch maximum loose lifts compacted by several passes of a landfill compactor is a significant departure from the method already approved in the LFCP (dynamic compaction). Can such a change be made without reopening the Landfill Closure Permit through Snohomish Health District (SHD)?
- A.8 SHD issued a revised landfill closure permit, SW-027, without public notice. And it is not clear if SHD is aware of and has specifically approved the changes to the excavation plan for the wedge area (see Comment D.28). (By the way, there are typos in the new material that was added to the closure permit, misidentifying the source of the new information.)
- A.9 There is a fair amount of misinformation regarding the history of the landfill in both the AOE and IAWP. Where identified, correct information is provided, and in most cases, a reference for this information. (For an accurate historical summary of the Go East Landfill, see attachment to this comment letter ¹.)

B. AGREED ORDER (AO)

- B.1e Please see the attached mark-up copy of the Draft AO with numerous corrections of historical information and references; and additional comments for which responses are anticipated.
- B.2 Task 1, Interim Action, page 2, paragraph 2. Again, this description of what constitutes the interim action is inconsistent with other descriptions in the AO and IAWP. In the first

¹ Attachment: "Go East Landfill Site History," compiled by Pam Jenkins, P.E., rev. 3/16/2016.

bullet, does “Solid waste material removal from beyond the future landfill limits” mean excavation of the wedge area? Or does it mean finding all non-hazardous solid waste on the site, including beyond the wedge area (such as the northeast slope), and placing it in the landfill?

- B.3 Findings of Fact, Section H, page 6. The Department of Ecology (Ecology) has no authority or jurisdiction over planned future development of the Go East property, except in the determination of appropriate cleanup levels for the future land use. Therefore, most of the discussion describing the future subdivision should be deleted. (See attached mark-up.)
- B.4 **The AO must address who will own and be responsible for the landfill and its appurtenant systems during the post-closure period and beyond.** It would be grossly unfair to allow future homeowners to become the unwitting parties responsible for the post-closure care of a MTCA cleanup site and the landfill, with all of its related inspection and protection systems, through their required membership in a homeowners association and under the joint and several liability provisions of the MTCA rules.
- B.5 The AO should clearly indicate how the final construction plans, specifications, details, and notes are identified, and who is responsible for approving them and assuring they are followed. Currently the plans, specs, details, and notes are included within the grading permit plans [Land Disturbing Activity permit (LDA)], which are under the issuing authority of Snohomish County Planning & Development Services (PDS). However, PDS has no authority to approve landfill closure design, plans, or procedures. If the landfill closure construction drawings are going to be part of the LDA-1 permit plans, the AO should clearly define the roles and approval authority of all the agencies involved: Ecology, SHD, and PDS, and how any changes to design, schedule, or procedure will be handled and by whom.
- B.6 Already, PACE Engineers has produced two revised versions of the LDA-1 plans, which have apparently not been reviewed by PDS. PDS reviewed and approved the plans dated May 30, 2019, which are now outdated.
- B.7 The AO fails to identify when the Remedial Investigation (RI) will occur, when the Feasibility Study (FS) will be prepared, and when any remedial activities will be conducted, in relation to the property owner’s stated intention in the LFCP that subdivision development will commence as soon as the landfill cover system is completed. There needs to be a logical order and schedule to the MTCA procedures [RI, FS, Cleanup Action Plan (CAP) and cleanup] **to ensure that the property is truly safe for development BEFORE work commences on the Bakerview subdivision, i.e., before PDS approves the second grading permit (LDA-2).** See comments A.3 and A.4.
- B.8 Exhibit C, Scope of Work and Schedule. Exhibit C appears to emphasize the effort after the interim action, but fails to lay out a complete description of the steps for the interim action itself, which clearly comprises the bulk of the work that needs to be done to clean up the entire property.

- B.9 Exhibit C, Scope of Work and Schedule. This document should anticipate and explain any modifications to the scope of work and IAWP that may be needed based on results of the supplemental sampling, or at least state that revision may be necessary depending on the sampling results. In addition, revisions to the IAWP should be published for public comment prior to implementation of the interim action. WAC 173-340-600.
- B.10 Exhibit C, Task 1. Interim Action, page 1. This section echoes the definition of “interim action” from WAC 173-340-430, but fails to justify why the excavation of the wedge area and the closure of the landfill would be an interim action, especially when there are so many unknowns about potential contaminants within the landfill, as well as the possibility of contaminants being in soils outside of the approximate landfill boundary as defined in the LFCP.
- B.11 Exhibit C, Task 1. Interim Action, page 2, second paragraph. This bullet list omits the TESCPE elements, including excavation for the stormwater pond. See comment A.6.
- B.12 Exhibit C, Task 1. Interim Action, page 2, second paragraph. The second bullet mentions “capping of landfill materials that do not constitute a federal or state hazardous/dangerous waste...” **There must be sampling and analysis to determine whether material currently within the smaller landfill footprint is a federal or state hazardous/dangerous waste.** No such sampling and analysis is currently planned, but must be conducted prior to the deposit of landfill material from the wedge area.
- B.13 Exhibit C, Task 1. Interim Action, page 2, second paragraph, 4th bullet. Is the backfilling referred to here of the wedge area only?
- B.14 Exhibit C, Task 1. Interim Action, page 3, first paragraph. This paragraph mentions documenting “compliance with the soil Interim Action Levels beyond the final landfill limit area.” Presumably, this statement means verifying that ALL of the area outside of the reduced landfill footprint that will be part of the residential area will be shown to comply with the IALs, not solely the wedge area from which waste will be excavated and relocated.
- B.15 Exhibit C, Task 2. Remedial Investigation Work Plan, page 3, first paragraph (grammar error.) In the first sentence, the text should read “including data needed for post-closure care,” not “including data gaps needed for post-closure care.”
- B.16 Exhibit C, Task 2. Remedial Investigation Work Plan, page 3, first paragraph. The last sentence in this paragraph states: “The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.” We agree with this, but wonder why outlining the same things for accomplishment of the interim action, such as changes to the LFCP and/or construction drawings is not included in the Agreed Order. See comment B.5.

- B.17 Exhibit C, Task 2. Remedial Investigation Work Plan, page 4, fourth paragraph. This paragraph addresses submittal of the SAP and QAPP to Ecology, providing notice to Ecology prior to sampling, and states that "Ecology may take split samples." This should be corrected to say: "Ecology may take split or duplicate samples," as stated in Section VII.E on page 19 of the Agreed Order.
- B.18 Exhibit C, Task 2. Remedial Investigation Work Plan, page 4, seventh paragraph. In keeping with the public participation provisions of WAC 173-340-350(5), the draft RI Work Plan should be made available for public comment.
- B.19 Exhibit C, Task 3. Remedial Investigation and Task 4. Feasibility Study, pages 5 and 6. Because there will be a single RI/FS report, the activity descriptions in these two tasks would be clearer and more accurate if they were combined into a single task, i.e., "Remedial Investigation/Feasibility Study." For the implied level of effort regarding these tasks, simplifying the process and its description is recommended. For example, are "interim data reports" truly anticipated or necessary?
- B.20 Exhibit C, Task 7. Public Participation, page 7. This section should also address making available to the public (1) sampling results from the proposed supplemental sampling, or (2) additional sampling that may be required by Ecology prior to excavation of the wedge area material.
- B.21 Exhibit C, Schedule of Deliverables, page 8. The schedule presented here does not include any of the activities related to the interim action. It should include publication of a revised IAWP and revised AO; Ecology's response to comments on the PPP, AO, and IAWP; supplemental sampling; public release of supplemental sampling data; and the key elements of the interim action.
- B.22 The Agreed Order and the included Scope of Work and Schedule apparently presume no cleanup will be required outside the landfill footprint, and that preparing a Draft Cleanup Action Plan will be sufficient. Nothing is said about finalizing the Cleanup Action Plan (CAP) or implementing the cleanup actions outlined in the CAP. It appears to this reviewer that **the proposed interim action is clearly proposed to supplant the cleanup process outlined in WAC 173-340, which is in violation of 173-340-430(4).**

C. PUBLIC PARTICIPATION PLAN (PPP)

- CA** An in-person public meeting should be held on this project. The stated purpose of the Public Participation Plan (PPP) is "to promote meaningful community involvement during cleanup activities for the permitted landfill." (Page 1) As we have discussed on the phone, the structure of this project under MTCA and Solid Waste regulations is complex. Ordinary citizens do not have experience with either of these regulations. Interested homeowners need to have access to a description and explanation of the project by Ecology, to ask

questions and have them answered, and to be able to see the drawings that depict various aspects of the project site, including well locations, test pit locations, location of the wedge area, distances of construction roads, excavation areas, grading areas, stockpile areas, etc., in relation to their properties and homes. This kind of “meaningful community involvement” cannot be accomplished through a Webex call or other video chat method, especially with a population that includes users who may be uncomfortable or unfamiliar with computer video communications, or are without access to an appropriate video device. Ecology should postpone the required public meeting on this project until the Governor eases the Covid-19 restrictions, so that an in-person public meeting can be held.

- C.2 **P&GE should not proceed with any portion of this project, except the supplemental sampling in the wedge area, until a public meeting has been held, sufficient time for public comments has been granted, and Ecology has publicly responded to those comments.** You informed me over the phone that Ecology has given P&GE permission to proceed with logging/clearing the entire landfill area and subdivision project sites, set in place the temporary erosion and sediment controls (TESC), and conduct supplemental sampling in the wedge area. I have previously commented on the conflict between the required air quality mitigation measures that include leaving a perimeter buffer of trees around the project site, and the proposed logging of all but two trees on the landfill and residential area. This issue has not been satisfactorily addressed. **The air quality mitigation must be fully implemented during the interim action.** In addition, there is a significant issue in proceeding with TESC. This issue is discussed in comment D.24.
- C.3 With the possibility of changes being made to the IAWP and subsequent cleanup actions based on the supplemental sampling results, the PPP should state how the public will be informed of those changes. WAC 173-340-130(2) and (4), and WAC 173-340-400(6)(d) and (7). Additionally, a citizen technical advisor should be identified who is accessible to the public and can clearly answer citizens’ questions about the proposed interim action, landfill closure, remedial investigation, feasibility study, cleanup action plan, and subsequent cleanup actions. WAC 173-340-310(9)(g)(vii).
- C.4 The essential engineering and construction details of the interim action and landfill closure are contained in the Land Disturbing Activity #1 plan set (LDA-1). However, these plans were not provided in the binder I received for review, or suggested in the PPP as being available for review. **The existence and importance of these plans must be made known to the public, as they contain the detailed information about how the interim action and landfill closure will be conducted. WAC 173-340-600(7)(i).** The PPP mentions the LDA permit once each on pages 1 and 7 “for the initial rough grading (including landfill closure activities).” Hello? The LDA-1 plan set is the sum total of engineering drawings, details, specifications, and notes for the excavation and relocation of waste material, construction of the stormwater pond on top of the landfill, placing a multilayer cover on the landfill, construction of a landfill gas collection trench, stormwater conveyance lines, and so on, as well as rough grading for most of the site and final grading for the landfill. Whereas the

LFCP provides only a general or conceptual description of LF closure actions, the LDA-1 plan set provides the only detailed description, and are the plans that will be implemented by the closure construction contractors.

- C.5 The PPP states on page 10 the public will have the opportunity to review and provide comments on the Draft Agreed Order and Draft Interim Action Work Plan, and the Draft Remedial Investigation/Feasibility Study Report and Draft Cleanup Plan. However, because both the AO and IAWP are very general documents, the only way to understand what the IAWP actually entails is to become familiar with the LFCP and especially the LDA-1 plan set. Surely Ecology will accept comments on the LDA-1 plans, which include the engineering drawings, details, construction sequence, and other notes that are not documented anywhere else, and which contain the only detailed description of the wedge area excavation, waste relocation, and covering of the waste material. The public notices should make clear that public comment on the LDA-1 plans is sought, too.
- C.6 The PPP fails to provide the online link where reviewers can submit written comments for this project to Ecology.

D. Interim Action Work Plan (IAWP)

Understandably, Ecology has perhaps not yet had time to review all of the historic documents concerning the Go East Landfill, therefore I am taking this opportunity to set the record straight on statements made in the IAWP that are not in alignment with the landfill's operational and post-operational history, as well as provide more broad-scale comments. The remarks below are presented sequentially according to the section numbering scheme of the IAWP.

- D.1 Section 1.0 Introduction, page 1. The date of the Go East Landfill Closure Plan should be rightly indicated as January 2018, not 2012. The 2012 LFCP was initially approved by the SHD, but was remanded by the Hearing Examiner. Only the revised LFCP dated January 2018 was approved and permitted.
- D.2 Section 1.0 Introduction. The IAWP should clearly state in the introduction that the landfill closure activities are generally described in the Go East Landfill Closure Plan revised in January 2018 (LFCP), and that the detailed landfill closure engineering/construction drawings, construction sequence, notes and specifications are contained in the Land Disturbing Activity (LDA-1) plans, recently revised in April 2020. The IAWP should note that LDA permits (grading permits) are issued by Snohomish County PDS, not by Ecology nor by SHD, but that because they are an inherent part of the proposal, Ecology is accepting comments on them, too.
- D.3 Comment on process. **There is no information showing a coordinated review of the LDA-1e plans and permit along with the proposed interim action and closure actions.** In fact, it appears all reviews and approval of the LDA-1 permit application were completed in June

2019, according to the Snohomish County PDS permit portal. HOWEVER, the LDA-1 permit has NOT been issued, contrary to what is stated on page 12 of the IAWP. According to the PDS services permit portal, the status of the LDA-1 permit and the Forest Practices permit (for logging) as of June 1, 2020 is "issuance pending." Paul MacCready confirmed this in an earlier phone call. See the attached printouts from the online permit portal.² Because the LDA-1 plans represent the actual construction drawings for the interim action and landfill closure, their pre-approval by PDS without ANY public input makes a mockery out of Ecology's public participation process.

Furthermore, the LDA-1 plans have been revised by P&GE twice since their approval by PDS in May 2019, and there is no evidence of PDS having reviewed or approved those revisions.

- D.4 Section 1.2.1 Location and Setting, page 2, second and third paragraphs. This section should mention that the property was first a sand and gravel mine before it was used as a landfill. How deep the excavations were for mining sand and gravel is unknown. There has been no drilling into the landfill to determine the depth of waste. **The estimated depth of 50 feet stated in this section is unsubstantiated, and inconsistent with the estimate provided in the LFCP of 48 to 68 ft bgs.**³ An earlier documented depth-of-waste estimate in the record is 90 ft bgs.⁴
- D.5 Section 1.2.3 Local Geology, page 4, second paragraph. As mentioned above, the first land use on the property was a sand and gravel *mine*, not a borrow source. (Same comment at Section 1.3, second paragraph.) Sand and gravel were excavated from the ravine area and sold. The steep banks noted in the western and northwestern portions of the site were more than likely the areas used during the later landfill-only operation for the source of daily cover, which corroborates with observations of landfill operations made by adjacent residents in the early 1980s. **There is no evidence the site has gone through the state's mine reclamation process outlined in Chapter 78.44 RCW, even though the site was permitted by Department of Natural Resources as a surface mine.**
- D.6 Section 1.2.4 Regional and Local Surface Water Hydrology, page 5, paragraph 1. **This paragraph makes an unsubstantiated claim that the diversion of Stream 1 to the south had been done at "the direction of SHD and Snohomish County Planning and Development Services...."** The only reference I have seen in the historic site files of the site regarding relocation of this stream is in the 2004 Site Hazard Assessment prepared by SHD. The author states that there is some evidence in the file that the natural stream which existed in the ravine prior to 1972 was rerouted around the landfill. "However, the files

² <https://www.snoco.org/v1/PDS/permitstatus/PDS-ProjectDetails.aspx?FolderRSN=784059&PN=%27280521-004-002-00%27&PropertyRSN=32739&PerLstPg=1>. Use parcel number 2805210040-0200. Project File Number (PFN) for LDA permit is 18-12683-000-00 LDA. PFN for FPA permit is 18-126825-000-00.

³ Go East Landfill Closure Plan (2018), Appendix A, Subsurface Exploration, Geological Hazards, and Geotechnical Engineering Report, Revised Feb. 28, 2013, Associated Earth Sciences, Inc.

⁴ Potential Hazardous Waste Site Preliminary Assessment, JRB Associates for EPA Region 10, Dec. 4, 1984.

maintained at the SHD do not reflect plans, which support this assertion.” This appears to indicate that no plans were submitted to or approved by SHD for rerouting the stream.

The “reference” cited for this claim on page 5 of the IAWP appears to be to a recent conversation between the IAWP author and the site owners, thereby relying not on a written document in the public domain, but apparently only on oral description of a long past event about which memory may not be reliable.

- D.7 Section 1.2.4 Regional and Local Surface Water Hydrology, page 5, paragraph 3e:The author claims that Rekoway installed a subdrain on the bottom of the former ravine beneath the landfill before the start of landfilling activities. Where is the reference for this information? **This is the first mention of such a drain in 11 years of the evolution of P&GE’s landfill closure plan development.** This information has not been presented in any document prior to the IAWP, since the original 2009 draft of the LFCP through the now much improved 2018 LFCP. I have seen no mention or drawing of such a drain in the historic file records. Moreover, if there were such a drain installed 45 to 50 years ago, a perforated pipe embedded in gravel (even if it had been wrapped with geotextile – unlikely at that time), covered by 50 to 70 feet of soil and sitting in groundwater, by now would almost certainly be completely plugged with soil, and **therefore no longer functioning as a drain at all.**
- D.8 Section 1.3 Landfill Operational History and Regulatory Background, page 6, first paragraph. Contrary to what is implied in this paragraph, **the conditional use permit (CU-3-75) issued by Snohomish County allowing Rekoway to receive a broader list of wastes was in effect only from September 18, 1975 to November 6, 1975, i.e., for less than two months,** because the landfill owner did not fulfill the permit conditions that involved bringing fire-fighting equipment and water to the site. Therefore the County Zoning Adjustor deactivated the permit. There is no record in the file indicating that this permit was ever reinstated. Thus, one should not expect that a great deal of this type of waste (tires, car parts and seats, and bulk packaging material) would have been deposited in the landfill in that short period of operation. The test pit logs in the LFCP bear this out.
- D.9 Section 1.3 Landfill Operational History and Regulatory Background, page 6, second paragraph. **The metal waste received at the landfill in 1974 has never been identified as “baghouse dust” in any of the historic landfill correspondence, agency documents, articles, or reports.** The Aug. 23, 1974, *Seattle P.I.* article that reported this event reads:

The explosion occurred Wednesday when several truckloads of scrap metal—some containing magnesium, phosphate, and aluminum dust—were dumped at the landfill.... Seattle Fire Marshal Thomas McNearney said the material was

⁵ Nov. 5, 1975 Letter from Lyle Cyrus, Acting Fire Marshal, to D.L. Thomson, Snohomish County Zoning Adjustor; and 12-12-1983 memorandum (with many attached letters and other records) from Claris Hyatt, M.D., SHD Health Officer, to Steve Uberti, requesting legal action against Go East Landfill owner Gary East.

being trucked from N.W. Wire and Rope at 7th Ave S. and S. Portland St. The rope company had recently purchased the land from a metal reduction plant and was cleaning its back yard.

Letters in the record show that fire was burning at the landfill in 1976, 1977, 1978, and 1979. The local fire marshal, who visited this site frequently, believed the fire started by the 1974 explosion probably smoldered underground for years.⁶ Contrary to what is stated in the IAWP, the stumps and other wood waste deposited in the landfill during this period would clearly have been fuel for the ongoing fire, but not an ignition source.

- D.40 Section 1.3 Landfill Operational History and Regulatory Background, page 6, third paragraph. The conditional use permit (CU-7-72) under which Go East operated the landfill did expire in 1982, as stated. However, Mr. East continued operating the landfill for several more months in spite of several letters from the Health District indicating his permit had expired, until a stop work order was issued by Snohomish County in July 1983. The record indicates that Mr. East then continued operating the landfill until September and promised to close the landfill by February 1984. The landfill was mysteriously on fire again in October 1983. According to Health District records, landfill "closure" claimed by Mr. East never completed the ten items that were required by the 1983 Solid Waste Handling regulation then in effect, and SHD never certified the closure.⁷
- D.41 Section 1.3 Landfill Operational History and Regulatory Background, page 6, fourth paragraph. A Jan. 15, 1986, inspection report by SHD and Ecology states that a subterranean fire persisted at the site. Residents near the landfill who lived there in 1986 have testified that smoke from the landfill persisted well into 1986 and possibly as late as 1987.
- D.42 Section 1.3 Landfill Operational History and Regulatory Background, page 6, fifth paragraph. This paragraph regarding the Site Hazard Assessment (SHA) prepared by SHD in 2004 fails to indicate that the SHA did not include any investigation of groundwater quality – the most significant concern with any landfill.
- D.43 Section 1.3 Landfill Operational History and Regulatory Background, page 7, final paragraph. This paragraph notes that the landfill will be "capped and closed pursuant to the LFCP and the Landfill closure construction plans" without identifying where the Landfill closure construction plans can be found, or that reviewers may comment on them. See comment B.5.
- D.44 Page 7, same paragraph as noted in previous comment. This paragraph states: "An environmental covenant will be recorded for the Property to ensure the engineering

⁶ May 5, 1977 letter from L. E., Cyrus, Fire Marshal, to Dave Thomson, Snohomish County Zoning Adjutor.

