



DEPARTMENT OF
ECOLOGY
State of Washington

Cleanup Settlement Account Annual Report

Fiscal Year 2019

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**Cleanup Settlement Account
Annual Report**

Fiscal Year 2019

Toxics Cleanup Program

Washington State Department of Ecology

Olympia, Washington

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Acknowledgements

I am pleased to present the Department of Ecology's *Cleanup Settlement Account Annual Report, Fiscal Year 2019* to the Washington Legislature. This report provides an overview of cleanup settlements deposited into the Cleanup Settlement Account (CSA), current fund balances in the CSA, and transfers from and repayments to the CSA. The report also includes background on each cleanup project supported by the CSA and work completed.

My thanks go to the staff listed below for their contribution to the report.

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Executive Summary

Purpose of the report

This report to the Washington State Legislature describes the manner in which the Department of Ecology (Ecology) uses the Cleanup Settlement Account to allocate funds to specific cleanup projects. This is the *seventh* annual report for the Cleanup Settlement Account (CSA). It describes the financial activity from July 1, 2018, to June 30, 2019, in accordance with RCW 70.105D.130(7). That provision states:

The department shall provide the office of financial management and the fiscal committees of the Legislature with a report by October 31st of each year regarding the activity within the cleanup settlement account during the previous fiscal year.

The statute creating the CSA is codified in RCW 70.105D.130 (see Appendix A).

Role of the Cleanup Settlement Account

Under the State's Cleanup Law, the Model Toxics Cleanup Act (MTCA), Ecology either oversees cleanup work performed by potentially liable persons or conducts cleanups and recovers its costs for the work. However, this isn't always possible when a company declares bankruptcy or does not have the financial means to pay the full cleanup cost.

In response to this problem, the Legislature created the Cleanup Settlement Account. The law allows Ecology and the Attorney General's Office to enter into settlements in which a potentially liable person contributes money for future cleanup work or natural resource restoration. This account holds funds from legal settlements and court orders meant for environmental cleanup and restoration work. It is an interest-bearing account that allows the State to use the interest on deposited funds for cleanup activities both in the present, and in the future. The Cleanup Settlement Account funds projects across the state, and ensures settlement funds are linked to specific contaminated sites.

The following cleanup and restoration projects are currently funded through the Cleanup Settlement Account.

- B&L Woodwaste (Pierce County),
- Everett Smelter (Snohomish County)
- Golden King Mine (Chelan County)
- Lilyblad (Pierce County)
- Monte Cristo Mine (Snohomish County)

- Tacoma Smelter Plume (Pierce, King, and Thurston Counties)
- Van Stone Mine (Stevens County)
- Harper Estuary (Kitsap County)

The following cleanup projects were funded in past years through the CSA:

- BSNF Skokomish Natural Resource Damages (King County)
- City Parcel Site (Spokane County)
- Cholette Mine (Stevens County)

The following land acquisition was funded in the past through the CSA:

- Maury Island Open Space Acquisition (King County)

Each of these projects, and the work supported by the CSA, are discussed in more detail in this report. See Figure 1 on page ix for a map showing the locations of funded cleanup projects.

Additional funding will be needed to complete some cleanup projects

At the end of Fiscal Year 2019, the remaining balance in the Cleanup Settlement Account was \$44,967,000 and another \$17,987,000 in loans that must be repaid to the Cleanup Settlement Account. Together, that equals nearly \$63 million remaining in the CSA. That will be insufficient to complete cleanups at Asarco sites in Tacoma, Everett and at mines statewide.

While the Cleanup Settlement Account is an important repository of funds for many projects, it is often insufficient. For example, the original cleanup estimate for Everett was \$64 million and the final settlement was \$33.9 million, leaving a funding gap of \$30 million in estimated cleanup needs. In the future, as the funds are spent, we will need to rely on alternative sources of funding to move several cleanup projects forward. For example, we anticipate spending the remaining Asarco Settlement funds by the 2023-2025 biennium, before many of the funded projects are completed. Historically, Ecology has requested and the Legislature has funded cleanup projects from the MTCA accounts. In the 2019-21 biennium, Ecology received \$5,492,000 from the Model Toxics Control Capital Account to fund ongoing Everett Smelter work.

With sound management plans in place, and additional funding in the future, the cleanup work made possible through the Cleanup Settlement Account will continue for many more years.

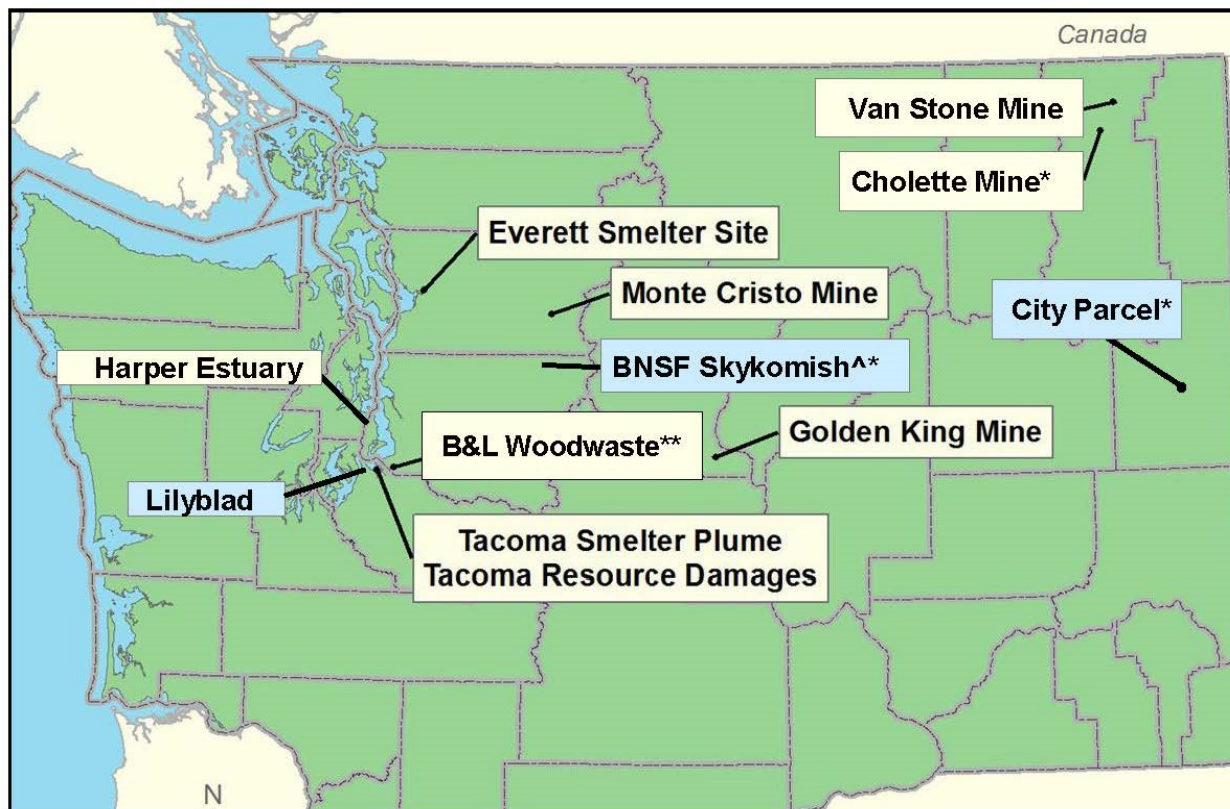
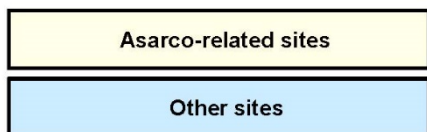


Figure 1: Map showing locations of Cleanup Settlement Account projects.

