

Everett Smelter Site



Draft prospective purchaser consent decrees available for public review & comment; cleanup work planned this summer

The Washington State Department of Ecology (Ecology) has prepared this fact sheet to invite public comment on two draft Prospective Purchaser Consent Decrees for the Everett Smelter site and to announce cleanup plans for this summer.

Current Activity

Cleanup of contaminated soil within the Everett Smelter site will continue in 2004. This work will address the most contaminated soil in the area—the soil within the Fenced Area where the old arsenic processing facilities were located. This fenced-off area is located just south of State Route 529 and between Hawthorne and East Marine View Drive (see figure). Thirty-seven contaminated residential yards also are anticipated to be cleaned up in 2004. Cleanup work will be done by ASARCO, Incorporated.

Related to the cleanup work, Asarco is in the midst of a property transaction with the Everett Housing Authority (EHA). Here are some key points to the transaction:

- EHA has negotiated two Prospective Purchaser Consent Decrees with Ecology. One consent decree addresses EHA's liability within the Fenced Area. The other addresses EHA's liability for 15 Asarco-owned houses which EHA will purchase. These agreements specify and limit EHA's liability for known contamination from smelter activity with respect to the property it

purchases. These agreements do not relieve Asarco of any responsibility at the Everett Smelter site. Public comment on these Prospective Purchaser Consent Decrees will occur between April 22 and May 21, 2004.

- Asarco will remove the most contaminated soil from the Fenced Area (more than 3,000 parts per million [ppm] arsenic). After Asarco has removed this soil, EHA will purchase this area from Asarco and accept liability for cleaning up the remaining arsenic-contaminated soil to residential standards. Asarco will perform this work for EHA as a condition of the transaction.
- EHA will purchase 15 Asarco-owned homes outside the Fenced Area and accept liability for cleaning up contamination to residential standards. Asarco will clean up the contaminated yards of the 15 Asarco-owned homes for EHA as a condition of the transaction.
- The transaction also requires Asarco to clean up contaminated yards at an additional 22 homes in the area which are not owned by Asarco.

Asarco's contractor will bring equipment to the site by June 1st in order to complete 2004 cleanup activity in October. The contaminated soil will be barged to a disposal facility at the Asarco Tacoma Smelter.

Funding for this cleanup work will come from several sources including:

- EHA will provide funds to Asarco as consideration for EHA's purchase of

April 2004

**Public Comment Period:
April 22–May 21, 2004**

**Public Meeting:
April 27, 2004**

Jackson Conference Room*
Jackson Hall
Everett Community College
2000 Tower Street, Everett
7:00-8:30PM

*Pick up a free parking permit at the Security Office in the Parks Building

Technical questions and written comments:

David L. South, Site Manager
WA Department of Ecology
Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7200
E-mail: dsou461@ecy.wa.gov

Documents can be reviewed at the following locations:

Everett Public Library
2702 Hoyt Avenue, Everett
(425) 257-8000

Asarco Information Center
545 Hawthorne Street, Everett
Call for hours: (425) 259-0822

WA Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7190
(Call for an appointment)

Ecology's Web Site:
http://www.ecy.wa.gov/programs/tcp/sites/asarco/es_main.html

the Fenced Area and 15 Asarco-owned houses (as part of the transaction, Asarco will clean up the Fenced Area to residential standards, along with the 15 Asarco-owned homes and 22 additional homes not owned by Asarco),

- \$1 million from a trust fund established by Asarco to address their environmental liabilities nationwide, and
- \$1 million in matching funds will be provided by Ecology to EHA.

EHA has plans to redevelop these properties after cleanup work has occurred. Of the 15 Asarco-owned homes that EHA is purchasing, seven will be demolished and eight will be refurbished. The 22 privately-owned homes will remain in place. Lastly, the Fenced Area will be redeveloped as a single-family, owner-occupied neighborhood. For questions about EHA's redevelopment plans, contact Darcy Walker at 425-303-1117.

Future cleanup work in the area remains undetermined at this time.

Impacts to the Neighborhood

Cleanup work this summer will have impacts on the neighborhood including noise and traffic. Daylight operating hours will alleviate some of the noise and traffic impacts. Dust will be controlled by use of water on the construction site during excavation. All loads will be covered when soil is transported off site.

Site Background

This approximately 600-acre site is located in northeast Everett, Snohomish County, Washington, and is contaminated by arsenic, lead, and other metals. The contamination was caused by emissions from the Everett Smelter between 1894 and 1912, and by material left behind when the smelter was demolished between 1912 and 1915. Asarco purchased the Everett Smelter in 1904 and assumed operations at that time. The property was sold in various parcels between 1915 and 1936, and homes were built on many of the parcels.