⁷ 12-12-1983 memorandum from Claris Hyatt, M.D., SHD Health Officer, to Steve Uberti, requesting legal action against Go East Landfill owner Gary East; and *Go East Landfill Site History* compiled by Pam Jenkins, P.E., revised 3/16/2016.

capping system remains protective of human health and the environment,” but fails to mention who will carry the responsibility for that environmental covenant. The LFCP states that responsibility will belong to the future homeowners association of the Bakerview subdivision to provide the inspections, maintenance, and any repairs needed for the landfill cover system, landfill gas collection and monitoring system, and stormwater pond leak detection system. See comment B.4.

D.15 Section 2.0, Existing Conditions and Previous Investigations, page 7, first paragraph in the section. The assertion made here that the landfill was covered with 1-2 feet of sandy soil after operations ceased in 1983 is not borne out in the test pit data. No cover soil was identified in 20 of the 64 test pits excavated in 2002 and 2009. In these 20 pits, waste was present up to the surface. In other pits where there was cover soil, this soil was generally 6 inches to 3 feet thick.⁸ It should also be clearly stated that waste was dumped for years on the steep northeast slope, whose subsurface has not been investigated. Cover soil may have been dumped over the waste, but due to the steepness of the slope, it is unlikely that any of this material was compacted in place.

D.16 Section 2.1 Test Pit Explorations, page 9, first paragraph. It is confusing and frustrating that the 26 test pits excavated by Hos Brothers in July 2019 are mentioned here but no information is provided about them, save for the locations of just seven of the 26 pits. Why these seven and no others? Moreover, the names given for these test pits makes them indistinguishable from the pits documented in 2002 by HWA, who named series of pits TP-1-A, TP-1-B, TP-1-C, TP-3A and TP 3-B, and so on. What was the purpose of the Hos test pits if exploration logs or some sort of notes were not prepared? Shouldn't this information have been provided to Ecology and IAWP reviewers? What is the purpose of reporting one the test pits in the IAWP without providing any information about them? This lack of transparency implies a reason to hide some information, and I would hope that is not the applicant's motivation here.

D.17 Section 2.1 Test Pit Explorations, page 9, second paragraph. A test pit excavated to a depth of 38 ft bgs is of great interest, especially because waste was found at that depth, and possibly within the wedge area. However, the IAWP fails to indicate the location of this particular test pit. As presented, it appears that waste was found at the limit of the test pit excavation, and thus the test pit did not discover the bottom of the buried waste—information that is also of interest. The LFCP estimates that the wedge area excavation would be to approximately 15 feet, but must extend to the bottom of the buried waste. Therefore, information about the actual depth of waste within the wedge area is clearly significant in terms of the overall quantity of material that will need to be excavated and the volume of clean fill required. This suggests that additional information about the depth of waste in the wedge area should be collected prior to excavation. See Comment D.21(d).

⁸ See “Facts About the Test Pits Excavated at the Go East Landfill,” Practical Environmental Solutions, May 20, 2020, attached.

D.18 Within this same paragraph on page 9 is the statement: "No apparent hazardous materials such as asbestos or lead-based paint were observed in the test pits." Contrary to this statement, concrete pipe was observed in at least two of the test pits prior to 2010 (3-A and 4-B), and many of the test pit logs note observations of concrete. It was quite common for discarded concrete pipe in the 1970s and 1980s to be made of transite, an asbestos-cement product originally developed by Johns-Manville. Moreover, it is no surprise the observers of these test pits did not note any painted boards in the test pit logs. They were giving a brief description of waste types found within the excavations. They identified plenty of "demolition waste," including "dimensional timber" that could well have been painted, but the observers had no reason to note the presence of paint because at that time, the question about the possible presence of lead-based paint had not yet been raised.

D.19 Section 2.1 Test Pit Explorations, page 9, third paragraph. This paragraph states: "The lateral limits of the Landfill have been delineated and surveyed based on the previous test pit explorations, Go East's knowledge of the Landfill limits at the time landfilling activities ceased in 1983 (as documented in a survey drawing prepared in 1984 by Chenoweth & Associates, Inc.), and the estimated limits of the historical sand mining activities (Figure 3)." **There are problems with this statement.**

D.19(a) The lateral limits of the landfill are not definitively known and are clearly noted as *approximate* on the construction drawings. See the legend on Sheet 4, Grading and Drainage Plan, LDA-1, April 2020 (and in all previous editions of the LDA drawings and LFCP, App. D).

D.19(b) Locations of the test pits excavated by HWA and AESI were not surveyed. In fact, the test pit locations from the 2002 HWA exploration were noted *by hand* on a small, rough drawing of the property. Estimated margin of error for those locations is 30-50 feet, and could be greater. This means that the approximate landfill limit may also have a 30-50 foot margin of error, or more (even if the approximate limit line has recently been delineated onsite by survey), except in locations where subsequent explorations may have provided more accurate site-specific information.

D.19(c) The 1984 Chenoweth survey was never recorded. The survey also contains an unusual note written by the surveyor on the face of the survey. This note reads:

This legal description was prepared from actual field survey performed July 2, 1984. The area was determined by a field traverse of points established by the onsite representative of the Go-East Corp. who claimed to have first-hand knowledge of land fill limits. No excavations were made to determine underground conditions along the fill area limits.

It is fairly obvious from this note that Mr. Chenoweth simply surveyed the stakes or other markers placed by the Go East representative. Mr. Chenoweth could not

attest to the actual limit of buried waste because he could not see what was underneath the soil, and the waste was almost certainly covered, as normal operations required daily soil cover to be placed over all new waste deposits. Moreover, Mr. Chenoweth stated no excavations were made as part of the survey. This survey occurred some 6-9 months after the cessation of waste receipt at the landfill, and there may even have been vegetation regrowing on the surface by that time. See the 1984 Chenoweth survey, attached.

D.19(d) Finally, had Mr. East himself been confident in the accuracy of this survey, there would have been no reason to later contract for two sets of exploratory test pits in 2002 and 2009 to determine the lateral limits of buried waste.⁹

D.20 Section 2.2 Groundwater Monitoring Wells, pp. 10-11 This section fails to mention that MW-4, which is dry, is the only downgradient well. Since this well has no water in it, **there have been no downgradient groundwater quality samples obtained or analyzed – in the landfill’s entire 48 year history.** There has been no explanation why P&GE never attempted to install another downgradient well over the past 11 years that they have been working toward landfill closure. Moreover, the other three wells have been sampled only *once*. Thus there is a single snapshot in time of groundwater quality in the immediate vicinity of the landfill, but not downgradient of it. There is no groundwater trend information, no ability to compare data to a baseline, and too few groundwater level measurements (three) to understand seasonal groundwater flow. The three wells that were completed in a water bearing zone do not provide a definitive picture of the groundwater flow path across the site.

D.21 Section 2.2 Groundwater Monitoring Wells, page 11, third paragraph, and Figures 4 and 5 **This paragraph presents a conclusion about groundwater not being in contact with buried waste, which is unsupported by the data in the LFCP, in both the groundwater and waste depth data, and from the test pit information.** Additionally, the author claims there is a subdrain beneath the landfill. Please see previous comment D.7 on that topic. Groundwater seeps were identified in several of the test pits excavated by HWA in 2002, by AESI in 2009, and by Terra Associates in 2019. This groundwater was clearly in contact with buried waste.

Figures 4 and 5 illustrate the IAWP author’s conclusions about groundwater. Figure 4 indicates locations of two cross-sections through the landfill: A-A’ extends east-southeast from a point A west of the landfill to test pit EP-2, then turning northeasterly near or through test pit TP-25 to point A’ at the toe of the landfill’s steep northeast slope. The second cross-section line B-B’ comes from a point B, almost on the north property boundary of Lot 11, extending southeasterly near or through TP-25 and continuing in the

⁹ The test pit explorations are described and the test pit logs included in Appendix A of the LFCP: Subsurface Exploration, Geologic Hazards, and Geotechnical Engineering Report, revised Feb. 28, 2013, by Associated Earth Sciences, Inc.

same direction to point B' on the east side of the landfill, in Lot 52. These cross-sections are then shown in Figure 5. There are several concerns with this information:

- D.21(a) First, there is no subsurface data for Point A. The first and only data point for this cross-section line is from groundwater monitoring **well MW-1, which lies approximately 215 feet away from point A, and 141 feet away from the closest point on this cross-section line!** One point does not define a line. And in this case, **there is not a single data point actually on this cross-section line. Everything on this A-A' drawing is speculation,** including the "landfill bottom," for which there is precious little data from the well borings and a handful of test pits that were excavated to the bottom of the waste, but not one of which happens to be on this A-A' line; also the depth of the lacustrine silt, which is known at MW-1, 141 feet away; and the depth of the water table, also known only at MW-1.
- D.21(b) The same issues exist on the figure for cross-section B-B'. **There is only one data point for this line--well MW-3--which actually is not on line B-B'**, but 47 feet away from it. At that one point the depth to groundwater is known and the depth to the lacustrine silt layer. **Everything else on this diagram is guess work,** including the clever depiction of a depression in the water table below the landfill material (how in the world???) and flow of groundwater to the unsubstantiated subdrain in the bottom of the ravine that is now filled with waste. At least the Notes in the lower left-hand corner of Figure 5 provide some sort of caveat to the scientific improbability of the information portrayed in this figure.
- D.21(c) The author rightly asserts that groundwater occurs in the advance outwash sands above the lacustrine silt unit, which is evident in three groundwater monitoring well boring logs. It was the outwash sands that were excavated when this property was operated as a sand and gravel mine. And it is in this same area where that sand and gravel material used to be that landfill waste now rests. This is an unlined landfill. There is no reason why groundwater behavior would be significantly different now than it was before the mining occurred. The material used as daily cover was native sand from this site, so a significant fraction of the fill material is sand (readily evident in the test pits logs). From the test pit descriptions of waste deposited here, there is nothing to suggest that the buried waste offers any greater resistance to groundwater flow than the native outwash sands did.
- D.21(d) Groundwater level measurements from the three monitoring wells indicate that groundwater was encountered at about 29 to 49 feet bgs, or approximately 213 to 183 feet elevation. The IAWP states that waste was found in a test pit at 38 feet bgs, and this was not even the bottom of the waste at that location (location not disclosed). There are no data indicating that buried waste in the lowest portions of this landfill are not in groundwater, and plenty of hydrogeologic information indicating that the depth of buried waste overlaps the depths where groundwater is known to be present. **New borings advanced through the landfill at several**

locations, including what is believed to be the deepest area, would resolve the uncertainties on this issue. Ecology should require such borings now, before the landfill cap is installed. The analysis of soil samples from these borings would also be of great benefit to understand what was disposed of in the landfill at depth and resulting soil contaminant levels.

- D.22 Section 3.0 Regulatory Requirements, page 11, second paragraph. PDS has not yet issued the LDA-1 permit. See comment D.3.
- D.23 Section 3.0 Regulatory Requirements, page 11, third paragraph. Identification of the final design drawings and construction specifications as being part of the LDA-1 plan set should be clearly stated here, and that the Construction Quality Assurance Plan is a separate document.
- D.24 Section 4.1 Interim Action Components, page 12. This sequential list of activities seems to leave out some key components. The third bullet "Excavation of landfill material" probably means excavation of the wedge area, but **this excavation must be preceded by logging and clearing a portion of the site and construction of TESC facilities, but these activities are not listed.** Key among these is construction of the storm water detention pond, which is addressed in Comment A.6. **The information in this section should be in agreement with the Suggested Construction Sequence provided on Sheet 9 of the LDA-1 plans.**
- D.25 Section 4.1.1 On-Site Fill Source Sampling, page 13. The amount of clean fill required to backfill the wedge area will be approximately 53,300 cy according to LDA-1 Sheet 5. The areas identified on Figure 7 as on-site source areas for fill cover roughly 6 acres. **The proposed 10 samples in these areas means there will be not even two samples per acre, or one sample will represent over 5,300 cy of fill. This sampling frequency is statistically insufficient** on a landfill site where there has been no previous sampling in these areas, and where there could be unknown areas of waste material or contamination in smaller localized zones.¹⁹ What is the anticipated excavation depth for this soil? Sampling is proposed at 1-3 ft bgs, but **should include soils at the deepest excavation anticipated in each area**, as well as soils near the surface. All samples should be analyzed for at least GRO, DRO, ORO, PCBs, and RCRA metals because petroleum contaminants and heavy metals are the most likely to be present anywhere on this site, based on the sample results from June 2019. Additional analyses on a portion of the samples are also warranted to demonstrate these soils meet Ecology's interim action levels for all analytes of interest. However, caution should be exercised in identifying any of these samples as "background." Historic aerial photographs indicate large areas of this site were disturbed during its

¹⁹ EPA and Ecology both have excellent guidance documents on developing statistically appropriate sampling plans: *Guidance on Choosing a Sampling Design for Environmental Data Collection*, EPA/240/R-02/006, Dec. 2002; *Guidance and Sampling and Data Analysis Methods*, Pub. No. 94-49, Jan. 1995.

operational history, including portions of the areas identified as borrow sources for clean fill.

- D.26 Section 4.1.2 Former Storage Tank Sampling, page 14. Because the exact location of the old tank is unknown, one sample is insufficient. The brush should be cleared from the vicinity where the tank was last seen, and observations made for soil staining or any recent signs of soil disturbance in the area. Field screening should be used, and three or four soil samples collected 6"e12" below the duff layer, spaced 3 to 6 feet apart.
- D.27 Section 4.1.3 Supplemental Landfill Material Sampling, page 15.The plan presented here includes excavation of 12 test pits to a depth of 15 feet bgs within the wedge area, with a single soil sample to be collected from each test pit. The indicated test pit locations seem appropriately chosen to obtain further information in those areas of potentially highest contaminant concentrations. However, **the proposed sampling plan avoids the depth where the heaviest contamination has been found in previous sampling, and does not provide a sufficient number of samples to accommodate variability in depth across a broad portion of the landfill.** The highest concentration of oil range organics found in the June 2019 soil sampling event was at 20 feet bgs in TP-1, at the eastern extent of the residential area. Test pits excavated to only 15 feet bgs are not only likely to completely miss the most heavily contaminated soils, they will probably also miss the lowest portion of landfill material that must be excavated prior to the placement of clean fill in the wedge area.

Has the use of a drilling rig to obtain samples at multiple depths in both the wedge area and under the stormwater pond been considered? This method has a number of advantages. (1) The "reach" of the drilling probe is not limited as is an excavator/backhoe for test pits. (2) The bottom of the waste in each location can be relatively easily determined, information that is important for the interim action. (3) If split spoons are obtained every five feet, screening methods can readily identify two or three samples representing the most heavily contaminated layers from a single boring location that should be sent to the lab for analysis. (4) This method is more precise than test pit excavation, and generally safer than deep test pits for the person who is collecting the samples.

There are a few downsides to this method, most notably the possibility of refusal if the probe encounters concrete or some other impenetrable waste. Usually, relocating the boring by a few feet will allow the probe to advance to the desired depth.

A minimum of three discrete soil samples should be obtained from each boring or test pit location for the supplemental sampling. Discrete samples generally provide far more useful information than composite samples.

- D.28 Section 4.1.4 Excavation of Landfill Material and Reconnaissance of Northeastern Slope, page 16. This paragraph states that details regarding the removal of landfill material from

the interim action area and reburied on the remaining portion of the landfill are contained in the LFCP. In fact, the description is on page 25 of the approved LFCP and details are located in the LDA-1 plans dated May 30, 2019. However, the plans have recently been modified as can be seen on Sheet 7, Detail 3 of the April 2020 LDA-1 plans. This detail indicates a vertical cut into the waste on the landfill side of the wedge area excavation, in lieu of a cut angled at 1.5 ft vertical to 1 ft horizontal in the corresponding detail of the May 30, 2019 LDA plans (Sheet 7, Detail 3). The latter includes the note regarding this cut angle, "AS REQ'D FOR SAFETY." Also, there is a distinct change in the shape and volume of the wedge area excavation as seen on Sheet 5, Grading Matrix Plan and Quantities. **How were these changes approved? Have Ecology and SHD been provided an explanation of the method of this approach to excavation and how safety will be assured? Wouldn't this change in approach necessitate a revision to LF closure permit No. SW-027?** There is no explanation within the April 2020 plan of how this vertical cut will be supported during excavation, nor of landfill gas trench construction, seam-sealing the geomembrane, and backfilling with clean structural fill. An explanation of how these tasks will be safely accomplished should be included in some reviewable document. The main concern is the possibility of caving during excavation, and providing a safe work space as well as a guarantee that no landfill waste will be left below the clean structural fill.

- D.29 Section 4.1.5 Confirmation Soil Sampling, page 17. Has the use of an onsite mobile laboratory been considered for the confirmation sampling? This could have the advantage of providing 24-hour turnaround for sample analysis results, and being able to proceed promptly with either further excavation or backfilling with clean fill, as indicated, rather than leaving the excavation open for several days while waiting for analytical results, and then having to wait again on additional sampling and analysis after further excavation, in the event that sample results show contaminant levels above the interim action levels.
- D.30 Section 4.1.6 Lot Exploration Outside Current Landfill Limits, pp. 17-18. There is no question that areas outside the approximate landfill limit need to be investigated for the possible presence of landfill waste and contaminants. Is this not one subject of the Remedial Investigation? What is proposed in the LFCP and reiterated in this section is completely inadequate for the known and potential contaminants at this site. Scarification of soil to a depth of 1 foot is (a) not deep enough to ensure there is no buried waste below the surface where soil may have been placed after cessation of landfill operations; and (b) will not provide any information on concentration of soil contaminants.
- D.31 Section 4.1.6 Lot Exploration Outside Current Landfill Limits, page 18, second paragraph. This section also states, "Landfill wastes found outside the current Landfill limit (if any) will be removed and placed within the future Landfill limit for capping or disposed of off-site in accordance with the LFCP," etc. Again, this seems like an action for the future Cleanup Action Plan. How long will the landfill cap be left open for the discovery of wastes beyond the approximate landfill limit as currently described?

D.32 The IAWP mentions nothing about landfill gas. What sort of protections will be in place regarding the potential release of landfill gas and soil contaminants during storm pond and wedge area excavation? Puget Sound Clean Air Agency regulations apply to this landfill closure and cleanup effort. Those rules should be noted in Section 3.0 Regulatory Requirements (p.12). 

ATTACHMENTS

1. Mark-up copy of Draft Agreed Order, including corrections to LF site history, and additional comments on MTCA site process anticipating response.
2. Go East Landfill Site History, compiled by Pam Jenkins, P.E., rev. 3/16/2016.
3. Print-outs from Snohomish County PDS permit portal RE LDA and FPA permits, 6/1/2020.
4. Facts About the Test Pits Excavated at the Go East Landfill, Pam Jenkins, P.E., 5/20/2020.
5. Chenoweth survey for Go-East Corp., July 1984.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:

P&GE, LLC

AGREED ORDER

No. DE 18121

TO: Gary East
Co-Manager - P&GE LLC
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Seattle, WA 98115-7942

Martin Penhallegon
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11255 Kirkland Way, Suite 300
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- EXHIBIT B Interim Action Location Diagram
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- EXHIBIT D Interim Action Work Plan

I.e INTRODUCTIONe

The mutual objective of the State of Washington, Department of Ecology (Ecology) and P&GE, LLC (P&GE or PLP) 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 P&GE to complete the interim action set forth in the Interim Action Work Plan (IAWP), to complete a remedial investigation/feasibility study (RI/FS), and to prepare a draft cleanup action plan (DCAP). Ecology believes the actions required by this Order are in the public interest. [What about performing the cleanup actions specified in the cleanup plan? Or is Ecology presuming there will be nothing left to do?]