^ Ecology used this settlement to fund a portion of the cleanup. If Ecology determines there are future site costs, we will make another budget request.

* Sites not covered in the report; funded in past years by Cleanup Settlement Account.

** Asarco site but Cleanup Settlement Account funds not from Asarco bankruptcy.



Asarco Related Sites: Harper Estuary, B&L Woodwaste, Tacoma Smelter Plume, Golden King Mine, Monte Cristo Mine, Everett Smelter Site, Cholette Mine, Van Stone Mine.

Other Sites: BNSF Skykomish, City Parcel, Lilyblad.

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Cleanup Settlement Account

Background

During the 2008 legislative session, the Legislature passed Senate Bill 6722 that created the Cleanup Settlement Account. Ecology requested this legislation to create an interest-bearing account in the state treasury to manage money from settlements or court orders in cases of bankruptcy, limited ability to pay, or natural resource damages. This account ensures that settlement funds are linked to specific site cleanup activities or damages to natural resources. The statutory provision was codified in RCW 70.105D.130 (see Appendix A).

We requested this new account because we anticipated several large settlements. Although large settlements and court orders are rare, they pose unique problems for the State. By accepting the settlement funding, the State agrees to manage the funds and use them as intended in the settlement agreement or court order. However, funds recovered from a bankrupt party, or a party with a limited ability to pay, typically do not cover the entire cost of cleanup. The Cleanup Settlement Account allows the State to retain earned interest on the funds in this account. This ensures the state will have more money over time to complete the work. Therefore, it is important to set aside settlement funds for each cleanup.

Settlement summary

Table 1 provides a summary of settlements, by site, that the State originally deposited into the Cleanup Settlement Account before earning any interest or making any expenditures. Tables 2 through 4 (see page 2) show activity in the Account after the settlements were deposited.

The Model Toxics Control Act accounts are referenced in Tables 2 through 4 and loan repayment background. In 2019, Engrossed Substitute Senate Bill 5993 (ESSB 5993) made significant changes to both the Hazardous Substance Tax that funds the MTCA accounts, and changed the account structure. ESSB 5993 eliminated the three prior MTCA accounts, State Toxics Control Account, Local Toxics Control Account, and the Environmental Legacy Stewardship Account, replacing them with three new accounts: Model Toxics Control Operating Account, Model Toxics Control Capital Account, and the Model Toxics Control Stormwater Account. For the purposes of this report, both the old and new account names are referenced because financial transactions have occurred affecting the old accounts before law was enacted and will affect the new accounts in the future.

Table 1: Original settlement summary.

| Settlement | Amount |
|--|-----------------------|
| Burlington Northern Sante Fe - Skykomish Site [^] * | \$ 5,050,000 |
| City Parcel Site* | \$ 270,000 |
| Louisiana Pacific - B & L Woodwaste Site | \$ 1,000,000 |
| Lilyblad Petroleum Site | \$ 800,000 |
| Asarco - Natural Resource Damages** | \$ 8,236,782 |
| Asarco - Tacoma Smelter Plume | \$ 94,554,730 |
| Asarco - Everett Smelter Site | \$ 33,888,476 |
| Asarco - Monte Cristo Mine | \$ 6,471,758 |
| Asarco - Van Stone Mine | \$ 3,530,050 |
| Asarco - Cholette Mine* | \$ 353,005 |
| Asarco - Golden King Mine | \$ 470,673 |
| Asarco Subtotal | \$ 147,505,474 |
| Total Settlement Funding | \$ 154,625,474 |

[^] Ecology used this settlement to fund a portion of the cleanup. If Ecology determines there are future site costs, we will make another budget request.

* Sites not covered in the report; funded in past years by Cleanup Settlement Account.

** This includes \$4.1 million for Maury Island Open Space and \$4.1 million for Harper Estuary.

Table 2: Cleanup Settlement Account Fund Balance.

| Cleanup Settlement Site | Fund Balance |
|---|----------------------|
| Louisiana Pacific - B&L Woodwaste site | \$ 1,122,000* |
| Asarco - Natural Resource Damages | \$ 1,274,000 |
| Asarco - Tacoma Smelter Plume | \$ 31,728,000** |
| Asarco - Everett Smelter Site | \$ 4,441,000** |
| Asarco - Monte Cristo Mine | \$ 3,661,000 |
| Asarco - Van Stone Mine | \$ 2,243,000* |
| Asarco - Golden King Mine | \$ 498,000* |
| Remaining Fund Balance June 30, 2019 | \$ 44,967,000 |

* The Cleanup Settlement Account retains interest. Settlements that increased from the last report had no or few expenditures and earned interest.

** The remaining balance reflects the cleanup costs and loans taken from and repaid to the account.

Table 3: Cleanup Settlement Account actual loan receipts for Fiscal Year 2019.

| Actual Loan Receipts for Fiscal Year 2019 | Principal & Interest |
|---|------------------------|
| State Efficiency and Restructuring Account Loan | \$ 5,018,000 |
| Total Point Ruston Sediment Capping and Shoreline Restoration Loan | \$ 1,296,000 |
| Aquatic Lands Enhancement Account | \$ 648,000 |
| State Toxics Control Account | \$ 648,000 |
| Local Toxics Control Account | \$ 8,791,000 |
| Total Actual Loan Receipts for Fiscal Year 2019 | \$ \$15,105,000 |

Table 4: Cleanup Settlement Account loans receivable.

| Loans Receivable | Repayment Obligation |
|---|----------------------|
| State Efficiency and Restructuring Account Loan | \$ 14,000 |
| Total Point Ruston Sediment Capping and Shoreline Restoration Loan | \$ 2,482,000 |
| Aquatic lands Enhancement Account | \$ 1,241,000 |
| State Toxics Control Account/Model Toxics Control Operating Account | \$ 1,241,000 |
| Local Toxics Control Account/Model Toxics Control Stormwater Account | \$ 15,491,000 |
| Total Loans Receivable | \$ 17,987,000 |

Fund transfers: State Efficiency and Restructuring Account

Fiscal Year 2011: \$39,480,000 transfer

In the 2010 supplemental budget, the Legislature authorized the transfer of \$39.48 million from the Cleanup Settlement Account to the State Efficiency and Restructuring Account (SERA). The Legislature provided a payback provision in the budget. The provision required that the SERA repay funds over an eight year period with an interest rate that is five tenths of a percent higher than the interest rate the funds would have earned without the transfer. Below is the final loan repayment amount scheduled for the 2019-21 biennium.

- Outstanding loan as of June 30, 2019 \$14,000
- Loan receivable Fiscal Year 2020 \$14,000

Repayments: Point Ruston sediment capping and shoreline restoration

Fiscal Year 2012: \$7,200,000 appropriation

In the 2012 supplemental budget, the Legislature appropriated \$7.2 million from the Cleanup Settlement Account to the Washington Department of Natural Resources (DNR) for the Point Ruston Sediment Capping and Shoreline Restoration project. The funding was provided to cap sediment and stabilize shorelines on aquatic lands next to the Asarco cleanup site in Commencement Bay.

