

**Everett Smelter Site
Everett, Washington**

**Amendment and SEPA Addendum
To the
Integrated Final Cleanup Action Plan
And
Final Environmental Impact Statement
For the
Upland Area**

PUBLIC REVIEW DRAFT, December 30, 2002

The *Integrated Final Cleanup Action Plan and Final Environmental Impact Statement* (FCAP/FEIS) for the Everett Smelter Site was issued by the Washington State Department of Ecology on November 19, 1999. This document amends some requirements of the FCAP/FEIS with respect to cleanup of material with high concentrations of arsenic and other metals within the Former Arsenic Trioxide Processing Area of the site (See Figure 1-2 of the FCAP/FEIS), also called the Fenced Area.

The FCAP/FEIS (see FCAP/FEIS §6.3) required that, after removal of material with arsenic concentrations exceeding 3,000 mg/kg, smelter debris, and other material, a Consolidation Facility was to be constructed in the Fenced Area. Soil from the contaminated area surrounding the fenced area, known as the Peripheral Area, with arsenic concentrations less than 3,000 mg/kg arsenic could then be consolidated and contained within the Consolidation Facility.

On June 10, 2002, Ecology issued Enforcement Order No. 02TCPNR-4059 to ASARCO Incorporated. In summary, the Order required Asarco to remove all material within the Fenced Area with arsenic concentrations exceeding 3,000 mg/kg and secure the site so that the Consolidation Facility could be constructed some time in the future.

Ecology amended the Order on December 30, 2002, to require that all material associated with the former Everett Smelter with arsenic concentrations exceeding 3,000 mg/kg be removed, not just that within the Fenced Area. This will address material which is known to extend beyond the Fenced Area under East Marine View Drive, as well as any other such material identified by compliance monitoring conducted during the cleanup action.

Asarco has proposed to Ecology that, rather than removing the material with arsenic concentrations exceeding 3,000 mg/kg as an interim action, Asarco perform a final action for that portion of the site where the material has come to be located. All material exceeding 3,000 mg/kg will be removed, as before. In addition, material with arsenic

concentrations between 150 and 3,000 mg/kg arsenic will also be removed. The site will be regraded and a minimum of two feet of clean fill will be imported to the site. The arsenic concentration profile for residential use required by the FCAP/FEIS will be met (see FCAP/FEIS Figure 6-7). At the completion of the cleanup, the site will be suitable for residential development. No Consolidation Facility will be constructed under Asarco's proposal.

Accordingly, this document amends the cleanup requirements and amends the SEPA mitigation requirements contained in the FCAP/FEIS to provide that cleanup of the Fenced Area and all material that is outside the Fenced Area and within the Everett Smelter Site (i.e., which is associated with the former Everett Smelter) with arsenic concentrations exceeding 3,000 mg/kg shall be cleaned up in accordance with the *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site*, and subsequent engineering design reports and documents approved by Ecology.

A number of sections of the FEIS addressed the impacts of construction of a consolidation facility (for less contaminated soil from clean-up) on site. Since the amended order requires off-site disposal, no consolidation facility will be constructed. Therefore, those sections of the FEIS addressing the impacts and mitigation required for construction of an on-site consolidation facility are not applicable to the amended order.

Under the proposed cleanup actions described in the *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site*, the off-site disposal alternative would be implemented and the site would be cleaned up to residential standards. Under the proposed cleanup actions, residential redevelopment of the site is feasible.

The current comprehensive plan land use designation of the site is 1.3, single-family residential; and current zoning is R-2, single-family medium density residential. Single-family residential redevelopment of the site is feasible under the current land use designations and the proposed cleanup actions.

Multiple-family residential redevelopment of the site could be a potential future reuse of the site under the proposed cleanup actions. However, any proposed multiple family reuse would require a revision to the comprehensive plan and zoning designations of the site. Any future proposal to amend the land use designations for the site should include an analysis of the entire R-2 zoned area depicted on FCAP/FEIS Figure 3-4. The City of Everett would be the lead agency for these analyses.

Any future proposed change in land use designations will be subject to the City of Everett's comprehensive plan docketing and review process. Additionally, as set forth in the FCAP/FEIS 3.3.5.5, any proposed redevelopment of the site will be subject to the project review process (including SEPA environmental review) when projects are proposed.

No change in the current land use designation is proposed at this time.

Under the amended order, land use impacts are reduced from impacts addressed in the FCAP/FEIS. Land use impacts are principally related to the construction impacts of soil excavation and removal, traffic impacts associated with off-site soil disposal, on-site filling, and reconstructing and grading the site. Construction work is to be limited to a 2-year period. Impacts of off-site disposal are addressed in the FCAP/FEIS.

As indicated in the FCAP/FEIS, Section 3.3.4, substantive requirements of the City's applicable codes and standards must be met. These provisions remain applicable to the site remediation under the amended order.

As indicated in the FCAP/FEIS, Section 3.3.5.5.1, to mitigate the unavoidable probable significant adverse impacts from the cleanup activities, the Engineering Design Report for the cleanup actions described in the *Interim Action Report, Fenced Area Cleanup, Everett Smelter Site*, must include a number of plans developed in consultation with the City:

- **Construction and Traffic Management Plan** – as set forth in FCAP/FEIS §3.3.5.5.1. This plan is to include a detailed description of how stockpiles of all material with arsenic concentrations exceeding 3,000 parts per million will be managed. Such stockpiles shall be managed as “staging piles” in accordance with WAC 173-303-646 and 40 CFR Part 264, Appendix IX. Staging piles are to be enclosed in concrete block walls (i.e., stacked ecology blocks) except for access points; are to be covered when not in active operation; are to be constructed so that run-on does not occur and run-off is appropriately managed; and are to be managed so that no air-borne emissions result in arsenic concentrations in excess of applicable regulatory or health and safety standards. The plan must provide limits for the maximum volume and height of each staging piles. No staging pile may exist on site except when the site is in active operation. Sampling of soil underlying the staging pile must be conducted at the end of each construction season after pile removal to demonstrate no material with arsenic concentrations exceeding 3,000 parts per million remains.
- **Landscape Buffer Plan** – to be developed in consultation with the City of Everett. The Landscape buffer plan will include provisions for streetscape landscaping consistent with the City's current Land Use Code, and will provide for replacement plantings and/or fencing where existing vegetation adjacent to the right-of-way is eliminated by impacts of site remediation.
- **Final Site Restoration Plan** – Identify surface water and erosion controls, define recontouring and final grade, revegetation of site, and locate and design infrastructure to serve future redevelopment to the extent reasonably foreseeable.
- **Final Program of Institutional Controls & Monitoring** – which allows and encourages site reuse while protecting public health and the environment.

Asarco has not proposed specific redevelopment plans or projects. The phasing of mitigation measures (FCAP/FEIS Table 3-3) remains applicable to the amended order (with the exception of monitoring plan for consolidation facility which is no longer applicable).

Declarative Statement

Consistent with Chapter 70.105D RCW, “Model Toxics Control Act,” as implemented by Chapter 173-340 WAC, “Model Toxics Control Act Cleanup Regulation,” it is determined that the selected cleanup actions are protective of human health and the environment, attain federal and state requirements which are applicable or relevant and appropriate, comply with cleanup standards, provide for compliance monitoring, use permanent solutions to the maximum extent practicable, provide for a reasonable restoration time frame, and consider public concerns raised during public comment on the Everett Smelter Site, Everett, Washington, *Amendment and SEPA Addendum to the Integrated Final Cleanup Action Plan and Final Environmental Impact Statement for the Upland Area*.

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