II.e JURISDICTIONe

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

III.e PARTIES BOUNDe

This 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 this Order. P&GE agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLP's responsibility under this Order. The PLP 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.e DEFINITIONSe

Unless otherwise specified herein, the definitions set forth in RCW 70.105D, WAC 173-204, WAC 173-340, and WAC 173-350 shall control the meanings of the terms in this Order.

A.e Site: The Site is referred to as Go East Corp Landfill. The Site constitutes a facility under RCW 70.105D.020(8). The Site is defined by where hazardous substances, other than a consumer product in consumer use, have been deposited, stored, disposed of, or placed, or

otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located at 4330 108th Street SE, Everett, WA 98208 as shown in the Site Location Diagram (Exhibit A). The Snohomish County tax parcel number is 2805210040-0200. The parameters and boundaries of the Site may be amended based on additional data obtained during the remedial investigation, and/or based on conditions at the Site following performance of remedial activities under the IAWP.

B.e Parties: Refers to the State of Washington, Department of Ecology and P&GE.

C.e Potentially Liable Person (PLP): Refers to P&GE. Ecology reserves the authority to identify additional PLPs for this Site.

D.e Property: Refers to real property located at 4330 108th Street SE in Everett, WA.

E.e Agreed Order or Order: Refers to this Order and each of the exhibits to this Order.

All exhibits are integral and enforceable parts of this Order.

V.e FINDINGS OF FACT

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

A. Based upon factors currently known to Ecology, the Site is generally located at 4330 108th Street SE, Everett, WA 98208 as shown in the Site Location Diagram (Exhibit A).

B.e Ecology adopts by reference the Findings of Fact in Snohomish County Hearing Examiner Order No. 10-101204 SD/RED, Amended Decision, February 14, 2018. The Site was used as a sand and gravel mine an excavation borrow source beginning in 1969, when a permit was issued for excavation and sand reclamation for a two-year period, ending August 21, 1971. Rekoway, Inc. (Rekoway) purchased the property on February 1, 1972. On March 8, 1972, Rekoway was issued Conditional Use Permit No. CU-7-72 to perform sand and gravel excavation and operate a solid waste landfill accepting "wood, mineral, and concrete solid materials, but not garbage or putrescibles." In 1974-75, Rekoway sought authorization to accept "tires, cardboard, pallets, large parcel wrappings, shredded paper, and warehousing waste materials." On September 18, 1975,

¹ Snohomish County Recording Nos. 2231490, 2231715, 2231716, 2231717, 2231718, 2231719, 2231720, 2231993, and 2231994.

the county issued Conditional Use Permit CU-3-75 allowing these additional types of waste. Rekoway then applied to the Snohomish Health District (SHD) to operate a wood waste landfill; however in June 1976, Ecology responded, "We cannot recommend approval of a solid waste disposal site permit for this facility." recommended that SHD should not approve a "wood waste" landfill. (Ref: Dec. 9, 1976 letter from John Glenn, Dept of Ecology, to Rick Brunner, SHD)

C.e Rekoway accepted approximately 200 cubic yards of material baghouse-dust containing magnesium, phosphate, and aluminum from Northwest Wire and Rope in Seattle and dumped the waste buried the dust near the northwesterly edge of the landfill. Oxidation of the metal dust created a fire on August 21, 1974. The material was excavated, spread on the ground, and extinguished, and thereafter covered with soil. [Ref: Aug. 23, 1974 article in Seattle P.I. titled "Dumped Scrap Metal Explodes at landfill Near Silver Lake."] Rekoway also accepted partially burned trees and stumps that may have fueled-caused ongoing smoldering activity from this time 1975 to 1977, when SHD and Snohomish County suspended the permit.

D.e Go East Corporation purchased the property from Rekoway on February 1, 1980² after requesting the reinstatement of Permit No. CU-7-72 on August 17, 1979 to allow additional fill to level the site for future development. SHD issued a permit to operate a wood waste landfill on November 2, 1979, reissued the permit in 1980 and 1981, and inspected the landfill in 1982 and 1983 without finding problems under its regulations. (According to SHD files, there were several operating violations in 1980-81.) Conditional Use Permit No. CU-7-72 expired on September 18, 1982 and the county issued a stop work order on July 19, 1983. Go East Corporation stopped accepting waste in September the summer of 1983.

E.e An additional landfill fire began in October 1983 and was still burning in burned out by January 1986. There have been no subsequent written reports indications of a fire.

F.e SHD prepared a Site Hazard Assessment (SHA) under MTCA on May 14, 2004.e The SHA recommended that any future residential development of the site include and implement a landfill closure plan as outlined in the May 24, 1999 Shannon and Wilson, Inc. proposal for Closure of the Go East Landfill. Beyond this recommendation, SHD recommended No Further Action (NFA) at the Site under MTCA. SHD subsequently issued a NFA letter on June 1, 2004,

which stated that Ecology made a determination of NFA at this Site based on the SHA. The NFA

² Snohomish County Recording No. 8002010259, February 1, 1980.

letter stated that Ecology reserves that right to initiate further investigation where new information is received indicating a potential/actual threat to human health and the environment through the release of hazardous substances.

G. P&GE acquired the 40.9-acre property from Go East Corporation in May 2009.³

H.e P&GE is now proposing to implement the Go East Landfill Closure Plan (LFCP),^e last revised in January 2018, that has been reviewed and concurred with by Ecology pursuant to WAC 173-350-710(1)(d) and (2)(d), and that has been approved by SHD as part of the landfill permit issued to P&GE by the SHD. P&GE will implement the LFCP ~~as part of its redevelopment of the Property~~ by: (1) removing solid waste and any associated contaminated soil from all areas outside the future landfill limit, thereby reducing the landfill area from 9.6 acres to 6.8 acres; (2) constructing a final landfill cover, stormwater facilities, and gas control trench within the future landfill limit; ~~and (3) subdividing and rezoning the areas outside of the future landfill limit for the development of the Bakerview Plat Subdivision. The Bakerview Plat Subdivision includes 97 parcels zoned for Urban Low Density Residential housing, a roadway, and easements.~~

I.e The proposed landfill cap includes a stormwater flow control pond on top of the cap, as well as a landfill gas ventilation trench along the periphery of the landfill. PACE Engineers, Inc. prepared the LFCP (Revised January 2018) on behalf of P&GE. The LFCP is recorded under Snohomish County Recording No. 201810230623, October 23, 2018.

J.e ~~P&GE's~~The proposed residential redevelopment project ~~requires~~ several permits and approvals from Snohomish County Planning and Development Services (PDS), as well as a landfill permit from SHD. By agreement between PDS and SHD, PDS led the State Environmental Policy Act (SEPA) evaluation for the landfill closure and subdivision. PDS issued a Mitigated Determination of Non-Significance (MDNS) decision on August 29, 2014 based on SHD's conditional approval of the LFCP (January 14, 2014). After appeal, on April 14, 2015, the Snohomish

³ Snohomish County Recording No. 200905210263, May 21, 2009.

County Hearing Examiner remanded the application to PDS for further review on three topics— impacts of noise, air quality, and truck traffic. After revision of the LFCP (October 28, 2015), after conditional approval of the LFCP by SHD (December 28, 2015), and after SHD's approval of third-party evaluations of dust impacts, noise impacts, and environmental aspects (Golder Associates, August 5, 2016) and construction traffic (Gibson Traffic Consultants, Inc., August 3, 2016), PDS issued a new MDNS on May 7, 2017.

K.e Kings Ridge Homeowners Association and the 108th St. Point Homeownerse Association (collectively, Appellants) appealed the May 7, 2017 MDNS. The Hearing Examiner denied the Appellants' appeals and affirmed the MDNS in Snohomish County Hearing Examiner Order No. 10-101204-SD/REZO, Amended Decision, February 14, 2018. The Hearing Examiner affirmed that the project required a land ~~disturbing~~ ~~disrupting-activity~~ (LDA) permit for landfill closure from PDS and a hydraulic project approval (HPA) permit from the Washington Department of Fish and Wildlife (WDFW) to relocate the stream on the west side of the Property.

L.e SHD issued Solid Waste Facility Permit No. SW-027 for the Go East Woodwaste Landfill on May 11, 2018, ~~authorizing closure of the landfill as Permit No. SW-027 authorized~~ a Limited Purpose Landfill subject to WAC 173-360-400. Permit No. SW-027 requires P&GE to close the landfill in accordance with the approved LFCP (~~Revised~~ January 2018). Ecology's Solid Waste Management Program has provided technical support to SHD for ~~LFCP review and approval the authorization and oversight~~ of Permit No. SW-027.

M.e Permit No. SW-027 requires P&GE to submit final design drawings, construction specifications, and a Construction Quality Assurance Plan for approval in writing prior to beginning construction. ~~These~~ final design drawings ~~and~~ construction specifications ~~are part of the Land Disturbing Activity permit that will be issued by PDS (PFN 18-126823 LDA). These documents and a Construction Quality Assurance Plan have all~~ been reviewed and approved by SHD and Ecology.

N. Ecology granted coverage under the Construction Stormwater General Permit in Permit No. WAR306901 to PACE Engineers under the Facility Site Name of Bakerview Everett on November 18, 2015, effective on September 18, 2018 for the Bakerview Plat Subdivision.

● Two neighboring homeowner associations appealed SHD's issuance of Permit No. SW-027 to the Pollution Control Hearings Board (PCHB). Following an adjudicative

hearing on the appeal, the PCHB found that the Appellants had not met their burden to prove either that the LFCP or Permit No. SW-027 violated applicable landfill closure regulations (PCHB No. 18-042, June 5, 2019).⁴ The PCHB determined that the LFCP met the closure requirements in WAC 173-360-400(8) (Limited Purpose Landfills, Permit Requirements – Closure), and that additional design evaluation and components could be addressed in the detailed plans, specifications, and construction quality assurance plan that were required to be submitted later by P&GE.

P.e Ecology received a report prepared by Practical Environmental Solutions dated March 31, 2019, which presented sampling data from the 2018 LFCP and photographs and information presented at the PCHB hearing regarding the Go East site. The report requested that Ecology's Toxic Cleanup Program review the information for consideration of the site under MTCA rules and procedures. Ecology prepared an initial investigation field report for the Site on June 13, 2019. Ecology's initial investigation field report stated that: (1) concentrations of total arsenic, manganese, iron, lead, and chromium reported in unfiltered groundwater samples collected from groundwater monitoring wells in 2009 exceeded MTCA cleanup levels; and (2) concentrations of iron and manganese reported in surface water samples collected in 2009 were elevated.

Q.e Ecology rescinded the 2004 NFA on June 18, 2019 and issued an Early Noticee Letter on September 9, 2019.

R.e The SHD reissued Permit No. SW-027 on March 10, 2020 to address specific conditions in the PCHB ruling. The reissued permit now specifically requires (1) evaluation of soil samples from the planned landfill excavation area and removal of contamination per Ecology regulations; (2) modifications to the landfill cap to improve lateral drainage through the cap; (3) modifications to the gas conveyance layer below the landfill cap geomembrane; and (4) conformance with SHD and Snohomish County regulations regarding air and noise pollution.

S.e PACE Engineers modified Go East Landfill Closure Land Disturbing Disturbancee Activity LDA #1 plans (i.e., final landfill closure design drawings and construction specifications) on April 7, 2020 and updated the Construction Quality Assurance Plan on April 7, 2020. SHD and Ecology reviewed the updated plans, specifications, and quality assurance plan, and SHD provided

written approval on April 23, 2020.

⁴ Because the permit cites a now out-of-date version of WAC 173-350, which was updated on August 1, 2018, citations in the PCHB ruling do not align with current regulations.

T.e Snohomish County PDS has ~~approved issued~~-LDA Permit #1 for the landfill to P&GE, subject to the conditions and requirements of Permit No. SW-027. LDA Permit #1 incorporates the LFCP in addition to ~~additional requirements~~ regarding stream relocation, retaining walls, erosion control and drainage features, and overall site grading for the development. [NOTE: According to Paul MacCready of PDS and the online PDS Permit Portal, LDA #1 (18-126823 LDA), the issuance of this permit is pending.]

U.e Pulte Homes of Washington, Inc. (Pulte Homes) has an option to purchase the arease of the Property outside of the future landfill limit from P&GE in accordance with a Memorandum of Purchase and Sale Agreement.⁵

VIe ECOLOGY DETERMINATIONSe

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by the PLP.

A.e The PLP is an “owner or operator” as defined in RCW 70.105D.020(22) of a “facility” as defined in RCW 70.105D.020(8).

B.e Based upon all factors known to Ecology, a “release” or “threatened release” of a “hazardous substance(s)” as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to P&GE dated December 23, 2019, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. On January 8, 2020, P&GE voluntarily waived its rights to notice and comment and accepted Ecology’s determination that P&GE is a PLP under RCW 70.105D.040. Ecology issued a final determination of liability letter to P&GE on January 29, 2020, and attached P&GE’s factual clarifications of Ecology’s proposed findings of liability.

D.e Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require a PLP 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

⁵ Snohomish County Recording No. 201906130436, June 13, 2019.

foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

E.e Under WAC 173-340-430, an interim action is a remedial 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, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, RI/FS, or design of a cleanup action plan.

F.e The LFCP calls for consolidation and capping of the landfill, including removal of solid waste and contaminated soil from beyond the future landfill limit. Implementation of the LFCP will involve cleanup of hazardous substances and will address threatened releases of hazardous substances at the Site. Based on these circumstances, Ecology has determined that consolidation and capping of the landfill (including removal of solid waste and contaminated soil from beyond the future landfill limit) as an interim action under this Order is warranted under WAC 173-340-430. Either of the Parties may propose an additional interim action under this Order. If the Parties are in agreement concerning an additional interim action, the Parties will follow the process in Section VII.G. If the Parties are not in agreement, Ecology reserves its authority to require additional interim action under a separate order or other enforcement action under RCW 70.105D, or to undertake the interim action itself.

[NOTE RE HIGHLIGHTED SENTENCE ABOVE: This is not how the interim action is described in the Interim Action Work Plan. The IAWP clearly states on page 1: “This interim action applies primarily to the 2.8 acres of the Landfill that will be removed as part of the Landfill closure.” (Underlining added.) On page 12 of the IAWP is this description: “The interim action consists of the following components, listed in the general sequential order in which they will be completed: On-site fill source sampling; Former storage tank area sampling; Supplemental landfill material sampling; Excavation of landfill material and reconnaissance of northeastern slope; Confirmation soil sampling in interim action excavation area; Lot exploration outside current Landfill limit.” Notice that this second description says nothing about the landfill cap. So is the interim action the entire LF closure? Or is it the excavation and relocation of the wedge area? If the “interim action” includes all of the closure activities outlined in the LFCP, that should be clearly stated here and must be far more substantially justified as an interim action, and the IAWP should be substantially revised. Moreover, Exhibit B – Interim Action Location Diagram – clearly denotes the wedge area as the interim action area, NOT the entire landfill.]

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLP take the following remedial actions at the Site. The area within the Site where remedial action may be necessary under RCW 70.105 is shown in the Exhibit A. These remedial actions must be conducted in accordance with WAC 173-340, WAC 173-204, and WAC 173-350:

A. Landfill waste material will be removed from beyond the future landfill limits, consolidated into the landfill, and capped as described in the LFCP referenced in Section V.G. This work will be performed as an interim action under this Order. The area within the Site

where the interim action will be performed is shown in Exhibit B. The landfill closure will be performed pursuant to Solid Waste Facility Permit No. SW-027, as administered by SHD and supported by Ecology. An Interim Action Work Plan (IAWP) is attached to this Order as Exhibit D and is an integral and enforceable part of this Order. [As previously noted, the Agreed Order and the IAWP do not share a common definition of the interim action.]

b.e The PLP will complete the interim action, prepare and submit a RI/FS, and prepare and submit a preliminary DCAP for the Site in accordance with the schedule and terms of the Scope of Work and Schedule (Exhibit C) and all other requirements of this Order. [Again, there is no mention of a final CAP or performance of the cleanup actions described in the CAP.] The following naming conventions shall be used for documents: (1) Agency Review Draft (designation for the first time Ecology receives a document); (2) Public Review Draft (designates a document ready for public comment); (3) Final (designation for a document after public comment and Ecology approval); and (4) the preliminary Draft Cleanup Action Plan (designation for the PLP's version of the DCAP).

c.e The PLP shall submit to Ecology written quarterly Progress Reports that describe the actions taken during the previous quarter to implement the requirements of this Order. All Progress Reports shall be submitted by the 10th day of the month in which they are due after the effective date of this Order. Unless otherwise specified by Ecology, Progress Reports and any other documents submitted pursuant to this Order shall be sent by certified mail, return receipt requested, to Ecology's project coordinator. The Progress Reports shall include the following:

- 1.e A list of on-site activities that have taken place during the quarter.e
- 2.e Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests.e
- 3.e Description of all deviations from the Scope of Work and Schedule (Exhibit C)e during the current quarter and any planned deviations in the upcoming quarter.e
- 4.e For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.e

5.e All raw data (including laboratory analyses) received during the previous quarter (if not previously submitted to Ecology), together with a detailed description of the underlying samples collected.

6.e A list of deliverables for the upcoming quarter if different from the schedule.

Validated soil and groundwater analytical data shall be submitted to Ecology's Environmental Information Management (EIM) database within 60 days of receiving the analytical results.

D.e The PLP shall provide financial assurance for landfill post-closure care in accordance with SHD Solid Waste Facility Permit No. SW-027 and WAC 173-350-600. [This order needs to state WHEN that financial assurance is provided and how.] Any engineered control obligations (if any) within the proposed housing areas outside of the future landfill limits will be subject to the financial assurance requirements of the future landfill limit area. [Please make this statement understandable; need specifics.]

E.e As detailed in WAC 173-350-400(8)(e) and PCHB Ruling No. 18-042, institutional controls will be required at the Site under Permit No. SW-027.

F.e All plans or other deliverables submitted by the PLP for Ecology's review and approval under the Scope of Work and Schedule (Exhibit C) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

G. If Ecology determines that the PLP has failed to make sufficient progress or failed to implement the remedial actions required under this Order, in whole or in part, Ecology may, after 30 days advance notice to the PLP, perform any or all portions of the remedial action or at Ecology's discretion allow the PLP opportunity to correct. In an emergency, Ecology is not required to provide notice to the PLP, or an opportunity for dispute resolution. The PLP shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.A (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

H.e Except where necessary to abate an emergency situation or where required by law, the PLP shall not perform any remedial actions at the Site outside those remedial actions required by this Order or the LFCP to address the release or threatened release of hazardous

substances that is the subject of this Order, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section VIII.J (Amendment of Order). In the event of an emergency, or where actions are taken as required by law or as permitted by the LFCP, the PLP must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

I.e. Reports shall be provided in an Americans with Disability Act (ADA) accessible format as identified by Ecology under developing guidance.

VIII.e TERMS AND CONDITIONSe

A. Payment of Remedial Action Costs

The PLP 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 RCW 70.05D, 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). Ecology has accumulated \$18,928.68 in remedial action costs related to this Site as of March 31, 2020. [Costs need to be updated] For all Ecology costs incurred, the PLP shall pay the required amount within 30 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 90 days of receipt of the itemized statement of costs will result in interest charges at the rate of 12% per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.05D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Alan Noell
Department of Ecology, Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
Office: 425-649-7015
Email: alan.noell@ecy.wa.gov

The project coordinator for the PLP is:

Martin Penhallegon, P.E.
11255 Kirkland Way, Suite 300
Kirkland, WA 98033-6715
Office: 425-827-2014
Email: martyp@paceengrs.com

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 PLP, 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.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least 10 calendar days prior to the change.

C. Performance

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

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

Any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

The PLP 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.

D. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that the PLP either owns, controls, or has 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 PLP's 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 PLP. The PLP shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLP 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 PLP unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any applicable health and safety plan(s). Ecology employees

and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLP shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its 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.

If requested by Ecology, the PLP shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLP pursuant to implementation of this Order. The PLP shall notify Ecology 7 days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLP and/or its 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.E (Access), Ecology shall notify the PLP prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all laboratory analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

F. Public Participation

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 this public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect.

Ecology shall maintain the responsibility for public participation at the Site. However, the PLP shall cooperate with Ecology, and shall:

1.e If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, RI/FS reports, cleanup action plans, 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 meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify the PLP prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLP that do not receive prior Ecology approval, the PLP 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.e When requested by Ecology, 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.e Mill Creek Library
15429 Bothell Everett Highway
Mill Creek, WA 98012e

b. Ecology's Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452e

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related

to this Site shall be maintained in the repository at Ecology's Northwest Regional Office in Bellevue, Washington.