This funding was restricted, to be used only after DNR entered into agreements with the U.S. Environmental Protection Agency or the landowner, Point Ruston LLC, to fully relieve the state from any further liability or contributions relating to the cleanup of these aquatic lands. The appropriation from the Cleanup Settlement Account was a loan payable over an eight-year period.

Half of the funding came from the Aquatic Lands Enhancement Account and half from the State Toxics Control Account. The interest rate is five-tenths of one percent higher than what the funds would have normally earned on deposits in the state treasury. In 2019, the Legislature restructured the Model Toxics Control Act accounts (ESSB 5993). The State Toxics Control Account was abolished and future repayment of this loan was directed to the new Model Toxics Control Operating Account.

Aquatic Lands Enhancement Account:

- Outstanding loan as of June 30, 2019 \$1,241,000
- Loan receivable Fiscal Year 2020 \$ 620,000

Model Toxics Control Operating Account:

- Outstanding loan as of June 30, 2019 \$1,241,000
- Loan receivable Fiscal Year 2020 \$ 620,000

Maintaining positive balances in MTCA accounts

In the 2015-2017 capital budget, the Legislature authorized two loans totaling \$23 million from the Cleanup Settlement Account to balance the MTCA accounts. The loans must be repaid with interest. The Washington State Treasurer transferred one of these loans for \$13 million from the Cleanup Settlement Account to the Local Toxics Control Account in January 2016. The Washington State Treasurer transferred the second loan of \$10 million from the Cleanup Settlement to the Local Toxics Control Account on June 30, 2017.

The Legislature accelerated repayment with \$8,150,000 in Fiscal Year 2019. As stated before, in 2019, the Legislature restructured the MTCA accounts (ESSB 5993). The Local Toxics Control Account was abolished and future repayment of this loan was directed to the new Model Toxics Control Stormwater Account. The Model Toxics Control Stormwater Account will repay the remainder with interest in Fiscal Years 2020 and 2021.

Model Toxics Control Stormwater Account:

- Outstanding loan as of June 30, 2019 \$15,491,000
- Loan receivable Fiscal Year 2020 \$ 8,791,000

Total outstanding loans

At the end of Fiscal Year 2019, the loans outstanding to the Cleanup Settlement Account total \$17,987,000 (see Table 4 on page 3).

Asarco Settlement

Asarco's legacy in Washington

Contamination from smelters and mines

The American Smelting and Refining Company (Asarco) was founded in 1899, with refineries and smelters located across the United States and Mexico. Asarco operated two smelters and four mines in Washington, leaving a legacy of contamination. Cleanup activities around these smelters and mines in Washington, are funded through the Cleanup Settlement Account (see Figure 2).

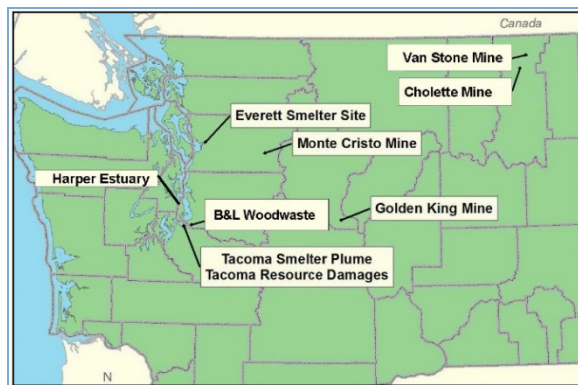


Figure 2: Asarco cleanup sites.

- The **Everett Smelter** operated from 1894 to 1912, and a neighborhood was later built over the site. In 1990, we discovered high levels of arsenic and other heavy metals in soil and groundwater.
- The **Tacoma Smelter** operated far longer, from 1890 to 1986, and the Town of Ruston grew up around it. Air emissions from the smelter contaminated over 1,000 square miles of soil in the Puget Sound region, covering King, Pierce and Thurston counties.
- The four former **mines** are in remote areas of Chelan, Stevens, and Snohomish counties. Remaining mine tailings pose a threat to local ecosystems, polluting waterways and soil.
- The **B&L Woodwaste Landfill**, on the border of Fife and Milton, is contaminated with arsenic. Slag from the Asarco plant leached arsenic into groundwater, threatening a nearby wetland.

The 2009 Asarco bankruptcy settlement

Washington becomes part of the nation's largest environmental settlement in history

In 2005, Asarco declared bankruptcy, largely due to environmental liabilities from its nearly 100 cleanup sites across the country. The State of Washington joined the federal government and other states in a suit against Asarco that spanned four years.



Figure 3: Asarco 50th anniversary

In November 2009, Asarco paid out a \$1.79 billion settlement. The settlement covered past and future cleanup costs, as well as interest earned over the four years. Washington’s share, deposited into the Cleanup Settlement Account in December of 2009, was \$188.5 million—nearly 90 cents for every dollar claimed.

Years of planning and a vision for cleanup set stage for success

The key to Washington’s success is creating and implementing management plans for both smelter sites, and a clear vision for how to manage the risk from “area-wide” arsenic and lead contamination. From 2001-2003, the Area Wide Soil Contamination Task Force developed recommendations that we used as the basis for our management strategies. These include cleaning up soil in the most highly contaminated areas, focusing on protecting children, and providing broad-based education and outreach, all of which are funded by the settlement.

Asarco settlement breakdown

Smelter cleanups—the largest cleanup costs

Of the \$188.5 million received by the State, \$22 million has gone to a trust to pay for the B&L Woodwaste Landfill cleanup. The rest went to two smelter sites and four mine sites (see Figure 4). An additional \$19 million in settlement funds reimbursed the State Toxics Control Account for past cleanup costs for the Everett Smelter and Tacoma Smelter Plume. It also provided \$8.2 million for natural resource damages from the Tacoma Smelter. The majority of the Asarco settlement will cover soil cleanup and outreach work for the two smelter sites.

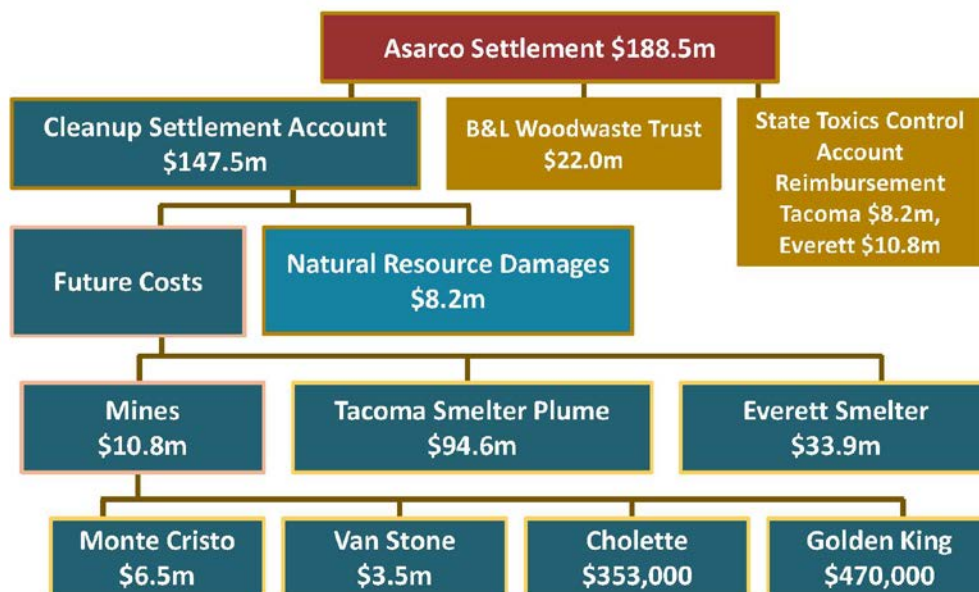


Figure 4: Asarco settlement breakdown.

