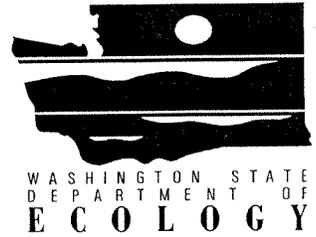


Everett Smelter Site



Comment Form

This is an invitation for comments on the draft Prospective Purchaser Consent Decrees for the Everett Smelter site in Everett, Washington. If you wish to comment, please fold, seal, affix postage, and mail this form to the Washington State Department of Ecology by May 21, 2004 (address on reverse).

Name and address optional

Name..... *Mr. & Mrs. John K. Barri*

Address..... *920 E. Maline View Dr.*

City..... *Everett, Wa.*..... Zip Code..... *98201-1425*

E-mail Address.....

1. Please provide your comments here:

In due process, we hope our home is one of the 22 homes on the list to be cleaned up. We bought our house in 1996, at that time we were unaware of the assarco smelter contamination. We surely never would of ~~never~~ purchased our home otherwise.

We would love to grow veggies, and let our grandchildren play in the dirt with their trucks, cars and other toys!

Note to mention concern over our family pet's, who spend a great deal of time outside.

Also, I have ~~respiratory~~ respiratory problems: asthma. This doesn't help.

PLEASE COME AND CLEAN UP THIS VERY SERIOUS PROBLEM!

Mr. & Mrs. John K. Barri

fold along dotted line to mail

RECEIVED

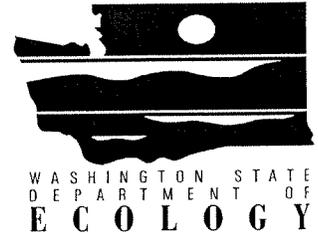
APR 23 2004

DEPT OF ECOLOGY

David L. South, Site Manager
Everett Smelter Comment
Department of Ecology – Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452



Everett Smelter Site



Comment Form

This is an invitation for comments on the draft Prospective Purchaser Consent Decrees for the Everett Smelter site in Everett, Washington. If you wish to comment, please fold, seal, affix postage, and mail this form to the Washington State Department of Ecology by May 21, 2004 (address on reverse).

Name and address optional

Name.....
Address.....
City..... Zip Code
E-mail Address.....

1. Please provide your comments here:

I'm happy to know that the Department of Ecology has formed a plan to clean up the ground. Too bad that about one hundred years ago there weren't controls in place to prevent such abuse of the environment. The whole problem must be the cost of the cleanup. Thank you for watching out.

Lined area for writing, with a dashed line indicating a fold line.

fold along dotted line to mail



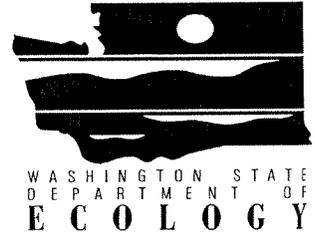
David L. South, Site Manager
Everett Smelter Comment
Department of Ecology – Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

RECEIVED
APR 29 2004
DEPT OF ECOLOGY

98008+5452



Everett Smelter Site



Comment Form

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Name and address optional

Name.....
Address.....
City..... Zip Code
E-mail Address.....

1. Please provide your comments here:

PLEASE BE SURE TO REHAB THE
PROPERTY LOCATED AT 201 BRIDGEWAY.



CITIZENS FOR A HEALTHY BAY

917 Pacific Avenue
Suite 4061
Tacoma, WA 98402
Phone (253) 383-2429
Fax (253) 383-2446
chb@wa.net
www.tacomacfb.com/~chb

April 22, 2004

RECEIVED
APR 23 2004
DEPT OF ECOLOGY

Mr. David L. South, Site Manager
Everett Smelter Comment
Dept. of Ecology, NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Re: Disposal of Everett ASARCO Smelter site soils to Ruston OCF

Dear Mr. South:

This letter provides the position of Citizens for a Healthy Bay (CHB) regarding the proposal to place contaminated soils from the Everett ASARCO onto the ASARCO Ruston/North Tacoma facility.

Board of Directors

Linda Elliott Farmer
Scott Hansen
Bruce Kilen
Kristi Lynett
Peter Porietis
Lee Roussel
Robert Stivers
Sheri Tomm
Peter Wimberger
Allen Zulauf

CHB opposes EPA's finalized proposal to disposal of Everett soils onto the Ruston/North Tacoma site, as the plan:

- Triples the amount of material from Everett to Ruston/North Tacoma;
- Allows for placement of up to 50,000 cubic yards of material onto the Ruston/North Tacoma site outside of the OCF;
- Creates an obvious precedent that allows disposal of contaminated materials from other problem sites into the Commencement Bay area;
- Ties the completion of remedial action of the ASARCO Smelter facility in Ruston/North Tacoma to completion of the unrelated Everett action, thereby potentially delaying conclusion of the Commencement Bay action.
- Potentially decreases the redevelopment value of the Ruston/North Tacoma lands because of the presence of the additional contaminated material and possible perception of the area as a "dump site".
- Was made outside of the public process and without conducting a formal public hearing to take Ruston/North Tacoma community input.

The original proposal to bring Everett soils to the ASARCO Ruston/North Tacoma site for disposal was presented to the community on January 9, 2003 in what was then characterized as a "pre-public meeting". Specifically, the original proposal was presented as:

- 25,000 cubic yards of contaminated soils from the Everett site would be brought to the Ruston/North Tacoma site for confined disposal into the OCF.
- All Ruston/North Tacoma site materials would be placed into the OCF before Everett material was brought in.
- Everett soils would not be stockpiled at the Ruston/North Tacoma site.
- Placement of Everett soils into the Ruston OCF would not establish a precedent for placement of additional contaminated materials into the Ruston/North Tacoma site or any other Commencement Bay site in the future.