G. Retention of Records

During the negotiation of this Order, and for 10 years from the date of completion of work performed pursuant to this Order, the PLP 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 new contracts with project contractors and subcontractors. Upon request of Ecology, the PLP shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right the PLP may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If the PLP withholds any requested records based on an assertion of privilege, the PLP shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

H. Resolution of Disputes

1.e In the event that the PLP elects to invoke dispute resolution the PLP must utilize the procedure set forth below.

a.e Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the PLP has 14 calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to 14 calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within 7 calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating the nature

of the dispute; the PLP's position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. The PLP may then request regional management review of the dispute. This request (Formal Dispute Notice) must be submitted in writing to the Northwest Region Solid Waste Management Program Section Manager within 7 calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within 30 calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

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

3.e 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.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1.e The PLP request for an extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least 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.
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLP 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 may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of the PLP 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 PLP.
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.
- c. Endangerment as described in Section VIII.K (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 PLP.

3. Ecology shall act upon any PLP's written request for extension in a timely fashion. Ecology shall give the PLP written notification of any extensions granted pursuant to this 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.J (Amendment of Order) when a schedule extension is granted.

4. At the PLP's request, an extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding 90 days only as a result of one of the following:

- 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.
- c. Endangerment as described in Section VIII.K (Endangerment).

J. 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 7 days of verbal agreement.

Except as provided in Section VIII.L (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the PLP. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, the PLP shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H (Resolution of Disputes).

K. Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order 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 PLP to cease such activities for such period of time

as it deems necessary to abate the danger. The PLP shall immediately comply with such direction.

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

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLP's 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.I (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.

L. Reservation of Rights

This Order is not a settlement under RCW 70.005D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLP 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 PLP regarding remedial actions required by this Order, provided the PLP complies with this Order.

Ecology nevertheless reserves its rights under RCW 70.005D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or 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.

By entering into this Order, the PLP does not admit to any liability for the Site. Although the PLP is committing to conducting the work required by this Order under the terms of this Order, the PLP expressly reserves all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. 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 PLP 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 PLP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLP shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least 30 days prior to any transfer, the PLP shall notify Ecology of said transfer. Upon transfer of any interest, the PLP shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

The Parties acknowledge that all areas of the Property outside the future landfill limit are subject to an option to purchase by Pulte Homes once the LFCP work is completed and approved by SHD, and once the related plat is recorded.

[There should be a paragraph here which clearly states who will own the landfill after closure, during the post-closure period, and beyond. Under no circumstances should a homebuyer in the future Bakerview development become a part-owner of the landfill and its appurtenant liabilities, inspection systems, landfill gas system, etc., through the owner's automatic membership in a homeowners association. Future homeowners should bear no liability or responsibility for these landfill-specific structures and systems, including the stormwater detention pond because it is located on top of the landfill, as they clearly will have had no causative relationship to the waste materials in the landfill, contamination from those materials, the landfill's operation, or its closure, and therefore should be legally exempted from the joint and several liability imputed by MTCA.]

N. Compliance with Applicable Laws

1.e *Applicable Laws.* All actions carried out by the PLP pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70.105D.090. The permits or specific federal, state, or local requirements that the agency has determined are applicable and that are known at the time of the execution of this Order have been identified in

Section V. The PLP has a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or the PLP, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and the PLP must implement those requirements.

2. *Relevant and Appropriate Requirements.* All actions carried out by the PLP pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. The relevant and appropriate requirements that Ecology has determined apply have been identified in Section V. If additional relevant and appropriate requirements are identified by Ecology or the PLP, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLP must implement those requirements.

3.e Pursuant to RCW 70.05D.090(1), the PLP may be exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, the PLP shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70.05D.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals, as they are known at the time of the execution of this Order, have been identified in Section V.

4. The PLP has 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 PLP determines 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 PLP shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLP 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 PLP and on how the PLP must meet those requirements. Ecology shall inform the PLP in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLP shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

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 PLP 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 or approvals.

●. Indemnification

The PLP agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of the PLP, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLP 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 acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX.e SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon the PLP's receipt of written notification from Ecology that the PLP has completed the remedial activity required by this

Order, as amended by any modifications, and that the PLP has complied with all other provisions of this Order.

X. ENFORCEMENT

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

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

1. Up to three times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

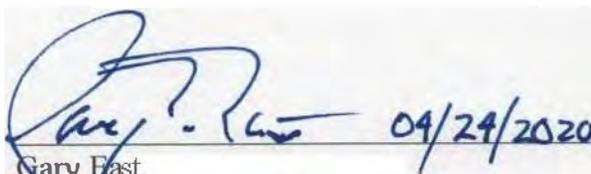
2. Civil penalties of up to \$25,000 per day for each day it refuses to comply.

D. 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: _____

P&GE, LLC



Gary East
Co-ager of P&GE, LLC
6675 NE Windermere Road
Seattle, WA 98115-7942
206-528-0800

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Peter Christiansen [need
to update]
Section Manager
Solid Waste Management Program
Northwest Regional Office
425-649-7076

GO EAST LANDFILL SITE HISTORY

DATE	EVENT	REFERENCE
1969	Conditional Use Permit #41-69 issued for excavation. Permit expired 8-21-1971.	12-12-1983 SHD Memo 1983-548, from Claris Hyatt, M.D., SHD Health Officer, to Steve Uberti, re Request for legal action, Go East Landfill [HYATT MEMO"] M-39
2-1-1972	Rekoway, Inc. became owner of the property	HYATT MEMO M-39
3-8-1972	SnoCo Board of Adjustment issued Rekoway CU permit 7-72 for sand and gravel excavation and a landfill. Solid waste disposal was limited to wood, mineral, or concrete solid waste materials excluding all garbage, tin cans, etc. Term of permit was 10 years. County required a \$25,000 bond.	HYATT MEMO M-39
4-28-1972	CU 7-72 was modified, reducing the required bond to \$5,000.	HYATT MEMO M-39
8-21-1974	Rekoway Landfill experienced an explosion and fire. Seattle P.I. article begins: "An explosion at a landfill southeast of Everett threw fire balls for 200 feet, blew two firemen off a heavy tractor and left the Snohomish County fire marshal sitting on 'a potentially dangerous situation.' <i>The explosion occurred Wednesday [8/21] Author's note] when several truckloads of scrap metal—some containing magnesium, phosphate, and aluminum dust—were dumped at the landfill near Silver Lake, according to county fire marshal Bill Fenter. The fill was closed after the explosion'</i>	8-23-1974 article in Seattle P.I. titled "Dumped Scrap Metal Explodes At Landfill Near Silver Lake" M-27
8-23-1974	"[A]bout 200 cubic yards of material containing magnesium, phosphate, and aluminum dusts were deposited in the landfill. This waste was trucked from a Seattle firm named Northwest Wire and Rope... the initial intermixing caused fire and explosions."	Final Site Inspection Report for Reckoway Landfill, Merwin, WA, by Ecology and Environment, Inc., for U.S. EPA Region X (SI Report, 6/30/1987) M-41
8-1974	Nearby residents prepared emergency evacuation plan	Letter from Robert J. Varro, Everett, WA, to SnoCo Commissioners re Rekoway, Inc. Permit CU 7-75.
10-8-1974	Snohomish Co. Board of Health adopted WAC 173-301 Regulations Governing Solid Waste Handling (SHD's first solid waste regulations).	5-14-2004 Site Hazard Assessment. Presumably authored by SHD. Author's name unknown. ["2004 SHA"]
12-2-1974	Rekoway submitted request to County Zoning Adjustor for modification of existing permit CU 7-72 to include additional waste materials: tires and bulk packaging materials such as cardboard cartons, pallets, large paper wrappings, shredded paper, and warehousing waste material.	HYATT MEMO M-39
1-24-1975	Letter from Robert J. Varro, 3722 108 th PI SE, Everett, WA 98204, to SnoCo Commissioners re Rekoway, Inc. Permit CU 7-75. This letter is in response to the notice of hearing issued relative to expansion of the Rekoway landfill permit, and requests a public review of probable environmental impacts from proposed permit expansion.	Letter from Robert J. Varro, Everett, WA, to SnoCo Commissioners re proposed Rekoway, Inc. Permit CU 7-75.
5-7-1975	Rekoway submitted an application for a nonconforming landfill permit. This action did not move forward.	HYATT MEMO M-39

DATE	EVENT	REFERENCE
08-27-1975	Draft Environmental Impact Statement issued regarding proposed expansion of Rekoway, Inc.'s existing CU permit 7-72e. The permit expansion would allow for the disposal of tires, car parts and seats, and bulk packaging material. To date the landfill was permitted to receive only wood, mineral, and concrete solid wastes.	8-27-1975 Notice of Draft EIS issuance for Rekoway, Inc. expansion of existing CU permit CU 7-72 M-26 Also a document fragment: "Section III: ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION." Author unknown.
9-4-1975	Public hearing re CU permit expansion application.	HYATT MEMO M-39
9-18-1975	Snohomish Co. Zoning Adjustor issued permit CU 3-75 to Rekoway. This permit expanded the types of solid waste that could be accepted at the site and gave SHD authority to restrict material allowed by the permit.	HYATT MEMO M-39
9-22-1975	Rekoway submitted application for a wood waste landfill permit.	HYATT MEMO M-39
10-30-1975	Permit CU 3-75 was appealed to the Board of Adjustment based on objection by numerous citizens to the broader provisions of the permit. The Board of Adjustment upheld permit CU 3-75 in Supplement to Written Order No. 76 Z/A.	HYATT MEMO M-39
11-5-1975	Lyle Cyrus, Acting Fire marshal, sent a letter to D. L. Thomson, SnoCo Zoning Adjustor requesting that landfill operations be stopped immediately at Rekoway, that a hearing be conducted, and that adequate water supply and firefighting equipment be installed onsite.	11-5-1975 Letter from Lyle Cyrus, Acting Fire Marshal, to D. L. Thomson, SnoCo Zoning Adjustor. M-35
11-5-1975	Lyle Cyrus, Acting Fire marshal, sent a letter to Rekoway requesting that all landfilling operations cease, and that the Zoning Adjustor hold a hearing on the issue.	HYATT MEMO M-39
11-6-1975	Dave Thomson, Zoning Adjustor, "stayed the effect of the force of said permit." This would have been CU 3-75.	HYATT MEMO M-39
12-4-1975	Hearing on the matter noted at 11-6-1975.	HYATT MEMO M-39
12-9-1975	Addendum to the CU permit was issued requiring Rekoway to have firefighting equipment and water supply onsite (Addendum to Written Order No. 14, CU 7-72)e	HYATT MEMO M-39
5-20-1976	Rick Brunner of SHD sent Rekoway's application for a wood waste landfill to John Glenn at Ecology for review.	HYATT MEMO M-39
6-21-1976	Ecology responded to the wood waste LF application in a letter stating, "we cannot recommend approval of a solid waste disposal site permit for this facility."	HYATT MEMO M-39
11-1976	Rekoway landfill fire	10-25-1977 letter from L.E. Cyrus, Fire Marshal, to Dave Thomson, Zoning Adjustor regarding fire at Rekoway LF M-31

¹ Dr. Hyatt notes that the Zoning Adjustor's decision was attached to CU 7-72 instead of CU 3-75. This may indicate that CU 3-75 was no longer in effect, having been stayed 11-6-1975. (Author's note)

12-16-1976 and 1-6-1977	Public hearing held by Zoning Adjustor on request of the Fire Marshal concerning a complaint that Rekoway had not complied with the order of 12-9-1975 to have firefighting equipment onsite. Hearing was continued to 1-6-1977. Hearing testimony included a statement by Rick Brunner (SHD) that no more waste could be accepted at the site after 7-1-1977.	HYATT MEMO M-39
1-10-1977	Letter from Rick Brunner (SHD) to Leroy Linson (Manager, Rekoway) advising him of requirements for the landfill: extinguishing the fire, accepting no waste after 7-1-1977, and having the landfill covered and reseeded by 1-1-1978. 2004 SHA notes: "SHD advised closure, which included closure under WAC 173-301e. Closure requirements were not met"	HYATT MEMO M-39 and 2004 SHA
1-14-1977	Board of Adjustment issued Addendum to Written Order No. 14/BA, CU 7-72. This order revoked all permits.	HYATT MEMO M-39
5-5-1977	Rekoway landfill fire. Letter from L.E. Cyrus, Fire Marshal, to Dave Thomson, Zoning Adjustor, requesting that Rekoway landfill operations be stopped immediately, that a hearing be conducted, and the fire extinguished. Cyrus states that he believes the fire from Nov. 1976 is still burning underneath the surface of the landfill and that putting fill over the top will not suppress the fire.	5-5-1977 Letter from L.E. Cyrus, Fire Marshal, to Dave Thomson, Zoning Adjustor. M-29
5-6-1977	Additional order issued by Zoning Adjustor.	HYATT MEMO M-39
1977	Rekoway requested a 90-day extension to complete the fill operation and complete closure. The 7-1-1977 deadline was extended to 10-1-1977 and re-extended to 11-1-1977 by SHD.	HYATT MEMO M-39
10-20-1977	Rekoway landfill fire. Letter from L.E. Cyrus, Fire Marshal, to Dave Thomson, Zoning Adjustor, requesting that Rekoway landfill operations be stopped immediately, until such time that the fire is extinguished properly. Cyrus notes that the current fire is 300 feet long and approx. 100-150 feet wide. PSAPCA had issued a citation for air quality violation. Fire Chief stated it would take 4,000 ft of hose to bring water from a hydrant to the site, tying up all of the fire dept's equipment.	10-25-1977 letter from L.E. Cyrus, Fire Marshal, to Dave Thomson, Zoning Adjustor regarding fire at Rekoway LF. M-31
10-26-1977	Additional order issued by Zoning Adjustor.	HYATT MEMO M-39
11-1-1977	Letter from Rick Brunner to Linson (Rekoway) advising him of closure requirements, including extinguishing the fire and covering and reseeded the site. This letter states: "(Y)our Health District permit is terminated as of this date."	11-1-1977 letter from Rick Brunner (SHD) to Leroy Linson, Rekoway. M-30
10-31-1978	Letter from Brunner to Linson advising that the closure requirements set forth in SHD's letter of 11-1-1977 had not been met. <i>The landfill may still have been on fire at this time.</i>	HYATT MEMO M-39
10-31-1978	Letter from Brunner to Zoning Adjustor requesting that the Zoning Adjustor conduct a review and enforcement hearing.	HYATT MEMO M-39
11-28-1978	Robert Terwillinger, Deputy PA, apparently had been sent Brunner's letter of 10-31-1978, and wrote a letter to Linson. This letter was returned by the post office.	HYATT MEMO M-39
1979	The Go-East Corporation acquires the Rekoway property.	HYATT MEMO M-39

8-17-1979	Letter from Gary W. East to the Zoning Adjustor indicates that East and David R. Golden had purchased the property under the name Go-East Corporation. Their stated intent was to develop the property for residential purposes. East indicated that in order to do that, additional fill material needed to be deposited onsite. The letter requested that the existing permit CU 7-72 be reactivated so that landfilling operations could commence for the limited purpose mentioned. The letter stated that steps would be taken including "extinguishing existing fires and preventing future fires."	HYATT MEMO M-39
9-6-1979	Public hearing held regarding Gary East's proposal to have CU 7-72 reopened.	HYATT MEMO M-39
9-14-1979	Letter from Zoning Adjustor to Gary East recognizing the new ownership of the property and directing the owners to commence excavation adequately to totally extinguish the existing fire and indicating intent to conduct a public hearing in six months' time.	HYATT MEMO M-39
10-1979	Letters between Brunner and East regarding potential permit options.	HYATT MEMO M-39
10-23-1979	Letter from East to Brunner enclosing a completed wood waste landfill application.	HYATT MEMO M-39
11-2-1979	Letter from Gary Hanada (SHD) issuing a wood waste landfill permit to Go East. <i>[This occurred apparently without review of the permit application by Ecology, who had stated in June 1976 they did not recommend approval of a solid waste disposal site permit for this facility. Author's note.]</i>	HYATT MEMO M-39
1980	SHD re-issued a wood waste landfill permit to Go East.	HYATT MEMO M-39
7-18-1980	Letter from Brunner to East indicated some items needing attention.	HYATT MEMO M-39
11-13-1980	Letter was sent to East following SHD's inspection of the site. No comments relative to fire in the landfill in 1980 were found in the file documents, so presumably the landfill was not burning at this time.	HYATT MEMO M-39
1981	SHD re-issued a wood waste landfill permit to Go East.	HYATT MEMO M-39
8-26-1981	SHD received an undated letter sent to East by Glynis Stump (Ecology), reporting that the landfill had been inventoried pursuant to the Federal Resource Conservation and Recovery Act (RCRA) of 1976. Ecology advised that they were not recommending the site be placed on EPA's Open Dump Inventory for 1982 "because no significant non-complying situation had been noted."	HYATT MEMO M-39 and 2004 SHA
8-31-1981	Letter from Arthur Willey (SHD; Brunner had resigned) to East, following a routine inspection.	HYATT MEMO M-39
9-23-1981	Letter from East to Arthur Willey in response to Willey's letter of 8-31, referring to anticipated problems with a proposed property development by an adjoining landowner (Dr. Gold). [These concerns had earlier been expressed to County Planning in a letter dated 4-4-81.]	HYATT MEMO M-39

1-21-1982	Letter from Willey to East noting there were no problems noted at the time of inspection.	HYATT MEMO M-39
7-26-1982	Willey (SHD) re-issued a sanitary landfill permit to Go East. <i>[This was presumably a re-issuance of the wood waste landfill permit, which was on an annual renewal schedule. However, the current operating permit CU 7-72 was a 10-year permit and was scheduled to expire in September 1982. Author's note.]</i>	HYATT MEMO M-39
1-24-1983	Letter from Willey (SHD) to East indicating that no violations had been noted at a recent inspection.	HYATT MEMO M-39
7-19-1983	A Stop Work Order was posted at the site due to expiration of the CU permit and continued operation of the landfill past the expiration date.	HYATT MEMO M-39 and 2004 SHA
7-27-1983	Letter from Willey (SHD) to East that there was concern over the current status of the landfill and that the CU permit had expired 9-18-82 ² . Willey offered to renew the wood waste landfill permit conditioned on receipt within 15 days of a written statement indicating plans for compliance and closure.	HYATT MEMO M-39 and 2004 SHA
8-9-1983	SHD learned there was a subterranean fire at the landfill.	2004 SHA
8-10-1983	Letter from East to Willey in response to Willey's 7-2-1983 letter, which included a report entitled "Progress Report Closure of Go East Landfill." East stated closure would be accomplished by the end of February 1984.	HYATT MEMO M-39
8-14-1983	Letter from East to Gary Reiersgard (Snohomish Co. Dept. of Planning and Community Development) and John Schmidt (Dept. of Planning and Community Development), complaining about the Stop Work Order and stating that he would close the landfill by February 1984. <i>[Author's note: This letter reveals that East had no intention of complying with the Stop Work Order, and that he was choosing to ignore the fact that the landfill was on fire and posing a danger to people at the landfill and to residents living near the landfill. In this letter he states: "We established contracts with the larger haulers to insure a constant flow of work in the usually slow months of late fall and winter. Our contract with our manager is likewise keyed to these hauler contracts." "Your threatened closure would prevent us from realizing our [financial] recovery during the later stages of these contracts." "Finally, we agreed to a one year contract with our manager based upon the haulage contracts and the County's assurances of the issuance of this permit." "Your actions threaten to delay this closure...." "Your actions have placed us in a position of great legal vulnerability relative to our contractual commitments. We do not intend to breach these contracts...."]</i>	Letter from East to Gary Reiersgard and John Schmidt (Dept. of Planning and Community Development), re Stop Work Order and stating that East would close the landfill by February 1984. M-34
8-19-1983	Letter from Reiersgard to East advising that only closure activities were permitted onsite.	HYATT MEMO M-39

² Dr. Hyatt notes that Willey's letter incorrectly stated the permit expiration date as 9-18-1983.