Everett Smelter

At a glance

- **Total settlement:** \$33.9 million
- **County:** Snohomish
- **Total size:** 1.1 square miles
- **Cleanup focus:** Soils and groundwater

The smelter operated from 1894 to 1912 in northeast Everett. Smelter operations created widespread arsenic and lead contamination of soil and ground water. Particles from smokestacks settled on surface soils over a 1.1 square mile area (see Figure 5).



Figure 5: Everett Smelter site

Settlement spending plan

In 2000, we developed a cleanup plan for the Everett Smelter using public input. After receiving the Asarco settlement, Ecology created a ten-year plan for settlement money (see Figure 6) based on the original cleanup plan and further input from the community. The plan addresses two areas impacted by the Everett Smelter operations: the mostly residential uplands area on the west side of the site, and the mostly industrial lowlands area east of East Marine View Drive, bordering the Snohomish River. Our plan includes:

- **Residential soil sampling and cleanup program:** This voluntary program provides free sampling and cleanup of accessible soils down to 2-3 feet.
- **Education and outreach:** This program serves both the general community and homeowners participating in the cleanup program.
- **Lowlands investigation and cleanup:** We are investigating groundwater and sediment contamination in the lowlands area. We will contain contamination to prevent it from entering the Snohomish River and do long-term monitoring.

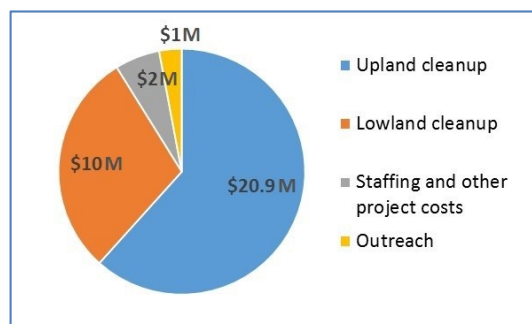


Figure 6: Everett Smelter breakdown of settlement money

Cleanup focuses on those most at risk

The Everett Smelter cleanup protects residents who are most at risk. People who live in the cleanup area are most likely to come into contact with contaminated soil while working or playing in their yards. Children are especially vulnerable. We began sampling and cleanup in areas closest to the former smelter site and will move outwards to properties further away as the

work continues. We will remove soil with higher levels of contamination first to protect the most at risk.

Accomplishments through Fiscal Year 2019

Yard sampling and cleanups continue

We have cleaned up more than half of the properties in the cleanup area. In Fiscal Year 2018, we completed the removal of contaminated soil from 11 more residential properties (approximately 1.6 acres). We continued our landscape care support program to help the owners care for their new yards (see Figure 7).

In Fiscal Year 2019, we created plans to sample 30 residential properties. We will clean up these properties as funding becomes available.

In early 2019, we offered sampling to new owners and owners who were not responsive in the past. Sampling was completed this summer and the reports will be completed in the fall of 2019.



Figure 7: Everett property after cleanup and contractor maintenance is complete.

Cleanup of source of groundwater contamination in the Lowlands area

We finalized the cleanup plans for the first cleanup area in the lowlands. Ecology worked closely with the City of Everett to develop plans to remove contaminated soil underneath the interchange of State Route 529 and East Marine View Drive. During the summer and fall of 2018, we removed material that was contaminating groundwater in the Lowlands area of the site.

City parks cleanups were completed this fall

In the 2017-2019 capital budget, we received \$2.7 million to clean up Everett City parks located within the site. We worked closely with the City of Everett to design a cleanup plan for the Wiggums Hollow Park and the Viola Oursler Overlook. This work was completed in winter and spring of 2018.

Additional funding is needed to continue with cleanup and sampling

We initially estimated the Everett Smelter site clean up to cost around \$64 million. We have dedicated \$33.9 million of the 2009 settlement funds to the Everett Smelter cleanup.

During the 2019 legislative session, the City of Everett worked with its legislative representatives to fund the next two years of an accelerated six-year planning time-frame for continuing remediation on the Everett neighborhoods. In the 2019-2021 biennium, we received

an appropriation of \$5,492,000 from the Model Toxics Control Capital Account to fund ongoing work at the Everett Smelter site. That funding and any remaining settlement funds will:

- Cleanup residential properties in the Northwest and Delta Neighborhoods.
- Sample the remaining residential properties in the Delta and Northwest Neighborhoods.
- Support outreach and cleanup work for residential properties.
- Conduct post-cleanup monitoring to ensure effectiveness of the cleanup at the Marine Drive intersection.
- Complete storm drain lining and complete a cleanup design study to reduce risk of contamination to the Snohomish River from contamination within the lowland cleanup area.
- Begin cleanup engineering design for areas in the lowlands.

Completing this work in 2019-21 and continuing it through the six-year planning time-frame will require an estimated \$6.9 million each biennium. Funding at that level will sustain our capacity to oversee site work at the Everett Smelter and estimated cleanup costs.

Tacoma Smelter Plume

At a glance

- **Total settlement:** \$94.6 million
- **Counties:** Pierce, King, Thurston
- **Total size:** Over 1,000 square miles
- **Cleanup focus:** Surface soils

The Tacoma smelter operated from 1890 to 1986, on the border of north Tacoma and the town of Ruston. Its smokestack emissions dispersed arsenic, lead, and other heavy metals across a 1,000 square mile area now called the Tacoma Smelter Plume.

Settlement spending plan

Using lessons from early cleanup work, Ecology developed a plan for the Asarco settlement. The plan has four main strategies:

- **Yard cleanups:** Soil sampling and cleanup for existing residential yards in areas of highest contamination (see Figure 8).
- **Soil Safety Program:** Continue sampling and cleaning up school, childcare, park, and camp play areas.
- **Outreach and education:** Continue “Dirt Alert” programs at health departments in King and Pierce counties.
- **Technical assistance:** Work with local governments and developers to encourage voluntary cleanup during grading.

Additional funding for the future

Through Asarco bankruptcy proceedings we received \$94.6 million. We have managed this money resourcefully over the last nine years.

As of fiscal year 2019, we have spent \$51,504,750. Remaining funds total \$43,049,980. The actual fund balance is \$31,728,000 (Table 2) which reflects loans taken and some repayment. Assuming all loans are repaid, the remaining funds (\$43,049,980) will not be enough to cover the entire cost of estimated cleanup activities. It is important to note that the Cleanup Settlement



Figure 8: Tacoma Smelter Plume yard program service area.

Account funds will be depleted by Fiscal Year 2024 or 2025 (see Figure 9). By then, we estimate that 200 of the nearly 1,200 yards qualifying for soil replacement will still need cleanup.

With an additional \$14 million in other funds, we will be able to complete the remaining soil replacement and continue outreach in the impacted communities. If the additional funds are provided in smaller increments (e.g., \$3M per biennium), then we will spread the work out over the next several biennia (Fiscal Years 2025 through 2033). We would reduce staffing and the number of yards completed each fiscal year to meet reduced funding.

