

From: Tom McCormick
To: [Davis, Kris](#)
Subject: Ecology's thoughts on duration of cleanup process; impact on buildout date
Date: Wednesday, May 23, 2018 9:54:55 PM

TO: Honorable Peter Camp, Snohomish County Hearing Examiner

In my February 27, 2018 email to PDS Director Barb Mock (Exhibit I-219), I stated that public records that I obtained from the Department of Ecology indicate that it may take five years or longer to get a cleanup plan approved, and that it could take decades for the actual cleanup to be completed. See the excerpts below:

"It will likely take two to five years to develop a Cleanup Action Plan. This is just the plan. It can take longer if the site is complex, there is a great deal of data that needs to be collected, and there are divergent views on what needs to be done. ... After the Cleanup Action Plan is developed, it can take many years to clean up large petroleum-contaminated sites. There is great uncertainty as to time frames at Ecology's current level of knowledge about the site." *Source:* March 24, 2011 internal Dept. of Ecology email about Point Wells from David South to Karen Terwilleger.

"We have emphasized that cleanup of complex petroleum sites such as Point Wells can take years, even decades, and that BSRE Point Wells should consider this when considering their schedule." *Source:* April 19, 2011, email from David South (Senior Engineer, Toxics Cleanup Program, Department of Ecology) to Mark Wells (Environmental Mgr for the Alon USA oil company operating Point Wells), summarizing what Mr. South might say in a then upcoming press interview, and asking Mr. Wells to "send me any corrections." In an April 21 reply email, Mr. Wells said: "PLEASE DELETE [THE] REFERENCE TO DECADES." Mr. South then replied: "With regard to your suggested change: ... I may or may not say something like this. We started at Unocal Edmonds in 1993 and still have several years of work to do. So, it is an accurate statement. Whether cleanup of Point Wells will take decades is to be determined." The email string ended with a reply from Mr. Wells: "I understand what you are saying. It is just that the word 'decades' can mean 10, 20, 30, 40, ... years. Maybe you can say 'several' or 'many' years."

Copies of the two emails referred to above have now been posted as Exhibits I-447 and I-448.

Please review these **Exhibits I-447 and I-448** to see how long Ecology thinks it may take to get a cleanup plan approved (two to five years, or longer if the site is complex ... like Point Wells), and how long it may take to complete the clean up (sites such as Point Wells can take years, even decades).

Today, May 23, we heard from BSRE's lead consultant Jack Molver, of DAVID EVANS AND ASSOCIATES, INC, say that buildout can be 25-30 years, with about 140 residential units getting sold per year. On another occasion he said 30 years. If it takes 4 years for County approval and appeals, 5 years to get a cleanup plan approved by Ecology, and 10 years for the first phase of cleanup (this assumes that Ecology will approve a phased cleanup), that pushes the full buildout date to 2067.

4 years - time to finish EIS, get final County approval, plus appeals

I-449 McCormick, Tom -- May 23, 2018
PFN: 11 101457 LU

5 years - cleanup plan

10 years - completion of first phase of cleanup, securing Ecology no-action letter

30 years - full buildout

49 years from today — May 23, **2067**

The August 2016 traffic study assumes a buildout date of 2035. The traffic study was prepared by DAVID EVANS AND ASSOCIATES, INC., Jack Molver's firm. If the full buildout date is really 2067, the traffic study fails to include 32 years of background traffic growth. This failing is a significant reason that the traffic study so defective that it constitutes a substantial Code compliance failure.

Mr. Molver also seemed to say today, May 23, that traffic was a fatal flaw for the proposed development, and that it hasn't been solved. As I discussed most recently in Exhibit I-408, it cannot be solved.

Thank you.

Tom McCormick