8-26-1983	Letter from Jeff Defenbach (SHD; Willey had resigned) which outlined the general requirements for closure, and requested submission of a timetable for completion of these requirements. This letter reiterated that it was SHD's understanding that the landfill would be completely closed by Feb. 1984.	HYATT MEMO M-39
8-29-1983	Letter from East to Defenbach stating that the closure requirements came as "a surprise and shock" and indicated he had not heard of "regulations governing solid waste handling." <i>[Dr. Hyatt makes an interesting note here: "Concerning East's 'surprise' in learning of the solid waste regulations as stated in his letter of 8/29/83 it should be noted that he signed the application for a landfill permit on 10/22/79 and answered 'yes' to the question, 'Have you read the Snohomish Health District's Rules and Regulations Governing Solid Waste Handling?'" Author's note.]</i>	HYATT MEMO M-39
8-29-1983	Letter from East to Reiersgard indicating that he would still bring materials into the landfill. <i>[Presumably waste materials This would indicate East was operating the landfill with an expired permit and in direct defiance to SHD's Stop Work Order and demands for closing the landfill site. Author's note.]</i>	HYATT MEMO M-39
9-1-1983	Defenbach sent East a copy of SHD regulations.	HYATT MEMO M-39
9-2-1983	Reiersgard responded to East's letter of 8-29-1983 that such action (to bring materials into the landfill) was not acceptable.	HYATT MEMO M-39
9-7-1983	Letter from East to Reiersgard indicating East's interpretation as to the effective date of discontinuing wood waste disposal at the site.	HYATT MEMO M-39
9-16-1983	Letter from Defenbach to East responding to East's letter of 9-7-1983 and again requesting submission of East's timetable for site closure.	HYATT MEMO M-39
9-19-1983	Letter from East to Defenbach and Reiersgard concerning communications and site inspections.	HYATT MEMO M-39
10-14-1983	Letter from East to Defenbach concerning communications and inspections and alleging that "promises and assurances that had been previously given to us have been broken, ignored, and in some cases denied."	HYATT MEMO M-39
10-14-1983	Inspection of site by SHD showed no evidence of any reclamation (i.e., closure) activity.	HYATT MEMO M-39
10-26-1983	The Go East Landfill was reported to be on fire. Firefighters applied water to the fire. Daniel Cote also mentions this fire (10-25-1983) in his letter of 11-21-1983 to Claris Hyatt, M.D. (SHD Health Officer).	HYATT MEMO M-39
10-28-1983	Everett Herald published an article about the Go East Landfill fire entitled "Smoldering Silver Lake landfill heats up to a blaze." The article quotes Chauncy Sauer, Chief of Fire District 11: "He speculated that the 1979 blaze may have been smoldering under the surface for the last four years until its latest outbreak Tuesday. "	10-28-1983 Everett Herald article: "Smoldering Silver Lake landfill heats up to a blaze." M-37

10-1983 to 9-1984	Fire continued at the landfill.	5-14-2004 Site Hazard Assessment. Presumably authored by SHD. Author's name unknown. ["2004 SHA"]
11-7-1983	An inspection showed the landfill was still on fire and firefighting was in progress.	HYATT MEMO M-39
11-10-1983	Inspection showed firefighting equipment had been removed from the site.	HYATT MEMO M-39
11-18-1983	Department of Planning and Community Development served a Notice of Violation and Notice to Abate Immediate Hazard for the landfill. All fires were to be fully extinguished within 7 days from the date of service of the notice. Civil penalty of \$50/day was assessed.	11-18-1983 NOTICE OF VIOLATION AND NOTICE TO ABATE IMMEDIATE HAZARD, from SnoCo Dept. of Planning and Community Development. Signed by Lyle E. Cyrus, Fire Marshal, and D. L. Thomson, Building Official M-32
11-22-1983	SHD Health Officer's Order was served to Gary East, requiring East to immediately develop and submit a plan for extinguishing the fire, and clearly stating that he had failed to comply with the requirements for closure of the landfill.	11-22-1983 HEALTH OFFICER'S ORDER #83-14 to Gary East, signed by Claris Hyatt, M.D., Health Officer M-33
12-12-1983	Memorandum from Claris Hyatt, M.D., SnoCo Health Officer, to Steve Uberti requesting legal action to order the landfill owner to (1) immediately take action to extinguish the fire, and (2) following extinguishment of the fire, to undertake and complete closure activities. The landfill was still on fire on this date.	12-12-1983 memorandum from Claris Hyatt, M.D., SHD Health Officer, to Steve Uberti, requesting legal action against Go East Landfill owner, Gary East. ["HYATT MEMO*"] M-39
1983-1984	"Twenty-two Notices of Violation have been issued during the 1983-84 period when a substance fire was causing a smoke hazard in the area"	6-30-1987 Final Site Inspection Report for Reckoway Landfill, Merwin, WA, by Ecology and Environment, Inc., for U.S. EPA Region X M-41
2-14-1984	Landfill is still burning. Article notes that infrared photographs reveal the subterranean fire covers as much as 3.5 acres of the landfill. Extinguishment could be extremely expensive. Help was being sought through EPA and WA congressional and senate officials.	2-14-1984 article in Everett Herald: "Fire at Go-East Landfill far larger than thought" by Robert Nelson.
3-14-1984	Article states 23 people who live near the landfill filed suit against the landfill's owners: Go-East Corp, Gary East, and Rekoway Inc. The suit claimed improper operation of the landfill and negligence in allowing the fire to burn.	3-14-1984 article in Everett Herald: "Neighbors sue owners of Go-East Landfill over persistent fire" by Gary Nelson.

4-9-1984	<p>Landfill is still burning. Neither County nor Go-East Corp. is willing to pay for extinguishing the fire. Estimates range from \$475,000 to \$8 million to excavate all the hot spots and douse them, one at a time. Residents were highly irritated by the smoke and concerned about its health impacts. Trials for separate lawsuits by Sno. Co. and SHD against the landfill owners were scheduled to begin May 1. <i>[Author's note: the file does not indicate the outcome of these trials.]</i></p> <p>Puget Sound Air Pollution Control had issued 13 air quality violations against the landfill owner, with significant fines associated. <i>[Author's note: The file does not indicate the outcome of the hearing that began April 10, 1984 before the Pollution Control Hearings Board on these violations.]</i></p>	4-9-1984 article in the Seattle Times: "Underground blaze at landfill ignites neighbors' anger" by Charles Aweeks.
6-30-1984	<p>Expiration of Snohomish Health District Permit No. 14215 issued to Gary East, operator of Go-East landfill. This permit was issued specifically to allow only landfill closure and reclamation activities, as the Conditional Use Permit CU 7-72 had expired.</p>	SHD Permit No. 14215. Excerpt of report prepared by SCS Engineers for SHD. Report was to evaluate the landfill fire, identify health and safety risks, and outline fire suppression options. Est. date 11-1984.
8-22-1984	<p>Landfill is still burning. Paul Hansen, superior court judge, ruled that neither SHD nor Sno. Co. could be forced to extinguish the smoldering Go East fire, unless the homeowners could prove the fire/smoke was a threat. In June 1984, Hansen had authorized the County to put out the fire and bill East for the costs. But East appealed the decision which would not be heard in court for up to two years.</p>	8-22-1984 article in the Snohomish County Tribune: "Landfill still burning after hearing."
11-1984 (est.)	<p>Brief history of Go East Landfill and wastes accepted there. The primary objective of this report was to aid SHD in determining methods to extinguish the fire. Original report referenced at least 12 other documents <i>[but the full report and this list of references have not been found. Author's note.]</i></p>	Excerpt of report prepared by SCS Engineers for SHD. Report was to evaluate the landfill fire, identify health and safety risks, and outline fire suppression options. Est. date 11-1984.
12-4-1984	<p>"Landfill currently burning."</p>	Potential Hazardous Waste Site Assessment, Summary Memorandum, by JRB Associates for Dept. of Ecology N-22
1984	<p>"Various legal actions took place to move the site toward closure, compliance, and fire elimination."</p>	5-14-2004 Site Hazard Assessment. Presumably authored by SHD. Author's name unknown. ["2004 SHA"]
1-15-1986	<p>An inspection report by SHD and Ecology states that a subterranean fire persisted at the site. Photos were taken <i>[but not found in our file review. Author's note.]</i></p>	2004 SHA
9-15-1986	<p>Go East submitted a closure proposal to SHD. The proposal included grading and filling but failed to address groundwater and landfill gas monitoring, both of which had been outlined in SHD correspondence dated 8-26-1983. The 2004 SHA states: "The record after this point does not indicate that any further action was taken towards closure of the landfill."</p>	2004 SHA

6/30/1987	<p>"The site contained various construction debris scattered around. There were slight depressions at several areas throughout the site."</p> <p><i>[These comments indicate that the landfill had not been closed per 1983 solid waste regulations and SHD orders, as waste was visible on the surface of the landfill], and no final grading had taken place. Author's note.]</i></p>	<p>6-30-1987 Final Site Inspection Report for Reckoway Landfill, Merwin, WA, by Ecology and Environment, Inc., for U.S. EPA Region X</p> <p>M-41</p>
6-21-1990	<p>An inspection report indicated the site was in violation of closure standards. <i>"The report indicated that the site was never closed in accordance with solid [waste] regulations and was in violation of the then new WAC 173-304 solid waste handling regulations."</i></p>	2004 SHA
7-9-1990	<p>Gary East letter to SHD, responding to the 6-21-1990 inspection report. He noted that no further closure had taken place, and that none would be completed under the new and more stringent solid waste regulations of WAC 173-304. East asserted the landfill had been closed in late 1983.</p>	2004 SHA
3-29-1991	<p>Letter from East to SHD indicating there had been a contract with Future Development to complete grading at the site. The contract addressed bringing clean inert fill to the site to fill in the depressions resulting from the 1983 fire, and filling steep hill cuts. The SHA notes: <i>"The file indicates that trucks were observed entering the site. However, it is unclear if this contract or plan to grade the site was ever completed."</i></p>	2004 SHA
7-1996	<p>Litigation was brought by East against SHD seeking relief and a final decision on the matter of whether the Go East LF was subject to closure requirements under WAC 173-304. The file does not indicate the outcome of this litigation, nor whether the site was actually graded per the alleged 3-29-1991 Future Development contract.</p>	2004 SHA
5-14-2004	<p>Site Hazard Assessment was conducted at Go East LF apparently based on a site visit by SHD in March 2004. The document also contains additional site history information. No meaningful sampling was conducted and no assessment of potential contamination was conducted. Report recommended no further action <i>[meaning no further action was required to clean up the site as a toxic waste site. Author's note].</i></p>	5-14-2004 Site Hazard Assessment. Presumably authored by SHD. Author's name unknown. ["2004 SHA"]

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PDS Permit Activity

To view project information, click on the desired project file number

Parcel (Tax Account) Number: 280521-004-002-00
 Address: 4330 108TH ST SE, EVERETT, WA 98208-4683
[View map](#)

Project File Number	Project Type	Status
91-303475-000-00-CT	Complaint	Closed
92-220542-000-00-GP	Grading Permit	Closed
97-108728-000-00-GP	Grading Permit	Closed
06-104007-000-00-PA	Preliminary Application	Closed
09-106768-000-00-PA	Preliminary Application	Closed
10-101204-000-00-REZO	Rezone	Approved
10-101204-000-00-SD1	Subdivision	Preliminary Approval
18-126558-000-00-PRO	PROJECT	Folders Created
18-126559-000-00-PRO	PROJECT	Folders Created
18-126823-000-00-LDA	Land Disturbing Activities	Issuance Pending

Page 1 of 2
[Next >](#) | 1 | 2



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PDS Permit Activity

To view project information, click on the desired project file number

Parcel (Tax Account) Number: 280521-004-002-00
Address: 4330 108TH ST SE, EVERETT, WA 98208-4683
[View map](#)

Project File Number	Project Type	Status
18-126825-000-00-FPA	Forest Practice Activity	Issuance Pending
18-126828-000-00-LDA	Land Disturbing Activities	Info Requested

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FACTS ABOUT THE TEST PITS EXCAVATED AT THE GO EAST LANDFILL

TEST PITS THROUGH 2010

In 2002, HWA (Hong West Associates) excavated and logged 47 test pits on the Go East Landfill. The logs provide general identification of soil types and types of waste by depth.

In 2009, Associated Earth Sciences Inc. (AESI) excavated and logged another 17 test pits for PACE (or for P&GE, LLC). These logs also provide general identification of soil types and types of waste by depth.

The locations and elevations of the 2002 and 2009 test pits were not surveyed, so the HWA and AESI test pit locations on the LFCP drawings are approximate and have been noted as such in previous LFCP drawings.

The primary goal of these two test pit events was to identify the limits of buried waste on the property, i.e., the edges of the landfill area. Thus, the test pits provide information for some of the edge areas of the landfill, but miss the deepest portion of the landfill, the entire slope in the northeast quadrant of the landfill, and most of the residential area. This is significant because the test pits do not provide a broad or complete survey of the waste materials in the entire landfill. The oldest wastes, of course, will be the deepest and/or the wastes that were dumped into the steep ravine on the northeast side of the property.

The deepest test pit (TP-18 by HWA) was 27 feet below ground surface (bgs), and it did not reach the bottom of the waste.

The shallowest test pits were 2 feet deep (TP 1-B and 1-C), and no waste was found in them. Glacial outwash was identified in these pits from 0 to 2 feet bgs.

No waste or fill soil was found in test pits 1-B, 1-C, EP-9, and EP-10. In all other pits, soil fill or waste fill or both were identified.

Wood waste was identified as the only or primary material in about 12 of these 64 pits. Most often, wood waste was mixed with steel, plastics, bricks, tires, concrete, wire, metal, asphalt, or glass.

Demolition waste was observed in 40 of the 64 test pits. Demolition waste included lumber, glass, steel, bricks, pipes, plywood, concrete, asphalt, plastic, wire, asphalt, and cinder blocks.

Significant pockets of crushed glass, generally 1 foot thick, were observed in five test pits (TP 17, 18, 24, and 25, and EP-17)e

Burnt wood or charcoal was noted in eight of the test pits (TP 21, 23, 25, 26, and EP-2, EP-7, EP-8, and EP-14). This is not surprising based on the landfill's long history of fires.

Concrete waste, including concrete pipe, which is likely to contain asbestos (transite) based on the years the landfill operated, was a major component of the waste found in five pits (TP 3-A, 4-A, 4-B, 21, and 23).

No cover soil was identified in 20 of the test pits. This means that waste was present up to the surface. These test pits include: TP 15, 17, 27, 28, 29, 30, 31, EP-1, EP-2, EP-3, EP-5, EP-6, EP-7, EP-8, EP-11, EP-13, EP-14, EP-15, EP-16, and EP-17.

In other test pits, sandy fill was observed from 6 inches to 5.5 feet thick. In most instances, where there was cover soil, it was generally 6 inches to 3 feet thick.

All of the cover soil was sand, which is commensurate with the type of soil occurring onsite, according to the LFCP. Generally, the cover sand was loose (i.e., not compacted) and often contained gravel or silt.

There is no reference made to any soils being analyzed for chemical contaminants or other parameters in the HWA and AESI test pits. Thus, there is no information to indicate whether contaminated soils were ever received for disposal at the landfill, or whether other waste materials may have contaminated fill soils.

Based on the explosion and fire that occurred in 1974, when 200 cubic yards of reactive metal waste was dumped onsite—materials that were not permitted to be received by the landfill, there is a likelihood that other unpermitted materials, including other dangerous wastes, were received there.

In fact, many of the materials found in the test pit observations were not permitted to be received by either Rekoway or Go East at the landfill. These materials include:

Plastic, glass, asphalt, steel, hoses, carpet, glass, PVC pipes, foam rubber insulation, linoleum, insulation, wire, metal fragments, cloth, railroad ties, general refuse, and organics.

The only materials the landfill was permitted to receive were wood, mineral, concrete solid waste materials, and wood waste, and--for a very short amount of time (two months)--tires, car parts and seats, and bulk packaging material¹

The bulk of the waste material that HWA observed in the test pits was identified as “demolition waste” because it included a wide variety of materials that are part of building demolition. The same type of wide assortment of wastes was observed by AESI in their test pits as well. Demolition waste was specifically excluded from the landfill’s operating permit starting in 1979²

Shallow groundwater seepage was noted in six of the HWA test pits, and three of the AESI test pits.

The limitations of these test pit data for characterizing the landfill are:

- (1) The test pits did not extend across the entire landfill, but as noted above, were concentrated on three edges, specifically to determine the south and west boundaries of the buried materials
- (2) No test pits were excavated on the slope in the northeast quadrant of the landfill, which could represent a significant fraction of the landfill’s total waste volume.

¹ Rekoway had applied for a permit allowing a longer list of waste materials to be received at the landfill. This conditional use permit was granted in 1975, and included a number of conditions pertaining to onsite firefighting equipment and bringing a source of water to fight fire to the site. After two months, Rekoway had failed to meet those conditions, so the permit was deactivated by the County official (Zoning Adjustor). Documented in a comprehensive memorandum dated Dec. 12, 1983, from Claris Hyatt, M.D., Snohomish Health District Officer.

² A Sept. 11, 1979 letter from the Snohomish County Zoning Adjustor, D. L. Thomson, to Mr. Gary East, regarding Conditional Use Permit Cu-7-72 for the Go East Landfill defines allowed wastes in the landfill. “It was fully agreed and understood that the landfill would be limited to those items as defined and contained Written Order No. 11, CU-7-72, as issued by the Board of Adjustment. Condition No. 6 of this order states: ‘Only wood, mineral or concrete solid waste materials may be hauled into and dumped on this property, and excluding all garbage, tin cans and similar type wastes.’ This was subsequently defined as inert type materials, including unprocessed wood waste, excluding demolition and hog fill types.” (Emphasis added.)

(3) The test pits did not determine the full depth of waste in the landfill, which has been estimated by others to be 50 to 70 feet, and as much as 90 feet.

(4) The test pit locations were not surveyed, so their locations on the drawings are approximate. This means the assumed boundary of the buried waste (and the "wedge area") is also approximate on the LF closure plans. The HWA test pits were located by hand on a small map of the landfill. This map was a figure in the early versions of the LFCP. The test pits excavated by AESI in 2009 also were not surveyed. The drawings in the LFCP do not note how the locations were recorded; however, the legend on Sheet 4 of the LDA-1 plans clearly states: "APPROXIMATE LOCATION OF TEST PIT (AES INC. OR HWA)." A surveyed location would never be identified as "approximate" on a detailed scaled drawing of this nature. The margin of error of those hand-marked and unsurveyed locations could easily have a margin of error up to 50 feet. In turn, that means the assumed boundary of buried waste could also have an error of 50 feet at any point.

(5) The test pits were not located in a typical grid pattern over the property or over a portion of the property. The property was first a sand and gravel mine before it was a landfill. When waste began to be deposited in the excavation(s) left from sand and gravel mining, onsite soil (sands) were used as cover for the waste materials dumped in the former excavation. This daily cover material had to have been excavated from areas other than the main landfill. Subsequent waste deposits may have been placed in these "daily cover" excavations, resulting in smaller landfill areas outside of the main landfill perimeter. Therefore, it is quite possible that buried waste may be found (or left) in unanticipated areas on the property that will become part of the residential development.

(6) Very few test pits were located in the areas where residential lots, roads, and utilities will be located, presenting a likelihood that waste material will be discovered by contractors as the subdivision is developed and houses are built, or worse, when residents dig holes to plant trees, erect swing sets, or install fences.