Many residential yards have arsenic and lead below the action level for soil replacement, but above the cleanup level. On-going education and outreach will be necessary for the foreseeable future as many residential yards will not have the soil replaced and contamination will always remain in the Tacoma Smelter Plume.

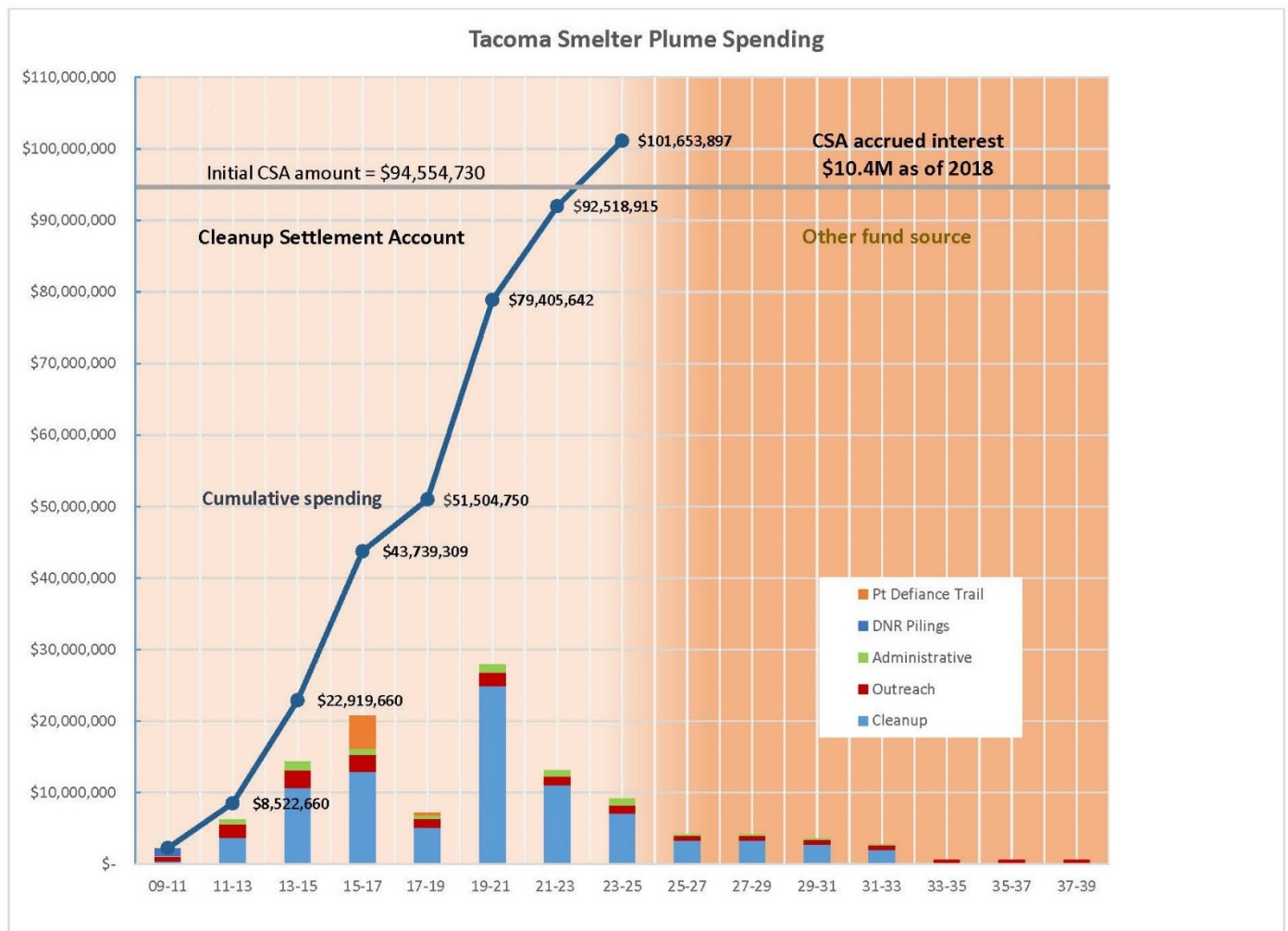


Figure 9: Tacoma Smelter Plume spending

Accomplishments through Fiscal Year 2019

Yard cleanup continues

Sampling of properties in the Service Area (see Figure 8) is complete. We have data on over 8,000 residential yards. We continue to sample properties if new residents request sampling where previous owners declined or did not respond to our sampling offers.

There are 1,187 residential yards which qualify for soil replacement. The guidelines recommend soil replacement for yards with arsenic above 100 parts per million (ppm) or lead above 500 ppm. In 2019, we replaced soil on 14 yards on Vashon-Maury Island. To date, we have replaced soil on 290 yards (see Figure 10).



Figure 10: Ecology removed and replaced soil on 14 yards on Vashon-Maury Island.

Soil safety program continues work in areas where children play

In 2019, Ecology assessed and sampled 17 childcare play areas. We completed work at Sandy Shores Park on Vashon-Maury Island. We removed 67 cubic yards of contaminated soil from the private, community park. In 2020, we plan on addressing three childcares in Tacoma.

Dirt Alert! Behavior change for social good

We have partnered with the Tacoma Pierce County Health Department (TPCHD) and Public Health Seattle King County (PHSKC) to educate residents living in the Tacoma Smelter Plume and help them to practice healthy actions that will reduce exposure to lead and arsenic-contaminated soil.

Since early 2000, the Dirt Alert program has promoted healthy actions. Healthy actions are simple practices that include removing shoes at the door, damp dusting, or covering bare patches of soil in the yard. While many residents are aware of the healthy actions, they do not practice them. To encourage a change in behavior, TPCHD and PHSKC each launched unique social marketing campaigns, which started in spring 2019. King County encourages taking shoes off at the door, and Pierce County encourages covering bare patches in your yard. They are currently evaluating the results.

Technical Assistance

We provide free technical advice to property owners and developers who clean up contamination on their property through our Voluntary Cleanup Program (VCP). We collaborate with local permitting offices in King, Pierce, and Thurston counties to encourage developers to replace soil during property development. In 2019, seven developers joined Ecology's Voluntary Cleanup

Program and cleaned 111 acres of contaminated soil within the plume. Ecology has determined no further action is required on these properties.

Tacoma Smelter Plume Point Defiance Trail project

Long-awaited bridge and park opened July 6, 2019

In 2013, the Legislature set aside \$5 million of the Cleanup Settlement Account for the Point Defiance Trail project. This funding was used to permanently cap 400,000 cubic yards of contaminated soil on the peninsula, allowing the new park to be built over the top.

After three years of construction, Metro Parks Tacoma opened the Wilson Way bridge and Dune Peninsula at Point Defiance Park on July 6, 2019. The 40-acre project includes paved trails leading from Ruston Way up to Point Defiance Park and has transformed the former smelter slag heap into 11 acres of natural landscape that forms the welcoming area of Dune Peninsula (see Figures 11 and 12).

The transformation from a Superfund wasteland into a world-class waterfront park is the result of a productive partnership between Ecology, Metro Parks, the City of Tacoma, and the U.S. Environmental Protection Agency.



Figure 11: Dune Peninsula at dusk (Credit: Metro Parks Tacoma).



Figure 12: Park slides at Dune Peninsula (Credit: Metro Parks Tacoma).