Studies and interim cleanup activities were performed at the site from 1990 to 1999. A final cleanup action plan for the residential and commercial portion of the site, called the upland area, was issued in November 1999. The lowland portion of the site, adjacent to the Snohomish River, is still in the study phase.

In 1998, Asarco filed suit against Ecology challenging the constitutionality of most of its liability for the site. A superior court decision upheld Asarco's liability for some parts of the site and rejected it for others. Both Ecology and Asarco appealed to the Washington State Supreme

Court. The State Supreme Court sent Asarco's suit back to the superior court for further proceedings. Ecology and Asarco have agreed to put further litigation on hold while addressing the Fenced Area.

Ecology issued an Enforcement Order to Asarco in June 2002, requiring cleanup of the most contaminated material within the Everett Smelter site. The Order called for material with arsenic concentrations above 3,000ppm to be excavated and disposed of off site. This material is primarily within the Fenced Area, with a small amount immediately adjacent to this area under East Marine View Drive.

Asarco prepared a plan for excavating the material with arsenic concentrations above 3,000ppm as required by the Order. The plan also provides for cleaning up material with arsenic concentrations above 150ppm in the Fenced area and for cleaning up selected residential properties adjacent to the Fenced Area. Within the Fenced Area, two feet of clean fill are to be imported to cover the soil with arsenic concentrations between the cleanup level (20ppm) and 150ppm. At the conclusion of the work, the entire area will be cleaned up to standards that will allow residential use. Contaminated soil will remain on the properties at depths where it is unlikely that people will come into contact with it. Institutional controls will be used (property owner notification, a marker cloth at the top of the contaminated soil) to help ensure that people are aware of where contaminated material may be encountered so they can take appropriate safety measures.

In December 2003, EHA signed an option with Asarco to purchase the Fenced Area and 15 adjacent residential properties owned by Asarco. Details of this purchase are described on page one.







Public Comment on the Prospective Purchaser Consent Decrees

Ecology is holding a public comment period from April 22 through May 21, 2004, during which you may comment on the draft Prospective Purchaser Consent Decrees which include a restrictive covenant and Public Participation Plan as exhibits. These Consent Decrees are available at the information repositories listed on the first page of this fact sheet.

Once the public comment period ends, Ecology will review all comments received and will make recommendations for any suggested changes to the Consent Decrees.

If no significant changes are made, the Prospective Purchaser Consent Decrees will be considered final and the site cleanup will be ready to begin. Cleanup work will

LEGEND

-  ASARCO-OWNED DEMOLISHED HOUSES IN THE FENCED AREA
-  HOUSES PREVIOUSLY REMEDIATED BY ECOLOGY
-  NON ASARCO-OWNED HOUSES TO BE REMEDIATED
-  ASARCO-OWNED HOUSES TO BE REMEDIATED
-  APPROXIMATE LOCATION OF HISTORICALLY OWNED ASARCO PROPERTY BOUNDARY
-  SECURITY FENCE
-  RIGHT OF WAY TO BE REMEDIATED



PROPERTY OWNERSHIP MAP
 ASARCO INCORPORATED
 EVERETT, WASHINGTON
 04/09/04

FIGURE

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3190 160th Avenue SE
Bellevue, WA 98008-5452

Everett Smelter Site

Ecology Seeks Public Comment
on Prospective Purchaser Consent
Decrees & Announces 2004
Cleanup Activities

Public Comment Period
April 22 – May 21, 2004

commence by June 1st. If significant changes are made to the documents, a second public comment period will be held.

Public Meeting Scheduled

Ecology will hold a public meeting to discuss the planned cleanup and Prospective Purchaser Consent Decrees. The meeting will be held on April 27th from 7:00 to 8:30PM in the Jackson Conference Room in Jackson Hall at the Everett Community College, 2000 Tower Street, Everett (pick up a free parking permit at the Security Office in the Parks Building). After a brief presentation, Ecology, EHA, and Asarco staff will respond to questions and listen to your concerns.

Ecology would like your input!

You have an opportunity to review the Prospective Purchaser Consent Decrees and to comment on them. Please send your comments before May 21, 2004, to Ecology's Site Manager, David L. South, at the address in the box on the first page of this fact sheet. Comments may be sent by mail or e-mail and should include "Everett Smelter" in the subject line. You can also drop off your comment form at the public meeting.

For information about other Ecology public comment periods, meetings, hearings, workshops, and open houses, please visit Ecology's public events calendar at: <http://apps.ecy.wa.gov/pubcalendar/calendar.asp>. Read *Frequently Asked Questions about Effective Public Commenting* at this link to learn more about the public comment process.

To be added to the Everett Smelter site mailing list contact:

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