TEST PITS AFTER 2010

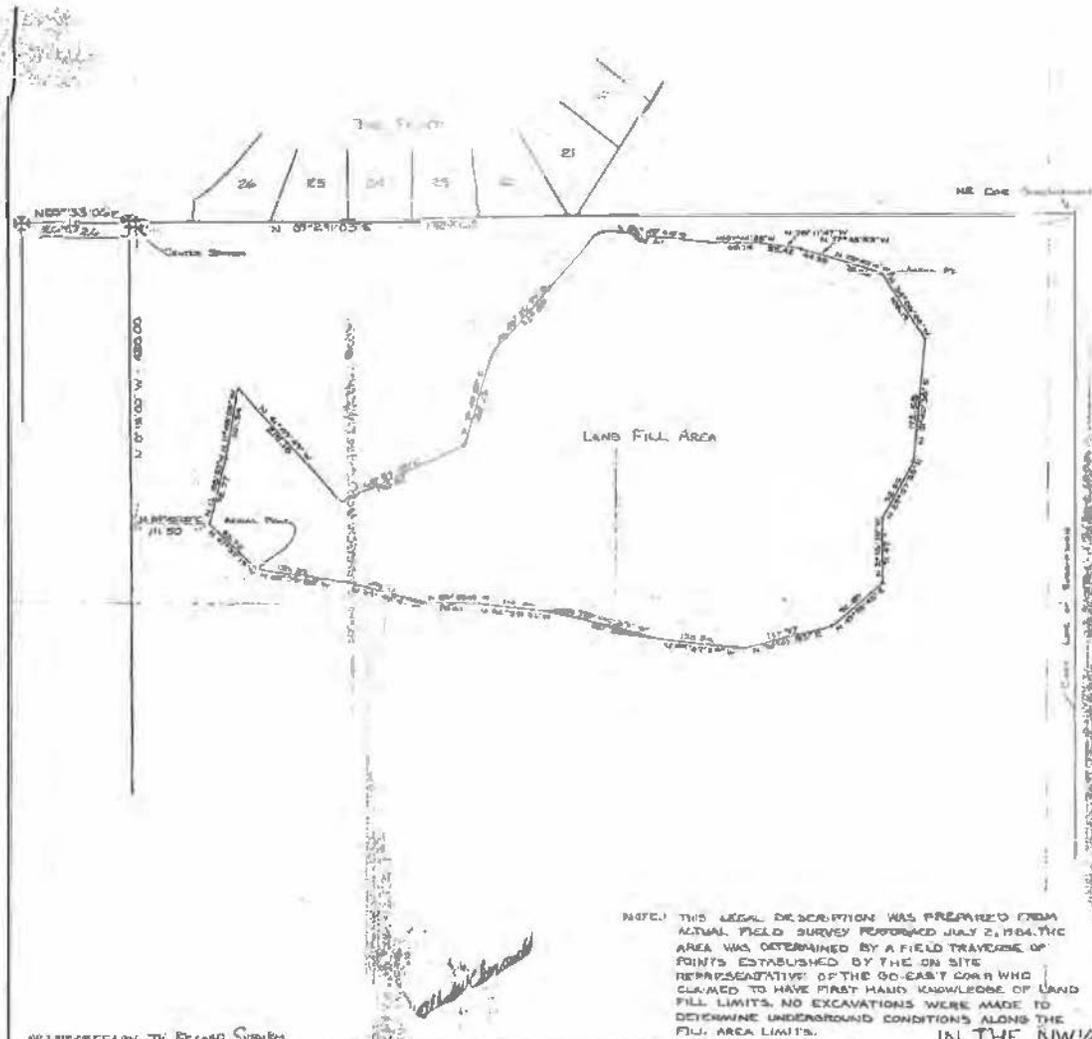
In January 2019, Terra Associates logged another 15 test pits, all but one of which were located outside of the assumed landfill area. These test pits, advanced to 12 to 14 ft bgs, were for the purpose of determining soil and slope characteristics in order to provide geotechnical recommendations for future buildings and other structures on the site. Groundwater was noted between 4 and 6 ft bgs in 5 of the 15 test pits (Test Pits 9, 10, 11, 12, and 14).

In June 2019, another 25 test pits were excavated near the assumed perimeter of buried waste. From each of 24 test pits, one soil sample was obtained from the stockpile of excavated material, and five samples were collected from various depths in a single test pit. These samples were analyzed for the presence of the following types of contaminants: BTEX, gasoline range organics, diesel range organics, oil range organics, polycyclic aromatic hydrocarbons (PAHs), seven heavy metals, and TCLP lead (seven samples only). Sample results are reported in the Interim Action Work Plan, April 2020.

Heavy oil contamination (oil range organics - ORO) was found in several of the test pits, as well as moderate contamination by PAHs and heavy metals, above the Interim Action contaminant levels. The highest ORO concentration was 28,000 mg/kg, or 2.8 percent, found at 20 ft bgs in Test Pit 1, located on the easternmost portion of the landfill that is planned for Interim Action excavation. Significant ORO concentrations were

found in many other test pits as well, but the depth of the ORO presence in soils outside of Test Pit 1 is yet unknown.

The Interim Action Work Plan (April 2020) reports that Hos Brothers excavated another 25 test pits in the landfill area, but no logs, notes, or sample analysis information has been disclosed. It is unfortunate that information important to the future developer has not been provided to the Department of Ecology or Snohomish Health District, or to the interested public.



SCALE : 1"=100 FT.
 FB17-1111

MERIDIAN : PLAT OF THE POINT

LEGAL DESCRIPTION

OF LAND
 BEGINNING AT A POINT TO THE CENTER OF SECTION 21, T-28-N, R-5-E, W.M. BEARS NORTH 08°33'00" EAST, 86.5722 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 21, THENCE SOUTH 0°15'00" EAST, 115.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 87°28'37" FEET, THENCE SOUTH 87°108.3 FEET, THENCE SOUTH 89°29'00" EAST, 78.6 FEET, THENCE SOUTH 84°33'10" EAST, 14.86 FEET, THENCE SOUTH 78°02'30" EAST, 151.57 FEET, THENCE SOUTH 85°47'50" EAST, 140.52 FEET, THENCE NORTH 78°41'58" EAST, 117.77 FEET, THENCE NORTH 49°52'48" EAST, 72.09 FEET, THENCE NORTH 2°16'00" WEST, 71.47 FEET, THENCE NORTH 87°57'00" EAST, 72.55 FEET, THENCE NORTH 57°46'30" EAST, 175.55 FEET, THENCE NORTH 34°05'00" WEST, 108.17 FEET, THENCE NORTH 72°42'11" WEST, 76.86 FEET, THENCE NORTH 77°48'53" WEST, 84.25 FEET, THENCE NORTH 78°11'47" WEST, 58.82 FEET, THENCE NORTH 89°32'28" WEST, 68.34 FEET, THENCE NORTH 84°32'52" WEST, 161.61 FEET, THENCE SOUTH 42°26'43" WEST, 227.60 FEET, THENCE SOUTH 16°40'39" WEST, 135.25 FEET, THENCE SOUTH 68°57'57" WEST, 90.87 FEET, THENCE NORTH 41°49'07" WEST, 215.18 FEET, THENCE SOUTH 11°48'08" WEST, 101.34 FEET, THENCE SOUTH 13°58'57" WEST, 92.77 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS PREPARED FROM ACTUAL FIELD SURVEY PERFORMED JULY 2, 1964. THE AREA WAS DETERMINED BY A FIELD TRAVELING OF POINTS ESTABLISHED BY THE ON SITE REPRESENTATIVE OF THE GO-EAST CORP. WHO CLAIMED TO HAVE FIRST HAND KNOWLEDGE OF LAND FILL LIMITS. NO EXCAVATIONS WERE MADE TO DETERMINE UNDERGROUND CONDITIONS OF THE FILL AREA LIMITS.

IN THE NW 1/4 SE 1/4, SEC. 21, T-28-N, R-5-E, W.M.

NOT NECESSARY TO RECORD SURVEY
 RECORDER'S CERTIFICATE
 Filed for record this day of at to book of page at the request of

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Surveyors' Act of the Province of Ontario.
 CHENOWETH & ASSOCIATES, INC., P.L.L.C.
 Professional Land Surveyors
 103 K. 105th St.
 Scarborough, Ont. M1B 1Y2
 416-291-1100

CHENOWETH & ASSOCIATES, INC., P.L.L.C.
 Professional Land Surveyors
 103 K. 105th St.
 Scarborough, Ont. M1B 1Y2
 416-291-1100

GO-EAST CORP.
 DWN. BY DATE JOB NO.
 CRRD. BY SCALE SHEET

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, June 15, 2020 2:26 PM
To: stevemoll18@comcast.net
Subject: Go East Corp Landfill comment

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Stephen Moll
Address: 10827 40th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: stevemoll18@comcast.net

Go East Corp Landfill

This is a revised statement to that confirmed as received by you 6/13/20. Please disregard that previous submission:

To whom it may concern,

Our Kings Ridge and Point communities will soon to be subjected to harm in order that a few individuals line their pockets with cash and Snohomish County generate more revenue. What individuals or agencies will assume responsibility for this proximate physical and/or mental injury.

As early as 2/11/15, there was formal hearing testimony by environmental engineers on the likelihood of toxic materials being released into the environment when the soils on GoEast property are disturbed and transported. The recent testing revealed presence of these toxic materials. The project requires trucking the materials off-site. Previous testimony revealed 2500 tandem truckloads (owner estimated 49,000 cubic yards) will be transported from and to the landfill. I and my wife (who has asthma) live uphill from the site and will be directly impacted by dust released into the air and by the horrific noise pollution for weeks and possibly months.

As a retired military nurse who has years of experience working with environmental issues affecting communities, I am concerned about the impact of this project both professionally and personally. When this plan first came about, I went door to door in "The Point" and "Kings Ridge" developments. I surveyed residents living within 2-blocks of the property who would be exposed to these air pollutants. Of the 27 households interviewed, I determined the following:

- Twelve homes reported one or more residents having compromised cardiac and/or respiratory conditions. Two individuals had recent heart attacks and three residents were on oxygen support and/or humidifiers;
- One resident was immuno-compromised following cancer treatment;
- One woman was in the midst of her pregnancy;
- Four households reported one or more children (infants, pre-school, and elementary school-age);
- Four teens were reported with special needs due to developmental disabilities.

This was just an informal sampling that revealed a number of people at high risk for complications related to their growth and development and current health issues. I have in my possession signed letters from each of these households expressing their concerns for their own health and safety. All indicated they are willing to take whatever steps necessary to hold owners and agencies accountable for proximate harm.

This project will result in a prolonged period of nerve-shattering noise generated by trucks and heavy equipment hauling, cutting, digging, and doing dynamic compacting. The noise will be intensified by the adjacent hills. The stress of this on the surrounding community is immeasurable. There is no time estimate for this landfill/construction. Hence, affected residents have no idea how long they will have to endure this extraordinary and painful experience.

Then comes the air pollution and ongoing noise and congestion that will be created by the addition of an estimated 150 to 200 vehicles to the neighborhood that has only one egress (from "The Point" up the hill of 108th St SE to 39th Ave SE. Snohomish County officials have already testified that the number of homes in the area exceeds that allowed by the WAC when there is only one egress. This project has no provision for an additional egress. In the event of an evacuation during any disaster, this will likely compound the number of injuries and possible deaths.

We expect, at a minimum, more thorough testing of soil and water be done before this "GoEast Landfill/Bakerview" project takes another step forward. The project must include a second point of egress from this already congested corridor. Should the project be approved, we expect intense oversight by State environmental experts during every step of the project. Steps to limit noise disturbance, prevent spread of dust, contamination of ground-water, and/or release of underground gas fumes must be taken. We demand to know the exact amount of time the surrounding residents will be subjected to the apparent stressors and who we can hold responsible for the harm likely to evolve.

Thank you for your consideration,

Stephen C. Moll, MN, RN (retired)
Major, USAF Nurse Corp (retired)
Former Consultant, USAF Surgeon General
Past Faculty, USAF School of Health Care Sciences
Past National Faculty, American Heart Association
Past Faculty, University of Nevada-Las Vegas School of Health Care Sciences
Nurse Consultant, Washington State Department of Social and Health Services (retired)

Noell, Alan L. (ECY)

From: jenkins.p2@gmail.com
Sent: Thursday, June 18, 2020 2:58 PM
To: Noell, Alan L. (ECY)
Cc: 'Jeremy Davis'; 'Dave Bricklin'
Subject: REQUEST: Sampling event at Go East LF 6/22

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Hi Alane-

I would like to officially request permission from Ecology to have a representative onsite during the sampling of the wedge area. Landau Associates has offered one of their field guys who is HAZWOPER certified and has substantial experience on contaminated sites. He would serve as an observer for the HOAs and will be prepared to take soil samples for added quality assurance, if indicated. Your agreement to this request would go a long way toward reassuring the HOAs that the heavily contaminated materials encountered in the wedge area will be furthered characterized appropriately under MTCA.

Many thanks for your consideration of this request.

Pam Jenkins, P.E.

PRACTICAL ENVIRONMENTAL SOLUTIONS
1342 TRACTOR LOOP
EAST WENATCHEE, WA 98802
509-846-4965

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 20, 2020 12:45 AM
To: monnydake@hotmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Monny Dake
Address: 3807 108th ST SE
City: Everett
Province: Washington
Postal Code: 98208
Email: monnydake@hotmail.com

Go East Corp Landfill

Regarding contingency and insurance for the unforeseen... Who is assuming liability if something at any time goes wrong – P&GE, the county, or the state? For example, who bears financial responsibility for health issues experienced by nearby residents, or individuals along the transportation route, of airborne contaminants during the closure process? Who has liability for further reclamation costs years into the future if further issues of additional harmful contaminants are discovered, and if leachate becomes an issue? Will future residents of the new homes to be built be required to sign an indemnity clause waiving rights to sue P&GE? Let's avoid these issues by requiring application of the most rigorous standards and best practices for landfill closure. Maybe we can even instance to raise the bar higher.

I will also note that 108th St SE is a road with relatively narrow shoulders and no sidewalks between 35th Ave SE and 38th Dr SE. There are many people and kids that walk and bicycle along this quarter mile stretch of road – some people pushing baby strollers and others with dogs on leashes. During the cleanup process the lack of total road width space will pose risk to pedestrian safety due to increased volume of large transport vehiclest-carrying potentially hazardous materials. Additionally, with the South County Fire Station (12) located at the corner of 108th St SE and 35th Ave SE, traffic flow and management issues will likely result due to increased traffic on 108th St SE thereby preventing emergency vehicles from expediently entering and exiting the fire station. What are the mitigation plans to protect pedestrians, and allow unblocked access for station 12 emergency fire vehicles?

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Monday, June 22, 2020 2:07 AM
To: mark.engelberg@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Mark Engelberg
Address: 10721 45th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: mark.engelberg@gmail.com

Go East Corp Landfill

It is risky to begin excavation without a thorough analysis of what sorts of materials are in the landfill.

Much of the plan, unfortunately, relies on trusting the same people who have a profit incentive to be dishonest about what they may find in the landfill, and to cut corners in cleaning it up. Every time a government agency relies on companies to self-police and report their own compliance data, it goes horribly wrong.

For this to be a valid plan that adequately protects the people who live in the area, there needs to be independent oversight.

Another potential risk is that it is entirely possible that they will discover complications along the way whose cost to fix exceeds the potential profit they can get from developing the land. What will they do then? Assuming they don't conceal the problem, they may simply decide it no longer makes sense to finish the project, and suddenly they drop everything and halt the project, leaving the landfill more dangerous than if they had left it undisturbed. The only way to avoid this risk is to insist that they put into escrow an amount of money to cover the completion of the project by a third-party under even the most extreme scenarios of what might be present in the landfill.

It is rather cruel to begin excavation prior to offering the opportunity to have a face-to-face meeting to explain the safety mechanisms that will be put in place to ensure safe air quality during the excavation. I have painful nerve damage that could be permanently worsened by exposure to toxins in the air. I am rather concerned that you haven't taken the time to go over the details of this aspect of the plan. It seems rushed and ill-considered.

Who is going to be liable here when things go wrong? PG&E? Or the Department of Ecology?

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Wednesday, June 24, 2020 12:34 PM
To: juliechittenden@comcast.net
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Julie Chittenden
Address: 11011 39th Dr SE
City: Everett
Province: Washington
Postal Code: 98208
Email: juliechittenden@comcast.net

Go East Corp Landfill

See attached letter.

Attachment(s):
6.24.20.pdf

Julie Chittenden
11011 39th Dr. SE
Everett, WA 98208

June 24, 2020

Alan Noell, Site Manager
3190 160th Ave SE
Bellevue, WA 98008-5452

Hello Alan,

Thank you for hosting the public participation meeting last Thursday concerning the Go East Landfill and your panel from Ecology as well as Snohomish County.

Could you please provide me with a list of participants who were online, as well as those connected via phone? I had hoped that a WebX forum with video would have been used as well as a recording of the meeting for those community members unable to participate that evening. I don't know if you realized that some of us lost the audio portion during the last hour and had to phone-in rather than use WebX. This is where a recording would have been helpful as I personally missed many of the questions and responses.

I have reviewed the PowerPoint presentation online with the narrative summary. I noticed that no dialogue was included for those participants who asked questions. I realize this was the first time that Ecology has conducted an online public meeting but it certainly wasn't what I had hoped for and fell far short of a public meeting.

This proposed development is very important to our community and how the waste removal is to be handled. It may not be a "high profile" clean up site, but we have spent over ten years, three hearings and hundreds of thousands of private dollars to have this land dealt with to a high level of clean up. It would be sad to see present and future homeowners placed at risk.

Numerous times during the question/answer portion, you referred to "industry standards" in how the air, soil and water mitigation would be addressed. Isn't every site different and the proposed development taken into account? In this case, with lot size averaging, it puts future homeowners closer to the landfill and critical land areas such as the steep slopes than even the state WACs are suppose to allow?

I was under the impression that the wedge area would have landfill debris completely removed but understood during the presentation that it would only be excavated to a certain depth, then covered with soil. Perhaps this needs to be addressed further as that was where petroleum was found and an area suspected of PCB's.

You had told me during an earlier conversation that an HOA would not be allowed to assume responsibility of the landfill. At Thursday's meeting when asked again, your comment was that basically the land owners can do what they want because they own the land. Even with financial assurance, I have felt that the owners will step away once they have secured a buyer.

I appreciate that Ecology is finally involved with this site, as we had suspected from the beginning that there was waste deposited at this site that was beyond what they were permitted to receive. We still have homeowners living in the area that were affected from the fires and smoldering debris for years. Please continue to help educate us through this process so we can feel confident of the future outcome.

Julie Chittenden
Kings Ridge, HOA President

Noell, Alan L. (ECY)

From: jenkins.p2@gmail.com
Sent: Friday, June 26, 2020 5:36 PM
To: Noell, Alan L. (ECY)
Cc: Williams, Steven (ECY); Davies, Laurie (ECY); Warren, Bob (ECY); Buroker, Thomas (ECY); Thompson, Jonathan C (ATG); Straughn, Bruce (DOH); mengebretson@snohd.org; marty@pace.engrs.com; gary@garyeastlaw.com; ken.lederman@foster.com
Subject: Go East LF - URGENT comment letter
Attachments: 2020-06-26 PES Comment Ltr 4 re Go East LF proj structure.pdf

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Hi Alane-

Attached is my fourth comment letter on the Go East Landfill project. This letter addresses concerns with the way the project is currently structured under WACs 173-350 and 173-340, especially based on what we now know of contaminated soils in the wedge area. The letter also addresses the supplementary sampling scheduled for Monday, June 29th. I have commented on the sampling plan previously, but suspect those comments have not yet been processed. My remarks on the sampling plan in this letter are focused on the regulatory requirements for this sampling effort that the Interim Action Work Plan fails to recognize.

Please feel free to call me this weekend if you have questions or wish to discuss these thoughts.

Thank you in advance for your careful consideration of these comments.

Pam Jenkins, P.E.

PRACTICAL ENVIRONMENTAL SOLUTIONS
1342 TRACTOR LOOP
EAST WENATCHEE, WA 98802
509-846-4965.



PRACTICAL ENVIRONMENTAL SOLUTIONS

1342 Tractor Loop, East Wenatchee, WA 98802

jenkins.p2@gmail.com • 509.846.4965

June 26, 2020

Alan Noell, Site Manager, Solid Waste Program
Washington State Department of Ecology, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452

Email transmittal to: alan.noell@ecy.wa.gov and via Ecology's online comment portal

Re: Go East Corp Landfill– Facility/Site ID: 2708; Cleanup Site ID: 4294
4330 108th St SE, Everett, WA 98208
Review of Agreed Order, Interim Action Work Plan, and associated documents

Dear Alan:

Thank you for extending the public comment period and for hosting a public comment meeting via WebEx. As with my previous comment letters, this letter is based upon my review of the draft Agreed Order, Interim Action Work Plan, and associated documents, on behalf of the Kings Ridge and 108th Street Point Homeowners Associations. This letter focuses more narrowly on the regulatory approach Ecology appears to have taken on the cleanup of the Go East Landfill site. Comments I heard during the public forum suggested a possible lack of understanding of the various regulatory requirements that now apply to the landfill closure and site cleanup, as well as the importance of this project to the people who live close to the site. Outlined below are several important issues for Ecology, Snohomish Health District, and the project proponents' consideration.

Please feel free to call me if you desire clarification or wish to discuss any of these comments.

Thank you for taking the time to consider these remarks.

Sincerely,

Pam Jenkins, P.E.

PRACTICAL ENVIRONMENTAL SOLUTIONS

E-cc:

Steven Williams, Ecology, Solid Waste Program
Laurie Davies, Ecology, Solid Waste Program
Bob Warren, Ecology, Toxics Cleanup Program
Tom Buroker, Ecology, NWRO Regional Mgr
Bruce Straughn, Snohomish Health District

Megan Engebretson, Snohomish Health District
Marty Penhallegon, P&GE
Gary East, P&GE
Ken Lederman, Foster Garvey

Enclosure

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 27, 2020 8:14 AM
To: dporter142@outlook.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: David Porter
Address: 10717 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: dporter142@outlook.com

Go East Corp Landfill

The stream and ground water will not be adequately protected by capping the toxic material. Toxic material was found last July and proposed test pits are not going deep enough to reach the level of said material. The developer is in control of the 12 pits and no verification or overseeing of the digging or testing is being done by a neutral third party. Make sure the choice of test sites are looking for toxic waste rather than trying to avoid it because of higher expense exposure.