Maury Island Open Space Acquisition

At a glance

- **Funding source:** Tacoma Smelter Plume Natural Resource Damage settlement
- **County:** King

Maury Island is a highly contaminated area of the Tacoma Smelter Plume (see Figure 13). Ecology has found high levels of arsenic and lead in forest soils on Vashon-Maury Island. The Maury Island Open Space site, in the King County Parks system, includes 265 acres and about one mile of shoreline. King County is the source of funding for ongoing cleanup activities. King County provides the funding for ongoing cleanup activities (not the CSA) and is working under Ecology's oversight to clean up arsenic and lead at the site.

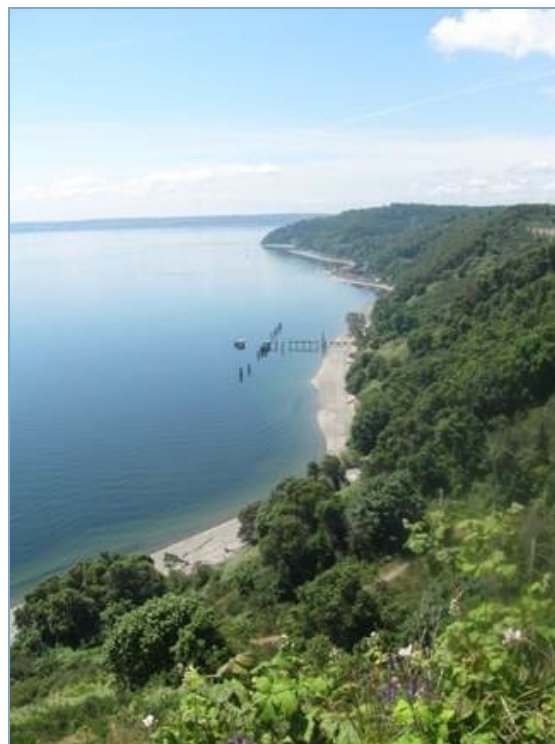


Figure 13: View from inside the future Maury Island Natural Area

King County site acquisition

In the 2010 supplemental budget, the Legislature appropriated \$15 million to assist King County in acquiring the site. The appropriation included:

- \$4.1 million from the Cleanup Settlement Account.
- \$10.9 million from the State Toxics Control Account.

This funding came from the portion of the Asarco bankruptcy settlement that provided compensation for damages to natural resources from the Tacoma Smelter Plume.

Maury Island Open Space site (Maury Island Natural Area)

The future Maury Island Natural Area includes madrone forests and other habitats that support threatened species in Puget Sound, such as chinook salmon, orca, and bull trout. The site's nearly one mile of shoreline is the longest undeveloped stretch of shore in King County. When combined with the County's nearby 320-acre Maury Island Marine Park, the two properties represent the largest public holding of protected marine shoreline in Puget Sound.

King County is addressing soil contamination at the site under Ecology's formal cleanup program. In Fiscal Year 2013, King County and Ecology entered into a legal agreement that

required the County to investigate the nature and extent of site contamination, study cleanup options, and develop a cleanup action plan for the site. This work has been completed. In Fiscal Year 2018, Ecology issued a formal Cleanup Action Plan to implement the preferred cleanup option that will govern future work at the site.

Accomplishments through Fiscal Year 2019

King County has produced a Compliance Monitoring Plan for long term project environmental compliance. It has also awarded and executed a construction contract for trail capping to IO Environmental and Infrastructure Inc., with work scheduled to begin in September 2019. In addition, work continued on the 90% design plans for the next phase of cleanup— capping of the former skeet range property to create a parking area and beginning another 5 acres of invasive vegetation model.

Harper Estuary, McNeil Island, and Ross Point

At a glance

- **Funding source:** Tacoma Smelter Plume Natural Resource Damage settlement
- **County:** Kitsap and Pierce

The Harper Brick and Tile Company operated at Harper Estuary until the 1930s, when it was demolished. The Washington Department of Fish and Wildlife (WDFW) led restoration efforts for the Harper Estuary restoration project with assistance from Kitsap County. During 2016-2017, we worked with the above entities to



Figure 14: Restored shoreline habitat at Harper Estuary

complete the first phase of restoration. Since completion of the first phase, Ecology continues to work to advance restoration, monitoring, and stewardship activities at Harper Estuary. (see Figure 14). Ecology also directed funding towards two additional restoration projects.

Restoration project highlights

- **Harper Estuary restoration:** Kitsap County is completing its community outreach using public input to guide the development of an Estuary and Park Improvement Plan. After completing the plan, the County will construct the identified improvements. The County is also monitoring the estuary in partnership with Western Washington University (WWU/Huxley) and Washington Sea Grant.
- **McNeil Island shoreline restoration:** WDFW completed debris removal and construction for a shoreline restoration project at the Barge Landing site. A portion of this funding is being directed towards restoration of the Milewa Creek Estuary Restoration project on the island.
- **Ross Point bulkhead removal in Sinclair Inlet:** WDFW acquired permits to complete the removal of the bulkhead, complete a cultural resources survey, and consultation with the State Historic Preservation Office (SHPO) and tribes. Construction occurred in August 2019.

Gathering public input

Kitsap County is leading community outreach efforts to obtain public input to guide the development and future construction of improvements for Harper Estuary. Two community meetings were held in early 2019 and additional meetings are being scheduled to support this effort. For projects on McNeil Island and at Ross Point, we incorporated feedback from community members and from the Suquamish, Squaxin Island, Nisqually, and Puyallup tribes to develop restoration plans and designs.

Next steps

Ecology extended a Kitsap County grant to provide ongoing restoration outreach at Harper Estuary. We also contacted with WDFW to provide ongoing technical support at Harper Estuary and to complete the Ross Point Bulkhead Removal in the summer of 2019. In addition, we partnered with Washington State Department of Natural Resources (DNR) to plan for restoration of the Milewa Creek Estuary on McNeil Island.

B&L Woodwaste (Louisiana Pacific)

At a glance

- **Total settlement:** \$1.0 million
- **County:** Pierce
- **Total size:** 11 acres + wetlands
- **Cleanup focus:** Groundwater

In the 1970s and 1980s, the B&L Woodwaste landfill received woodwaste, soil, and slag from log sort yards in Commencement Bay. The slag—a byproduct of Asarco's Tacoma smelter—leached arsenic into soils and groundwater. This contamination poses a threat to nearby Hylebos Creek (see Figure 15).



Figure 15: B&L Woodwaste site

Cleanup liability and funding

Asarco, Murray Pacific, and Louisiana Pacific Corp. were among the parties found liable for cleanup. When Asarco went into bankruptcy in 2005, the other two companies pursued settlements jointly with the state. Most of Murray Pacific's \$22 million settlement is held in a trust that is funding the majority of current cleanup work. The Cleanup Settlement Account holds an additional \$1 million for future work.

Cleanup accomplishments and remaining work

The B&L Woodwaste cleanup has three phases:

- **Phase 1, completed in 1992:** Asarco consolidated the original 18-acre site to an 11-acre landfill. It then installed a cap to minimize rainfall flushing metals and contaminated groundwater out of the landfill.
- **Phase 2, 2008 to early 2013:** Ecology installed a slurry wall around the edge of the landfill. This underground barrier minimizes the flow of contaminated groundwater. We then built a facility to extract and treat groundwater from inside the slurry wall and from the nearby wetlands. Finally, we excavated contaminated sediments from the drainage ditches on three sides of the site.