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April 22, 2004
Mr. David L. South
Page Two

- Assurances that, before making a final decision, another meeting and another opportunity for community input would be conducted. At that time, EPA stated that, "its issues regarding this proposal had not been addressed and so was not in a position to make a final decision".

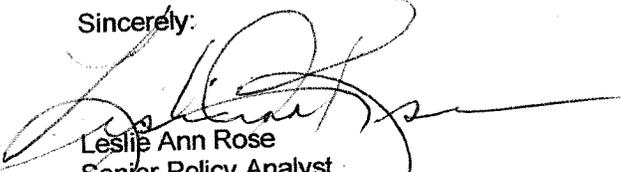
At best, the community input received by EPA during the January 9, 2003 informal pre-public meeting was mixed. Those present reluctantly and grudgingly accepted the possibility that accepting 25,000 cubic yards of Everett soils into the OCF might be their best opportunity to complete the local action and was only given after receiving EPA assurances that a formal public process would be conducted prior to a final determination. Despite this assurance, there were no other public processes conducted in Ruston/North Tacoma and the community was deprived of meaningfully participating in the negotiations that resulted in the decision to bring up to 75,000 cubic yards of contaminated soils from Everett to the Ruston ASARCO facility. The Ruston/North Tacoma community expressed adamant opposition to the proposal to bring additional contaminated soils from Everett to Ruston/North Tacoma during the March 30, 2004 public meeting conducted by EPA at the ASARCO Ruston site.

For these reasons, Ecology must mandate an alternate disposal site for all Everett materials except the original 25,000 cubic yards to be placed into the Ruston/North Tacoma OCF.

CHB is a community based, non-profit environmental organization representing the greater Commencement Bay community acting to engage citizens to clean up, restore and protect the Commencement Bay environs. As such, over the last 13 years, we have acted to provide community oversight and public participation into the clean up of the ASARCO Smelter site in the Commencement Bay Superfund problem area.

Thank you for your consideration of our remarks and for adding this letter into the Administrative Record.

Sincerely:



Leslie Ann Rose
Senior Policy Analyst
Citizens for a Healthy Bay

cc: Kevin Rochlin, EPA

Everett Smelter Site
Draft Prospective Purchaser Agreement- Consent Decree
Public Comment Period

The following comments are offered on behalf of the Delta Neighborhood (formerly NECO) and the Northwest Everett Neighborhood Association to the Draft Prospective Purchaser Agreements for the Fenced Area and the ASARCO Homes.

After many years effort on the part of local citizens as well as many public agencies and ASARCO, we are very appreciative of the cooperative effort shown by the various agencies that have come together determined to construct an agreement which will allow the very worst part of the contamination to be removed from the Everett Smelter Site. The possibility of the return of this area to productive residential use is very exciting.

It is our feeling that the Department of Ecology should have the roll of at least minimal field oversight during the process of the removal of the most highly contaminated soils, their stockpiling and their eventual shipping to the containment facility. While the contractor removing the soils is experienced the Department of Ecology has the expertise to assure the removal is complete, the stockpiling is safe and the shipping is completed as planned. The Department is also the ultimate source of any Certificates of Completion called for at various points in this process that must be based on a high level of certainty of compliance with the cleanup order.

In regard to the Certificate of Completion there seems to be a different definition from that usually associated with the term. It is my impression that this generally refers not only to removal of contaminated soils but also to the reduction to safe levels in associated ground water. Ground water tests generally require some time to assure permanent reduction in contamination levels, certainly through at least one rainy season. It appears the term as currently being used in the PPA refers to a legal assurance the developer needs to proceed with work. Perhaps this usage might require a different terminology.

Can a Certificate of Completion be issued before a cap is in place? I realize this may be a cost-cutting issue that is designed to allow a developer to put in utilities before the final cap, thus obviating excavation. However, without the cap, the remediation should not be called complete.

There is some concern in the neighborhoods about the delay in placing the cap until the development is complete. The proposed development certainly extends over a second year's construction season. The uncapped soils may legally be 150 ppm As average. This is seen as potential sources for increased surface water contamination during the rainy season and contaminated dust during the dry season.

The PPA discusses possible removal of the Site from the Hazardous Sites List. It should be noted that the historic smelter boundary, or the smaller area known as the "fenced area" is only a small part of the current Everett Smelter Site as defined in previous

documents. While the current proposed action will remove the highest level of contaminants from the area, it will treat only a physically small part of the Site.

Regarding the requirements for record keeping, it is felt that at least one complete copy of all records should be with the Department of Ecology. At the present time there is no local agency that appears to have space or budget to maintain the necessary records in the manner required to make them available for future use. If individual property owners are going to have restrictive covenants placed on their property, information concerning the factual basis for these covenants must be readily available as needed.

The proposed covenants in the PPA seem rather restrictive. If the individual homeowner is enjoined from digging, how will the properties get landscaped? Fences may need to be built and some individuals will wish to install watering systems. Hopefully the covenant is meant only to cover digging below a certain depth without advising someone in authority.

Once the area is declared "clean" and the Everett Housing Authority has sold all the developed properties to individual owners, who will become responsible for oversight of the restrictive covenants?

A local resident has asked about the ultimate responsibility for the disposal of contaminated soils that are not removed during the current remediation because they are under permanent structures. In the past there was a "barrel program" for small quantity disposal of contaminated soils brought to the surface. Is there anything in the current proposal that might be comparable?