Noell, Alan L. (ECY)

From: ptatclmpcs@frontier.com
Sent: Saturday, June 27, 2020 at 12:01 PM
To: Noell, Alan L. (ECY)
Subject: Comments on Go East Landfill Development by P&GE

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Mr. Noell and Ecology Team:

My name is Connie Klagge and I have been a homeowner since 1995 in Kingsridge. When I purchased my home I was never informed that a toxic landfill was located just a few blocks to the east of my home. I found out the hard way when my two

Samoyed dogs escaped from my backyard and ran down the hill. I chased them into what I now know was a toxic landfill that had never properly been closed. Once in the dump, I discovered a wickedly steep slope on the SE edge and a FLEETLY, swamp-like pond on the west in which they were romping/playing in. I promptly leashed them up and took them back home for a bath. The contents of that "water" permeated their thick double coat of fur. Despite bathing them 3 times with special cleansing shampoos (including Dawn to counteract petroleum) brushing, vacuuming and combing them repeatedly every day for weeks, we eventually had to clip out sections of their hair. The stubborn debris clung to their skin/hair for weeks. The smell was so ACRID that my eyes itched/burned for 4 to 6 weeks. The dogs continued to scratch, lick and chew on their limbs and all 3 of us had RUNNY NOSES and COUGHS. The debris from their coats rubbed off and into my carpets. I finally had to have my carpets professionally cleaned to rid the house of the horrendous ODOR from just this one exposure to whatever toxins were in that landfill water. The stains in my carpet never came out. I am convinced that any disturbance of this landfill by digging/grading will release these same TOXINS into both the AIR and WATER not only seriously affecting the health of the surrounding residents but will also negatively affect the livestock and crops in the Snohomish Valley below.

It is my understanding that contaminants of arsenic, iron, and manganese were recently found in that water ABOVE THE LEGAL LIMITS. That will clearly pollute everything downstream despite the proposed run-off solutions. During the recent public web-ex meeting it was stated that a couple of retention bladders with 2 and a half feet of dirt covering would protect future residents from contact with the water/contaminants. SERIOUSLY? My dogs can dig a hole 3 to 4 feet deep in less than ten minutes! The builders that constructed my home left all sorts of debris buried under 3 to 5 feet of compacted soil in my side and back yard. Guess who found it and dug it up and out? The dogs unearthed it and occasionally still smell something under the earth in the backyard and dig up stuff from that depth. New residents in the proposed site will most likely have dogs. How long do you really think those bladders will be intact? Not long is my guess.

The AIR quality is also of great concern. Digging up these toxins will cause them to be released into the air regardless of water/dust suppression/MPH wind restrictions. And the suggestion that a methane trench for gas emission "above the breathing zone"? How high is that? Is that akin to the old concept of a "smoking zone" in an airplane as if we weren't all breathing that in or a "peeing zone" in a public swimming pool? The whole concept reminds me of the early claims that the COVID 19 virus was just like the regular flu. Once the horse is out of the barn it will be too late to undo the damage that the TOXINS from that landfill will do to our lungs and immune systems.

Give the fact that we live in an EARTHQUAKE prone, LANDSLIDE prone, RAINSOAKED and WINDY area, disturbing the steep slope on the SE edge of Bakersview property is just asking for another OSO! Directly below that slope is the OLYMPIC GAS PIPELINE. Have we forgotten the explosion in Bellingham several years ago? This proposed development is a major disaster just waiting to happen!

Which leads me to another major concern. **Allowing** a developer/**owner** to self- report is a CONFLICT OF INTEREST! The progress of cleaning up this landfill and closing it should be **overseen by a watchdog agency** like the EPA or the Dept. of Ecology, not the individuals profiting from the project. **How** can **we** trust them to be honest, forthright or act **with integrity**? They have a \$million reasons not to regardless of their professional credentials. **Will** someone from EPA or Dept of Ecology be onsite at all times to ensure that things are being done properly? **HEALTH** is more important than **WEALTH**. **Who** is going to protect the health, safety and **welfare** of the citizens of Snohomish County?

Lastly, **who** can **we** contact if/**when we**, the residents in the area are being adversely affected? Please give me the courtesy of an **answer** to this question personally **by** replying to this email.

Thank **you** for opening this up to public comment. Please share **my** email **with** all the members of the Ecology Team.

Sincerely,
Connie J. Klagge

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 27, 2020 12:08 PM
To: smiths75@frontier.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: steven smith
Address: 4406 108th st.se
City: everett
Province: Washington
Postal Code: 98208
Email: smiths75@frontier.com

Go East Corp Landfill

WE ARE LIVING IN A UNPRECEDENTED TIME IN OUR COUNTRY'S HISTORY. WE ARE DEPENDING ON OUR SCIENTIST AND POLITICAL LEADERS TO MAKE DECISIONS THAT BEST SERVE THE HEALTH OF THE PEOPLE AND AND THE HEALTH OF OUR ENVIRONMENT. PLEASE DON'T IGNORE THE LAWS THE RULES AND REGULATIONS JUST FOR THE SAKE OF A FEW WEALTHY PEOPLE. A MESS THAT A FEW PEOPLE CREATED WILL EFFECT MANY PEOPLE FOR MANY YEARS (ADVERSLY) IF YOUR DECISIONS ARE NOT MADE WITH THE BEST INTEREST OF ALL THE CITIZENS AND OUR ENVIRONMENT IN MIND.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 27, 2020 2:30 PM
To: tomcroissant@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Tom Croissant
Address: 10709 44th Ave SE
City: Everett
Province: Washington
Postal Code: 98208
Email: tomcroissant@gmail.com

Go East Corp Landfill

Per WAC 173-250-400 (3)e

(3)e Limited purpose landfills - Permit requirements - Location. All limited purpose landfills must be located to meet the following requirements:

(a)e No landfill may be located... on or adjacent to an unstable slope or other geologic features which could compromise the structural integrity of the facility

(c)e No landfill's active area may be located... within two hundred feet, measured horizontally, of a stream, lake, pond, river, saltwater body, or in any wetland

Yet, it appears that we have both of these conditions as there are steep slopes in the immediate area and a stream and a wetland area. And now the plan is to make the landfill active again by moving thousands of cubic yards of debris from the wedge area to the core landfill area.

Does this landfill activity and additional burden on top of the landfill increase the possibility of instability at the toe of the landfill and the potential for compromising the structural integrity of the landfill?

As for the contents of the landfill that will be excavated from the wedge area and stacked on top of the core landfill area. Are there any substances that are not allowed to be excavated and added to the landfill? If testing of the waste is only planned for once every 2500 cubic yards of waste it seems that DoE is not concerned with the contents of the wedge area but rather only cares that it is consolidated into the core landfill and capped and contained. This seems like a very low standard.

The characterization of groundwater movement and content seems inadequate. There has been very limited study of the groundwater at this site. Only 4 wells total and only 3 wells with any data. It does not seem adequate to characterize the difference between upgradient and downgradient groundwater contents such that it can be determined what materials are being introduced by the landfill. Groundwater should be characterized over a period of years with study in each of the 4 seasons so that it is well understood. And then after the

situation is characterized and understood then take actions to ensure that the downgradient groundwater is within safety standards and will continue to stay within said standards.

Ecology prepared an initial investigation field report on June 13, 2019 based on available information. The report indicates that metals were detected at concentrations exceeding MTCA cleanup levels in three groundwater samples collected from monitoring wells in 2009. The report also indicates that elevated concentrations of metals were detected in surface water samples collected from a stream that originates at the base of the landfill's northeastern slope. So, it took over 10 years for actions to be taken over three groundwater samples taken in 2009? Imagine what we might learn from a comprehensive multi-season sampling of groundwater using well placed monitoring wells? The surface water stream at the base of the landfill likely pre-exists the landfill or at least has been there for decades. Yet it was only tested in 2009 and no actions taken for a decade?

In order to close this landfill in a manner that protects the environment and protects human health I expect the highest standards to be followed. I have never witnessed any evidence to suggest that the owners of the property are interested in employing high standards for closure of the landfill and the following property development. It is the responsibility of agencies like Dept of Ecology to hold the owners accountable to very high standards.

Thomas Croissant
tomcroissant@gmail.com

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 27, 2020 4:50 PM
To: bradeyh@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Bradley Honsinger
Address: 4315 108th St SE
City: Everett
Province: Washington
Postal Code: 98208-4684
Email: bradeyh@gmail.com

Go East Corp Landfill

Please see attached.

Attachment(s):
Comment - Go East Corp Landfill - Brade.pdf

Bradey Honsinger
4315 108th St SE
Everett, WA 98208
bradeyh@gmail.com

June 27, 2020

Alan Noell

Site Manager

Washington State Dept. of Ecology

3190 160th Ave. SE, Bellevue WA 98008-5452

Subject: Proposed Agreed Order, Interim Action Work Plan, and Public Participation Plan for the Go East Corp Landfill site

Dear Mr. Noell,

My home is located near the former Go East landfill site—in fact, it is directly across from the site's main entrance—so I have reason to be particularly concerned with the proposed closure plan for this landfill. I have four young children in my home, and the health effects of the proposed plan worry me greatly.

The Go East landfill was a disposal site for materials known to be hazardous and harmful, as evidenced by the multi-year fires fueled by toxic metals at the landfill. It operated as an unregulated landfill for some time after its permit last expired in 1982, illustrating its operators' lack of commitment to legal waste management practices. Given this, it is highly likely that in addition to the known wastes, the landfill also contains unknown materials hazardous and harmful to human health and the environment, and its closure should be held to the highest standard of care.

The proposed Go East landfill Interim Action Work Plan is not adequate—it fails to protect my family's health and the environment from the immediate effects of the closure and the long-term damage caused by the materials it contains.

- Soil and groundwater testing to date has been inadequate to characterize the contents and boundaries of the landfill, and the minimal additional testing planned before work begins is not sufficient. Groundwater testing has been limited to up-gradient and dry wells which, even if monitored for a sufficient period—and they were not—would not help determine the type and amount of toxic substances coming out of the landfill. Each round of soil test pits have expanded the boundaries of the landfill beyond what was previously known, but have not fully established the extent or the depth of the materials.

- Testing and monitoring for toxics during the work is not sufficiently provided for in the plan. Visual inspection of soil during excavation will not catch toxics before they become hazardous. Previous tests have shown high levels of lead and mercury in the landfill, well above MTCA action levels; given the history and age of the landfill, it has a high probability of also containing asbestos. Disturbing this material during the extensive excavation planned will cause it to become airborne, creating an immediate health hazard to workers, neighbors, and my family.
- Public participation requirements under MTCA have not been met. Holding a single conference call—after de facto approval of the Interim Action Work Plan—is not a replacement for timely, in-person meetings. Online-only meetings disenfranchise those without technology access, including a significant number of elderly residents in our neighborhood. While I recognize the difficulties in allowing for public participation due to COVID-19 restrictions, this can't be an excuse to take shortcuts..

Thank you for listening to my concerns.

Sincerely,
Bradey Honsinger

cc: Sam Low, Snohomish County Council District 5
cc: Representative John Lovick, 44th Legislative District, Position 1
cc: Lauren Jenks, Assistant Secretary, Washington State Environmental Health

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Saturday, June 27, 2020 11:41 PM
To: william.bentler@frontier.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: William Bentler
Address: 10805 42nd Dr SE
City: Everett
Province: Washington
Postal Code: 98208
Email: william.bentler@frontier.com

Go East Corp Landfill

Your landfill history summary cites a single instance of heavy metals disposal wastes that ignited in 1972. You are quite specific as to the amount, and how it was isolated, then removed from the landfill. You do not cite a source, or supporting documentation for this claim. How did you arrive at this conclusion? Is it anecdotal information from Gary East? Do you have any evidence to support this claim?

In 2010 I and others from two adjacent neighborhood associations, spent days poring through 40 years of archived Health District records on this property. We were the ones who learned about the fire, from an old Everett Herald article. There was nothing else about this incident. I contacted Snohomish Fire District to obtain reports about the fire. They had none, and referred me to the State Fire Marshal's office in Olympia. That office said it had no retrievable archives from the early 1970s. So, how does DOE have such neat conclusions about the limited size and gravity of this incident?

I know the existence of two large, heavy steel boxes that lay concealed by blackberries at distances I estimate at 100 yards and 150 yards from my property. I think they are open topped debris boxes, probably brought in on flat bed trucks. They appear to still be full of debris. These are just the two I know about; there may well be more, when land clearing reveals them. I hope all concerned agencies will examine what they hold. Why was it worthwhile to abandon these heavy boxes that were clearly meant for a lot of reuse? What was in them is still there.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 28, 2020 11:14rAM
To: mjhurd2005@gmail.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Peggy Hurd
Address: 4422 108th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: mjhurd2005@gmail.com

Go East Corp Landfill

4422 108th Street Southeast
Everett, Washington 98208
June 27, 2020

Dr. Alan Noell
Washington State Department of Ecology
3190 160Th Ave. SE
Bellevue, WA 98008-5452

Dear Dr. Noell:

First, I would like to thank you for setting up and hosting a public on-line meeting for the Go-East Landfill project. You, Mr. O'Connor and Ms. Rounds gave us some good information, and we appreciated the extra time and effort each of you took to set up and run the meeting. However, it was not at all what we expected, given that the Model Toxics Control Act requires public participation:

WAC 173-340-600 (1) "The department's goal is to provide the public with timely information and meaningful opportunities for participation that are commensurate with the site. The department will meet this goal through a public participation program that includes: the early planning and development of a site-specific participation plan, the provision of public notices, public meetings or hearings, and the participation of regional citizens' advisory committees."

Although the site was identified as a MTCA site in September, 2019, there has been absolutely no public participation allowed until the public comment period opened in May, 2020—no public notices, no meetings, and no citizen committees. The Interim Action Work Plan and Agreed Order were developed by the site owners and the Department of Ecology with no public input, even when it was requested, let alone "early" input from the local residents who stand to be most affected by the problems in this project.

The public meeting, while informative, was not one of "public participation," sad to say. The cleanup plan was defended by Ecology, while the public's concerns were minimized. Over the last decade the homeowners' associations and private individuals have spent hundreds of thousands of dollars on this project. This is not a "NIMBY" project for the residents around the landfill. Our examination of the plan, with the help of a number of environmental and landfill closure experts, continues to reveal inaccuracies in the plan, poor design of protective systems, lack of adequate characterization of the site, and lack of care for the health of the future plat residents as well as those who already live around and below the site. Yet we felt that our comments were not received as anything more than uninformed worries that needed to be laid to rest. In fact, there are more serious concerns now than before, given the rushed timeline and the continued lack of definitive testing of the soil and groundwater.

We are definitely gratified that Ecology has taken the lead in the project at this point. It is discouraging that—since MTCA became law in 1989, not a new regulation—it has taken more than thirty years to get the beginning of appropriate testing done to accurately classify this site. And we ask now that the MTCA process not be bypassed in any way, even if the landfill owners are impatient to finish the closure and realize their profit. We are grateful that Ecology's mission, according to your website, is to protect, preserve, and enhance Washington's environment for current and future generations. This releases Ecology from the burden of allowing developers to bypass the MTCA laws.

We specifically ask that:

- 1) Public participation is now incorporated in a much greater way as the project Agreed Order and Interim Action Work Plan are revisited.
- 2) Much more thorough site investigation is done. Test pits should be dug on the sites of toxic waste, down note only to the depth found before, but even below that. The actual depth and content of the waste should be discovered in the wedge area, on the northeast slope (which is fill but not slated to be covered), on every proposed lot site, and on the central landfill acres themselves.
- 3) An up-gradient ground water well should be installed outside the proven footprint of the landfill waste.
- 4) A down-gradient well should be installed in the actual downhill groundwater that has been shown to flow through the waste before any other closing activities are begun.
- 5) All four wells should be tested at least eight times in the next two years, in accordance with MTCA requirements—before the landfill is disturbed any further and the residential plat developed.
- 6) The results from June 29 test pits should be publicized and analyzed before any further action is allowed on the property, including tree removal and placing of erosion control structures.

My last questions are these: in the central part of the landfill, the place where wedge materials are to be piled and then covered, has extensive soil sampling be done there? If not, why not? Is it legal to have waste that is found to be toxic (for example, heavy motor oil, asbestos, zinc, etc.) left buried in the central part of the landfill? How does MTCA address that issue?

This is a difficult, complicated project, and I do appreciate the work you are doing on it. Thank you for considering all the issues brought up, and ensuring that the environment and human health are protected.

Sincerely yours,
Peggy Hurd

Cc: Sam Lowe, Snohomish County Council, District 5
Representative John Lovick, 44th Legislative District, Position 1

Noell, Alan L. (ECY)

From: rally291x2@gmail.com
Sent: Sunday, June 28, 2020 11:21 AM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

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Hello Alan,

It has come to my attention that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if found in the wedge area.

Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

I would appreciate your support to correct this oversight for the best possible outcome for everyone!

Thank you,
Teresa Manspeaker
425-308-8122e

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 28, 2020 11:34 AM
To: SteveChittenden@Comcast.net
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Steve Chittenden
Address: 11011-39th Drive SE
City: Everett
Province: Washington
Postal Code: 98208
Email: SteveChittenden@Comcast.net

Go East Corp Landfill

It is my understanding that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if found in the wedge area. Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 28, 2020 12:33 PM
To: juliechittenden@comcast.net
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Julie Chittenden
Address: 11011 39th Dr SE
City: Everett
Province: Washington
Postal Code: 98208
Email: juliechittenden@comcast.net

Go East Corp Landfill

Hello Alan,

There's seems to be deviation between the Solid Waste Permit #SW-027 issued by the Snohomish Health District and the Interim Action Work Plan with Ecology. The Solid Waste Permit is very specific with regards to the handling of contaminated soils. In section III, D.4: "If contaminated soils are found, discovered by smell, characteristic coloring or textures, or sampling, the permittee is required to remove the contamination, determine the extent of the contaminated area, and perform confirmation sampling that all the contaminated material has been removed. The Health District may attend confirmation sampling procedures and has the authority to take samples for the purpose of confirming that the contamination has been fully removed." We have always been told that any contaminated soil would be removed offsite per regulations and that it cannot be redeposited on the remaining landfill. During the WebX presentation, it was stated that "landfill material and contaminated soil are removed from beyond the final landfill boundary." What was not specific was where that soil would be removed to. Could you clarify this area as it has raised considerable concern?

Thank you.
Julie Chittenden

Noell, Alan L. (ECY)

From: Curt Marsh <cmash7860@outlook.com>
Sent: Sunday, June 28, 2020 12:40 PM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

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I live in this neighborhood and absolutely object to any use of this land for building purposes. Curt Marsh 3915 109th Pl SE Everett WA 98208

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Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 28, 2020 3:43 PM
To: schurd@icloud.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Steven Hurd
Address: 4422 108th St SE
City: Everett
Province: Washington
Postal Code: 98208
Email: schurd@icloud.com

Go East Corp Landfill

Steven Hurd
4422 108th Street Southeast
Everett, Washington 98208
schurd@icloud.com
June 28, 2020
Alan Noell
Site Manager
Washington State Dept. of Ecology
3190 160th Ave. SE, Bellevue WA 98008-5452

Subject: Proposed Agreed Order, Interim Action Work Plan, and Public Participation Plan for the Go East Corp Landfill site

Dear Dr. Noell:

Your online presentation on June 19 gave the homeowners a useful overview of how Ecology views the history of the Go East landfill and the PACE's plans going forward.

However, a big part of the story was missing, namely the reluctance that Gary East, PACE, SHD, and now Ecology show in following applicable laws, regulations, and engineering standards:

- PACE has spent a lot of money – and will spend more – because Gary East et al failed to operate the landfill according to the law before PACE bought it. It's relevant that he failed to pay property taxes on the land for several years.

- The county waived regulations regarding traffic access and density with no notice rationale given.

- PACE has several times corrected substantial deficiencies in their engineering plans, but only after homeowners pointed them out.
- Location, number and depth of test pits, both completed and planned, are woefully inadequate.
- Contrary to MOTCA requirements, Ecology did not keep the homeowners updated as plans were developing.
- When, late in the process, the novel virus prevented an in-person meeting with homeowners, Ecology's solution was to skip the meeting entirely. Only after homeowners pushed back did they agree to hold an online meeting.
- PACE now plans to begin land disturbance before the test results have been received and analyzed.