Phase 3, 2015 to the present: In 2017, as a part of an adaptive management plan to contain and reduce the arsenic plume, groundwater was treated by chemicals outside the landfill on nearby Washington State Department of Transportation property. In September 2017, the groundwater treatment system was shut down and currently groundwater is being monitored quarterly.

In the 2 years since the groundwater treatment system shut down, groundwater monitoring has shown that the plume is in a stable to decreasing trend in the eastern, western and southern parts of the site and the decreasing trend is continuing in the northern part of the site.

As of 2019, the long-term groundwater monitoring for arsenic contamination is continuing. Based on groundwater monitoring data, we will take necessary actions to control and contain the arsenic plume.

Golden King Mine

At a glance

- **Total settlement:** \$0.5 million
- **County:** Chelan
- **Total size:** 13 acres
- **Cleanup focus:** Soil and stream water quality

The Golden King/Lovitt Mine is located near Wenatchee, on the west side of the Squillchuck Creek Drainage. There are an estimated 450,000 cubic yards of tailings deposited in a tailings impoundment in the bottom of Squillchuck Creek.



Figure 16: Golden King/Lovitt Mine.

Settlement spending plan

Ecology's 10-year spending plan for the Golden King/Lovitt Mine is described in Table 5 below.

Table 5: Spending plan for Golden King/Lovitt Mine.

| Years | Activity |
|-----------|--|
| 2010-2017 | Negotiate access with private land owners |
| 2018-2019 | Remedial Investigation and Feasibility Study (contingent on access agreements) |
| 2019-2020 | Cleanup Action Plan |
| 2017-2022 | <ul style="list-style-type: none"> °Water quality treatment monitoring °Institutional controls to protect human health °Engineered controls such as capping and slope stabilization |

Accomplishments through Fiscal Year 2019

Work at Golden King has been stalled due to lack of access to the former mine by the current owners. When access issues are resolved, we plan to continue with the cleanup activities outlined in Table 5 above.

Monte Cristo Mine

At a glance

- **Total settlement:** \$6.5 million
- **County:** Snohomish
- **Total size:** 54 mines and one mill
- **Cleanup focus:** Soil, surface water, and sediment

In the summer of 1889, settlers discovered the site and quickly established a town site. In 1893, the railroad was completed to transport ore to the Everett smelter (see page 8).

Mineral production flourished for a few years until massive floods destroyed rail access in 1897. Mining became intermittent, operated by a number of smaller companies until 1920. The site is located on a mix of private and federal property. The Monte Cristo Mining Area is a popular historic mining town site and hiking area.

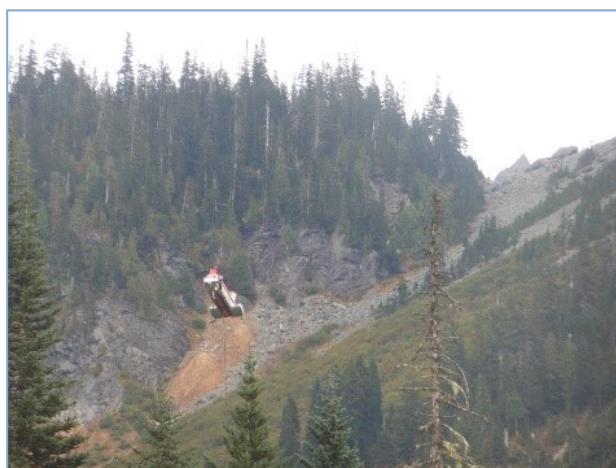


Figure 17: Helicopter carrying heavy equipment into wilderness area to clean up mine tailings.

Settlement spending plan

Ecology's 10-year spending plan for the Monte Cristo Mine is described in Table 6 below.

Table 6: Spending plan for Monte Cristo Mine.

| Years | Activity |
|-----------|--|
| 2011-2017 | Remedial Investigation and Feasibility Study |
| 2012-2013 | Environmental review, public outreach, and bat habitat and topographic survey |
| 2013-2015 | Completed construction of access route and onsite repository |
| 2015-2016 | Removal of contaminated waste rock to repository, water quality monitoring, revegetation |
| 2016-2022 | United States Forest Service (USFS) Interim Action completed; ongoing repository operations and maintenance, water quality monitoring, review of USFS results for privately owned sites. |

Accomplishments through Fiscal Year 2019

In Fiscal Year 2018, the U.S. Forest Service (USFS) continued monitoring stream water quality to assess stream health following the Interim Action. Ecology will be compiling data gathered for the privately owned mine sites in order to determine future remedial actions at the Monte Cristo Mining Area. In 2019, staff visited the site and are developing a 5-year spending plan.

Van Stone Mine

At a glance

- **Total settlement:** \$3.5 million
- **County:** Stevens
- **Total size:** ~150 acres
- **Cleanup focus:** Soil, sediment, surface water

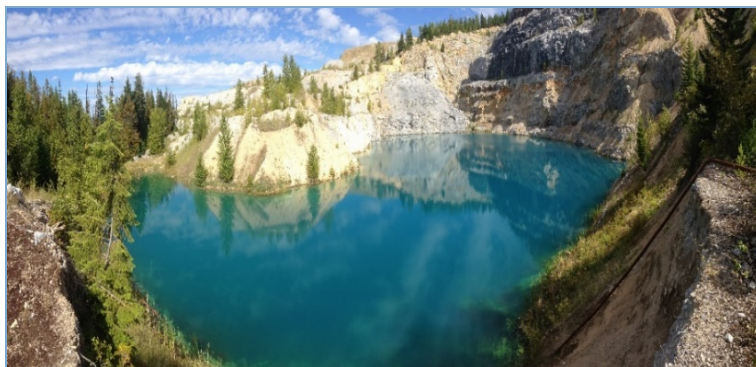


Figure 18: Van Stone Mine

The Van Stone Mine was the State's largest open-pit mine. It is located about 28 miles northeast of Colville. It operated from 1951 to 1994 under several owners, including Asarco. Approximately 270,000 tons of ore were extracted from 1.3 million tons of rock. The Upper Tailings Pile has breached twice, with the most recent event occurring in 2012.

Settlement spending plan

Ecology's 10-year spending plan for the Van Stone Mine is described in Table 7 below.

Table 7: Spending plan for Van Stone Mine.

| Years | Activity |
|------------|--|
| 2014- 2017 | Remedial Investigation and Feasibility Study for soils, sediments, wastes, groundwater, and surface water |
| 2019 | Cleanup Action Plan and Engineering Design for cleanup and cover systems at the upper and lower tailings piles and other areas identified during the investigation |
| 2020 | Cleanup and building the cover systems |
| 2021 | Start of operations and maintenance for the cover systems |

Accomplishments through Fiscal Year 2019

The draft Cleanup Action Plan for the Van Stone Mine site is currently being developed and should be completed by fall of 2019.

Additional funding is needed to continue work

Settlement funds in the Cleanup Settlement Account earmarked for the Van Stone Mine site will not cover the cost of cleanup. Over the next two years, the settlement funds will be used to create an engineering design for cleanup, and to remove a small, unpermitted dam at the site.

Additional funds outside of the Cleanup Settlement Account will be needed to continue planned cleanup activities.

Lilyblad Petroleum Insurance Settlement

At a glance

- **Total settlement:** \$800,000
- **County:** Pierce
- **Total size:** 11 acres + wetlands
- **Cleanup focus:** Soil and groundwater

From 1978 to 1988, Lilyblad Petroleum, Inc. ran a spent solvent and dangerous waste recycling operation. Since then, Lilyblad has dissolved and Pacific Functional Fluids now operates the facility. Soil and groundwater at the site are contaminated with petroleum and chlorinated solvents.