The county - and now Ecology - have shown a consistent willingness to cut technical, legal and regulatory corners in favor of Go East/PACE. This has left homeowners with low confidence that PACE will act in good faith as they start to dig into earth that we know contains legally significant amounts of hazardous materials.

Homeowners also have low confidence that the proposed methane-containment system will be properly maintained after it is built. PACE certainly will have no incentive to maintain it, and it is highly unlikely that new residents would have the incentive to organize and fund a maintenance program.

Since homeowners did not get a chance to make inputs until the end of the approval process, I propose Ecology do the following before any land is disturbed:

- Mark up a copy of the MOTCA document, briefly describing at each step how the requirement will be met.
- Send a copy of the markup to each homeowner.
- Set up an online meeting with homeowners in which Ecology can talk through the key points and field questions.

Thank you

Steve Hurd

cc: Sam Low, Snohomish County Council District 5

cc: Representative John Lovick, 44th Legislative District, Position 1

cc: Lauren Jenks, Assistant Secretary, Washington State Environmental Health

Noell, Alan L. (ECY)

From: noreply@smartcomment.com
Sent: Sunday, June 28, 2020 9:35 PM
To: william.bentler@frontier.com
Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: William Bentler
Address: 10805 42nd Dr SE
City: Everett
Province: N/A
Postal Code: 98208
Email: william.bentler@frontier.com

Go East Corp Landfill

Our neighborhoods were reminded that the Solid Waste Permit requires removal of contaminated soil found in the "wedge area" of this contaminated landfill.

The Agreed Order and Interim Action Work Plan do not address this requirement. Not removing, but instead, relocating identified contaminated wastes from the wedge area violates the permit.

Noell, Alan L. (ECY)

From: bzarlingo@frontier.com
Sent: Sunday, June 28, 2020 11:33 PM
To: Noell, Alan L. (ECY)
Subject: Comment on the Interim Action Work Plan for the Go East Corp Landfill Site

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

To Alan Noell, Site Manager, Washington Dept. of Ecology

Hello Alan,

I appreciate the opportunity to participate in the discussions related to future activity on the Go East landfill property in the vicinity 108th St. SE in Snohomish County. Please consider the questions and comments that follow.

1) I see in the amended Decision of the Snohomish County Hearing Examiner (https://snohomish.granicus.com/MetaViewer.php?view_id=2&clip_id=6320&meta_id=408383) section F. 52 on page 14 that the future subdivision on this site is expected to have a homeowners association that will likely be responsible for maintenance and monitoring of the landfill. Perhaps this document is out of date, as later documents (including the one shared at the recent online public meeting) indicate that the housing developer is likely to purchase only the post-closure, non-landfill portion of the parcel in question. I am concerned about actual long-term responsibility for post-closure monitoring and any required work. The sale of the marketable portion of this property will leave only a portion that is wholly a landfill, and essentially only an ongoing liability in the hands of P&GE, an LLC. This LLC will apparently have the landfill as its only asset, and I do not see how any long-term responsibility can be assured. I assume the LLC could be dissolved, leaving the public—presumably in the form of Snohomish County residents—responsible for any future costs. The public hearing document and discussion at the hearing itself mentioned “financial assurance” from P&GE but provided no specifics. What assurance do we, the residents and taxpayers of Snohomish County have that resources will be available long-term from P&GE to avoid the need for Snohomish County to bear costs and responsibility for this troublesome landfill?

2) There is apparently a petroleum pipeline crossing the property, indicated by a sign currently on the property. I do not recall this pipeline being discussed at public meetings or marked on documents shared with the public in connection with closure of this landfill. What is the nature of this pipeline and its effect on the closure and future development activities?

3) Several residents of a housing development (I believe it is called Kings Ridge) bordering the west edge of the landfill parcel in question have occupied and developed some of the adjacent edge of the landfill parcel as part of their housing lots. I do not see this mentioned in discussion of the landfill parcel cleanup and closure, and do not

see any portion of the landfill parcel listed as part of their online legal description. There are suggestive markings on pages 26 and 27 of the Agreed Order, but I have not found further specifics or explanation. Does the cleanup and closure plan mention the existence of these encroachments? Are there easements or other arrangements that would make these abutting property owners a part of the cleanup and capping operation? Are there any limitations or hold harmless agreements between them and P&GE or other parties involved with this landfill closure?

4) Is it not customary to have a buffer between the edges of a landfill and newly-developed residential properties? I believe the lot sizes in this development will be rather small, placing some houses very close to the edge of the newly-capped landfill, as I see no evidence of a buffer. Will there be some limit to the slope of the landfill edge adjacent to the residential properties, and some limit to the differences in elevation?

Thank you for your attention to these concerns and questions.

Best regards,

Ben Zarlingo

Noell, Alan L. (ECY)

From: Cathy Mitcheltree <captaingraham12@gmail.com>
Sent: Monday, June 29, 2020 1:34 PM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site Facility Site ID #2708 Cleanup Site ID: 4294

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Good afternoon Alan,

I've been made aware that the landfill closure permit #SW-027 for the Go East Landfill requires the removal of contaminated soil if contaminated soil is found in the wedge area.

Both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement. Not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit.

I would really appreciate your support to correct this oversight for the best possible outcome for everyone involved.

Thank you for your time and consideration,
Catherine Mitcheltree
425-919-9440e

Noell, Alan L. (ECY)

From: Michelle Welch <michellewwelch@live.com>
Sent: Tuesday, June 30, 2020 10:50 AM
To: Noell, Alan L. (ECY)
Subject: Go East Corp Landfill Site ~ Facility Site ID #2708 ~ Cleanup Site ID: 4294

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To whom it may concern

I live in the Kings Ridge area of Everett near the Go East Corp Landfill Site and I have two children. I am concerned that the landfill closure permit #SW-027 for the Go East Landfill may require removal of contaminated soil. I am concerned about this for the health of my neighbors and family. In addition, it is my understanding that both the Agreed Order and the Interim Action Work Plan fail to incorporate this requirement but not removing the contaminated soil that has been identified in the wedge area would be a violation of the permit. I'd love to continue to be informed on how this decision will be made and how I can best protect my family should it move forward,

Michelle Welch
3920 109th PI SE
Everett, WA 98208

Noell, Alan L. (ECY)

From: Lui, Nancy (ECY)
Sent: Monday, July 6, 2020 1:49 PM
To: MICHAELA
Cc: Noell, Alan L. (ECY); O'Connor, Tim (ECY)
Subject: RE: Department of Ecology - Go East Corp Landfill update

Good Morning Mike,

Thank you for taking the time to write to us.

I am sorry you were not able to attend the meeting. I hope you are doing much better now.

I have passed your information below to Alan Noell Site Manager and Tim O'Connor Hydrogeologist for this project.

From: MICHAELA <mikeandnancy66@comcast.net>
Sent: Wednesday, July 1, 2020 5:21 PM
To: Lui, Nancy (ECY) <nlui461@ECY.WA.GOV>
Subject: Re: Department of Ecology - Go East Corp Landfill update

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Nancy,

Due to medical issues, I was unable to participate in the Town Meeting for Go East's project. Earlier, I had called to express my concerns, as a former emergency manager for Snohomish County with degrees in geology and geophysics, on the segment of 108th St SE between 35th Ave SE and 45th Ave SE.

I do not know if DoE is aware of documented subsurface springs under 108th at the crown of the hill near 39th St. There are many surface cracks on the road, and Public Works regularly has to cut down suckers from roadside trees that track the spring's drainage along the north side of 108th. The trees have also sent roots under the road that have buckled the surface.

Unfortunately, SE 108th is the only access route for Go East, as well as the only egress for more than 60 homes at The Point, and side streets from 39th to 45th SE. By WA State emergency access standards the 108th route is already over permissible limits for "daily trips" with the neighborhood's existing population. Another 100 homes will place all the persons living east of 40th SE off 108th in jeopardy in the event of an earthquake or severe storm. Also of major concern is that it is my understanding that Go East plans to haul out thousands of truckloads of rock and soil from the old landfill. I believe this action will jeopardize the condition of an already hazardous egress route.

I urge DoE to conduct a survey of this road, and require Go East to guarantee repairs as needed, or alternatively, to develop an alternate plan for access/egress to their project.

I would be happy to meet with DoE at your convenience to visit the site and discuss historical concerns. I have previously met with Snohomish County Public Works Director and their Road Maintenance personnel to discuss 108th problems as far back as 1996-97.

Thank you,
Mike McCallister

425-293-2674e

Sorry if this is brief, my computer has died and I'm operating from a tablet.

Sent from Xfinity Connect Application

-----Original Message-----

From: nlui461@ECY.WA.GOV

To: nlui461@ECY.WA.GOV

Sent: 2020-07-01 4:05:07 PM

Subject: Department of Ecology - Go East Corp Landfill update

Ecology Go East Corp Landfill cleanup site, Status Update

Ecology obtained your contact information either from the online public meeting registration or e-comments. Ecology will continue to communicate using mail to ensure the community is informed about public comment periods, public meetings, and other status updates. Ecology is using email to announce status updates on our [website](#). If you do not wish to receive further status updates by email, please request that Nancy Lui, nlui461@ecy.wa.gov, to remove your contact information from this distribution list by indicating "remove from the Go East Corp email list".

What's New?

OBSERVATION OF INTERIM ACTION ACTIVITIES

Ecology is observing supplemental waste characterization sampling and fill source sampling activities during the week of June 29 to July 1, and will continue to observe interim action activities at the site. Ecology created a flicker account <https://www.flickr.com/gp/ecologywa/J9xKUr> where we will post pictures of the cleanup activities. Ecology will provide the waste characterization sampling results on this website before landfill excavation activities commence.

PUBLIC COMMENT PERIOD

The Go East Corp Landfill public comment period ended on June 28, 2020. Ecology is reviewing these comments and will provide written responses in a Responsiveness Summary Report. The Responsiveness Summary Report will be posted on this website and mailed to those who commented. This delivery of the Responsiveness Summary Report is not tied to the authorization of construction activities.

The Agreed Order and Interim Action Work Plan will be finalized before landfill excavation activities commence.

JUNE 18, 2020 ONLINE PUBLIC MEETING

Ecology held an online public meeting on June 18, 2020 from 7-9 pm. Ecology gave a [presentation](#) for the proposed Agreed Order, Interim Action Work Plan, Public Participation Plan followed by a Question and Answer session.

Nancy Lui

Community Outreach & Environmental Education Specialist
Washington State Department of Ecology
3190 160th Avenue, S.E., Bellevue, WA 98008
Cell: 425-393-5679 | nlui461@ecy.wa.gov



Appendix B. Go East Corp. Landfill Correspondence for Authorized Tree Removal Plan in Original Format

From: [Noell, Alan L. \(ECY\)](#)
To: [Pam Jenkins \(jenkins.p2@gmail.com\)](#); [Peggy Hurd \(mjhurd2005@gmail.com\)](#)
Cc: [Lui, Nancy \(ECY\)](#); [O'Connor, Tim \(ECY\)](#)
Subject: Go East Corp Landfill - response to comments for authorized tree removal plan
Date: Monday, May 11, 2020 4:32:50 PM
Attachments: [Go East Landfill Closure Plan Appendix M Third Party Peer Review.pdf](#)
[GoEastLandfill_18_Rev_per_PCHB.PDF](#)
[Sheet 9 from Go East Landfill Closure Plans & Specifications LDA1 Final 4.7.2020.pdf](#)
[Sheets 2, 3, 4 from Go East Landfill Closure Plans & Specifications LDA1 Final 4.7.2020-2.pdf](#)
[20200508 Comment on IAWP re AQ.pdf](#)
[Go East Corp Landfill comment.msg](#)

Pam and Peggy,

I wanted to follow up on Pam's comment below, which was echoed by Peggy in our conversation Friday, and in her attached comment from this morning. I also reviewed the attached, attachment in Pam's email.

The other attached documents are excerpts of documents provided on our website:

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4294>

In the attached Appendix M, Golder Associates provided a 3-page evaluation of fugitive dust, dated 8/5/2016. Golder Associates recommends dust abatement measures, the amended permit requires conformance with county regulations for air, and LDA#1 plan Sheet 9, highlighted Note 7 references dust control best management practices (BMPs).

Ecology authorized Suggested Construction Sequence Items 1 and 2 shown on Sheet 9 prior to the end of the public comment period. Item 1 is "conduct tree removal and clearing of the areas of the site being graded." These activities were authorized because these are related to landfill closure and the LDA permit, which have been contested and affirmed by the Pollution Control Hearings Board, and they are beyond the scope of the interim action.

Golder Associates states:

Vegetative buffer: Only 10 acres of the 40 acre property will be devegetated for the landfill closure. Fugitive dust is typically heavy and settles relatively nearby. The dense tree canopy and vegetation remaining around the perimeter of the site will provide a screen around the closure activities to help mitigate the drift of fugitive dust from the property. (Closure Plan p. 21) Marty Penhallegon, P&GE Co-Owner and PACE Engineers president, provided the following clarification on the tree removal plans (Marty's comments are in red font). Please see Sheets 2, 3, and 4 for reference. Peggy's house is Lot 23, fourth house along 108th Street.

The fugitive dust is well covered as you describe in the LFCP, from controlling speed, only allowing one acre open at a time, covering that area when not being worked, requiring an onsite fire hydrant for source of water for dust control on site as one of the very first activities, best management practices, etc. As pointed out, the dust that would occur would typically settle out close to the source of the dust and also the current landfill elevation is at least 50 feet and as much as 90 feet below the adjacent homes.

Specifically related to adjacent lots, starting on the Kings Ridge side there are 3 lots near the entry of the property. For the 2 lots closest to 108th, we have offered and the owners have agreed for us constructing a 8-foot high fence on property line to limit any impacts from protecting dogs, kids, noise, dust, etc. The one large cedar tree adjacent to lot 65, the neighbor asked if we could save it and we have designed the entry to do just that. (please see the LDA #1 drawings). There are no other trees as you move to the south along these lots that are being removed. In fact the topography drops off into the pond area with buffer which is all be preserved. The third lot to the south has an existing fence that currently encroaches on the property and we have agreed to relocate it slightly

keeping all the nice trees in that area. Way to the south past the pond area are 3 other lots where Gary gave 50 foot landscape easement to back in the early 1980s and they all sit at least 90 feet above the current landfill elevation.

Now on the 108th Point side there are 5 lots abutting the Bakerview property. They all sit at least 50 feet above the current landfill. There are a few trees in this area scheduled to be removed but the ones near the entry and close to the first two lots are being retained. East of these, there is an area with no trees. As I recall all the properties are fenced on property line already with a cedar type fence. So there are very few trees being removed that are on the subject property and adjacent to existing lots, that would make much difference and the homes all sit at least 50 feet in elevation above the landfill surface. Extending further to the east along the north property line, there are no homes and the topography drops off. Along the east, and south side of the property there are lots of trees and no development for an extended distance.

Again trees were addressed in comments received at the public hearings. Hope this helps. Lastly I don't see any tree removal before mid-June at the earliest.

Note Sheet 2 shows two 36-in diameter cedars and one 12-inch diameter deciduous tree behind Lot 23 (Peggy's house). Marty provided the following comment on the need to remove these trees, and possible concession on timing.

Regarding those three trees – they have to come down and ideally early on. The trees are about 25 feet give or take onto the Bakerview property. The current grade elevations for the trees is about 288. The proposed grade is about 278 or about 10 feet lower with a retaining wall installed for the grade break. As you recall when you hiked down onto the landfill area, you walked down an old road bed along this north side. The subject trees and area involved is just north of that old road access. This old access area will be used for accessing and constructing the landfill closure, and it would make the most sense to grade this area as wedge fill material is needed.

Let me kick around the potential of leaving this area as an "island" until the landfill cover is placed. This would allow the material from this area to be used for the top 2 feet of cover material, while the landfill would have the membrane placed before the trees would be cut down and area excavated. If we could make this work as part of the process, we would be happy to make this concession on timing.

Please let me know if you have any questions.

Thanks,

Alan Noell, PhD, PE

Solid Waste Management Program

Department of Ecology, Northwest Regional Office

3190 160th Ave SE, Bellevue, WA 98008-5452

Office 425-649-7015, Cell 425-213-4803

alan.noell@ecy.wa.gov



<https://ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Solid-waste>

From: noreply@smartcomment.com <noreply@smartcomment.com>

Sent: Friday, May 8, 2020 8:57 AM

To: jenkins.p2@gmail.com

Subject: Go East Corp Landfill comment

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Thank you for your comments on the Go East Corp Landfill . Your comments have been received.

Name: Pam Jenkins

Address: 1342 Tractor Loop

City: East Wenatchee

Province: Washington

Postal Code: 98802

Email: jenkins.p2@gmail.com

Submitted By: Practical Environmental Solutions

Go East Corp Landfill

Comment on Interim Action Work Plan Regarding Air Quality Protection for Adjacent Homeowners - IMMEDIATE ACTION REQUIRED.

Logging of trees and vegetative clearing should NOT occur until public comments on the Interim Action Work Plan have been received by Ecology and appropriately responded to. It appears that logging and clearing of vegetation will eliminate one of the mitigations for fugitive dust that are included in the Landfill Closure Plan.

Please see entire comment with detailed explanation, references, and figures in uploaded file.

Attachment(s):

20200508 Comment on IAWP re AQ.pdf

**Appendix C. Go East Corp. Landfill June 18 2020
WebEx Participants**

Appendix C June 18 2020 WebEx Participans List

Number	User Type	FirstName	LastName	Title	Company
1	Attendee	Marty	Penhallegon	President	PACE Engineers
2	Panelist	Coleman	Miller		
3	Panelist	Larry	Altose		
4	Panelist	Alan	Noell		
5	Attendee	Ken	Crossman	engineering manager	snohomish county
6	Attendee	Ken	Lederman		
7	Attendee	Megan	Engebretson	Environmental Health Specialist	Snohomish Health District
8	Attendee	Bruce	Straughn		
9	Attendee	Rob	Leet		
10	Attendee	Gary	East		P&GE, LLC
11	Attendee	Terry	McPhetridge		
12	Panelist	Dave	Bennett		
13	Attendee	Chris	Martin	Hydrogeologist 4	Washington Department of Ecology
14	Panelist	Nancy	Lui		
15	Attendee	Sarah	Elledge	Admin	Dept. Ecology
16	Attendee	Deb	Harvey		
17	Attendee	William	Bentler		
18	Attendee	Tom	Croissant		
19	Attendee	Matt	Shea		
20	Attendee	Jeremy	Davis		
21	Attendee	Frankie	Savage		
22	Attendee	Barbara	Bodenstab		
23	Attendee	Geri	Johnson		
24	Attendee	Mark	Engelberg		
25	Attendee	Pam	Jenkins	Principal	Practical Environmental Solutions
26	Attendee	Larry	Whatley		
27	Attendee	Jonathan	Mitchell		
28	Attendee	Anne	Mitchell		
29	Attendee	Stephen	Moll		10827 40th Ave SE
30	Attendee	Mike	Ball		

Number	User Type	FirstName	LastName	Title	Company
31	Attendee	Bradey	Honsinger		
32	Attendee	GW	Sund		
33	Attendee	Connie	Klagge		
34	Attendee	Autumn	Morrison		
35	Attendee	Julie	Chittenden	President	Kings Ridge Homeowners Association
36	Attendee	Peggy	Hurd		
37	Attendee	Kerri	Mallams	Home Owner	
38	Attendee	Sam	Low		
39	Attendee	Doug	Ellett		10722 45th Ave SE
40	Attendee	Mike	Warfel		
41	Attendee	Robert	LeBlanc		
42	Attendee	Stephen	Huard		
43	Attendee	Heidi	Daniel		
44	Attendee	David	Skolnik		
45	Attendee	Robert	Litzkow		
46	Attendee	Brian	Dorsey	Deputy Prosecuting Attorney	Snohomish County
47	Attendee	Kelsey	Ciccu	Resident	
48	Attendee	Scott	Botchek		
49	Attendee	Jonathan	Thompson	Assistant Attorney General	WA Attorney General
50	Attendee	Mike	Ehlebracht		Hart Crowser
51	Attendee	James	Moffat		
52	Attendee	Bruce	Yule		
53	Attendee	Tim	O'Connor		Washington State Department of Ecology
54	Attendee	Katherine	Hurd		
55	Attendee	Mathew	Kwartin	Stormwater Colpliance Inspector	WA State Dept of Ecology
56	Attendee	Decebal	Cheldiu		
57	Attendee	Ray	Kimble		
58	Attendee	Teresa	Manspeaker		