Figure 19: Carbon change out at the former Lilyblad property

Multiple funding sources for cleanup work

Over the years, this cleanup site has received funding from multiple sources, including the Old Republic Settlement, the State Toxics Control Account, the Cleanup Settlement Account, and the Environmental Stewardship Legacy Account.

Accomplishments through Fiscal Year 2019

In 2008, Ecology installed and started a pump and treatment system for contaminated groundwater at the site. Starting in 2012, the treatment system has been operated intermittently depending on available funding for the project. During periods when the treatment system is not operational, measures have been taken to maintain hydraulic control and prevent migration of contaminated groundwater toward the Blair Waterway. The most recent accomplishments include:

- **July 2015-June 2016:** Monitoring showed the extent of contamination decreased in the southern area of the contaminated site.
- **July 2016-June 2017:** Annual soil samples showed a decrease in contaminants in the outer portions of the contaminated site.
- **July 2017-June 2018:** Contaminated soil vapor and groundwater extraction and treatment continued and focused on the center of the site. To date, about 42,335 pounds of contaminants have been removed.

- **June 2018-June 2019:** The groundwater treatment system operated for six months and was shut down in January 2019. We are preparing a request for qualification (RFQ) to continue the cleanup work and evaluate the site conditions to optimize the system's operation.

Conclusion

Funding moves important cleanup projects forward

In Fiscal Year 2019, work continued on many of the projects funded by the Cleanup Settlement Account. One significant example is the sampling and cleanup work underway within the Everett Smelter and Tacoma Smelter Plume sites. In Fiscal Year 2019, Ecology replaced contaminated soil in residential yards in Everett and on Vashon-Maury Island. Ecology also cleaned up Wiggums Hollow Park and the Viola Oursler Overlook in Everett, and the Sandy Shores Park on Vashon-Maury Island.

Funds from the Cleanup Settlement Account also advanced cleanup, ongoing operations and maintenance, and water quality monitoring at former sites like the B&L Woodwaste, Monte Cristo Mine, and the Van Stone Mine. Contaminated soil vapor and groundwater extraction and treatment continues at Lilyblad to contain the plume within the site.

Work continues to move forward on restoration activities. We are working with WDFW and Kitsap County to advance maintenance, monitoring, and stewardship activities at Harper Estuary. We have directed funds towards two additional restoration projects—McNeil Island shoreline Restoration and Ross Point bulkhead removal. The Cleanup Settlement Account makes all of this important work possible and moves this work forward.

Additional funding will be needed to complete some cleanup projects

At the end of Fiscal Year 2019, the remaining balance in the Cleanup Settlement Account was \$44,967,000 and the loans outstanding to the account total \$17,987,000. While significant, these settlement funds will not be enough to complete some of the funded cleanup projects.

In the future, sites like the Everett Smelter, Tacoma Smelter Plume, and Van Stone Mine will need to rely on funds other than the Cleanup Settlement Account to fund cleanup. Historically, we have requested and the Legislature has funded, cleanup projects from the Model Toxics Control Act accounts. In the 2019-2021 biennium, we received \$5,492,000 from the Model Toxics Control Capital Account to fund ongoing Everett Smelter Plume work.

Every year, more contaminated sites are identified statewide than can be cleaned up with all fund sources. As of June 30, 2019, more than 13,300 sites have been reported. Of those, more than 7,100 sites have been cleaned up and about 200 are being monitored to ensure the cleanup is working. This growing backlog of contaminated sites needing cleanup, coupled with ongoing cleanups of existing sites (like the former Asarco sites), requires prioritization of resources.

The Cleanup Settlement Account advances important cleanup projects by cleaning up pollution, supporting sustainable communities, and enhancing natural resources for the benefit of current and future generations.

With good management and secure funding in future, the work made possible through the Cleanup Settlement Account will continue for many more years.

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Appendices

Appendix A. Statutory Authority – RCW 70.105D.130

The statutory provision creating the Cleanup Settlement Account is currently codified in RCW 70.105D.130. The provision was amended by Engrossed Substitute Senate Bill 5993 in 2019. The provision, as amended, states:

- (1) The cleanup settlement account is created in the state treasury. The account is not intended to replace the model toxics control capital account established under RCW 70.105D.200. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.
- (2) The following receipts must be deposited into the cleanup settlement account:
 - (a) Receipts from settlements or court orders that direct payment to the account and resolve a person's liability or potential liability under this chapter for either or both of the following:
 - (i) Conducting future remedial action at a specific facility, if it is not feasible to require the person to conduct the remedial action based on the person's financial insolvency, limited ability to pay, or insignificant contribution under RCW 70.105D.040(4)(a);
 - (ii) Assessing or addressing the injury to natural resources caused by the release of a hazardous substance from a specific facility; and
 - (b) Receipts from investment of the moneys in the account.
- (3) If a settlement or court order does not direct payment of receipts described in subsection (2)(a) of this section into the cleanup settlement account, then the receipts from any payment to the state must be deposited into the model toxics control capital account.
- (4) Expenditures from the cleanup settlement account may only be used to conduct remedial actions at the specific facility or to assess or address the injury to natural resources caused by the release of hazardous substances from that facility for which the moneys were deposited in the account. Conducting remedial actions or assessing or addressing injury to natural resources includes direct expenditures and indirect expenditures such as department oversight costs. During the 2009-2011 fiscal biennium, the legislature may transfer excess fund balances in the account into the state efficiency and restructuring account. Transfers of excess fund balances made under this section may be made only to the extent amounts

transferred with required repayments do not impair the ten-year spending plan administered by the department of ecology for environmental remedial actions dedicated for any designated clean-up site associated with the Everett smelter and Tacoma smelter, including plumes, or former Asarco mine sites. The cleanup settlement account must be repaid with interest under provisions of the state efficiency and restructuring account.

- (5) The department must track moneys received, interest earned, and moneys expended separately for each facility.
- (6) After the department determines that all remedial actions at a specific facility, and all actions assessing or addressing injury to natural resources caused by the release of hazardous substances from that facility, are completed, including payment of all related costs, any moneys remaining for the specific facility must be transferred to the model toxics control capital account established under RCW 70.105D.200.
- (7) The department must provide the office of financial management and the fiscal committees of the legislature with a report by October 31st of each year regarding the activity within the cleanup settlement account during the previous fiscal year.

Appendix B. Contaminated Site Information

You can find more information about the cleanup and restoration projects currently funded through the Cleanup Settlement Account by visiting the web pages for those projects, which are listed below.

- B&L Woodwaste cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=2297>.
- Everett Smelter cleanup: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Everett-Smelter>.
- Golden King Mine cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=2746>.
- Harper Estuary restoration: <http://westsoundwatersheds.org/default.aspx?ID=22>
- Lilyblad Petroleum cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4329>.
- McNeil Island restoration: <https://www.dnr.wa.gov/mcneil-island-shoreline-restoration>.
- Maury Island Open Space cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=1532>.
- Monte Cristo Mine cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4550>.
- Ross Point restoration: There is no webpage available.
- Tacoma Smelter Plume cleanup: <http://ecology.wa.gov/Tacoma-smelter>.
- Van Stone Mine cleanup: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=461>.

For more information about the Toxics Cleanup Program, visit our website: <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>.