

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Port of Seattle

FIRST AMENDMENT TO AGREED ORDER

No. DE 6703

TO: Tay Yoshitani
Chief Executive Officer
Port of Seattle
Seattle-Tacoma International Airport
P.O. Box 1209
Seattle, WA 98111

I. INTRODUCTION

Agreed Order No. DE 6703 (Order), entered into by the State of Washington, Department of Ecology (Ecology) and the Port of Seattle (Port) on July 10, 2009, requires the Port to: (1) implement interim actions in connection with demolition of the above ground structures on the Lora Lake Apartments Parcel; (2) prepare a Public Participation Plan; (3) prepare a Supplemental Data Gaps Report; and (4) perform a Remedial Investigation/Feasibility Study.

By this Amendment to Agreed Order No. DE 6703 (Amendment), Ecology requires the Port to: prepare a Pre-Design Characterization Report and a draft Cleanup Action Plan (DCAP).

The actions required by this Amendment will expedite implementation of the cleanup actions at the Site.

Ecology believes the actions required by this Amendment are in the public interest. Provisions of the Order not specifically changed in this Amendment remain in full force and effect.

II. JURISDICTION

This Amendment is issued pursuant to the Model Toxics Control Act (MTCA) RCW 70.105D.050(1).

III. AMENDMENT

The Order is Amended as follows:

The Order, Section VII. (Work to be Performed), is hereby amended to add the following requirements:

N. The Port shall prepare for Ecology review and approval the following documents:

1. Pre-Design Characterization Work Plan and Report. The Port will prepare a Pre-Design Characterization Work Plan to collect sufficient soil chemistry data on the Lora Lake Apartments Parcel to adequately define the vertical and lateral extent of soil to be excavated during the cleanup action. Soil with dioxin concentrations exceeding 100 pg/g is to be excavated. Other contaminant cleanup standards may be identified in the Work Plan. The purpose of the work is to provide sufficient information that the volume of soil with dioxin concentrations exceeding 100 pg/g is known with a degree of accuracy sufficient for excavation design. Performance monitoring after excavation will consist of collecting survey data to ensure the defined vertical and lateral extents of soil with dioxin exceeding 100 pg/g and other cleanup standards identified in the work plan have been excavated. Collection of additional soil samples for chemical analysis may be necessary after excavation in areas where the Pre-Design Characterization has not been sufficient to define the excavation extent due to field conditions before excavation. A draft Pre-Design Characterization Report will report the results of the work and recommend what additional soil performance monitoring data are necessary on the Lora Lake Apartments Parcel.

2. Within ninety (90) days from Ecology's approval of the final RI/FS Report, the Port shall prepare a DCAP in accordance with WAC 173-340-380 that details the proposed cleanup action for addressing the contamination present on the Site, and addresses the requirements for developing a cleanup action in WAC 173-340-350 through 173-340-390, including Ecology's expectations for cleanup alternatives in WAC 173-340-370. The DCAP shall include a general description of the proposed cleanup action, cleanup standards from the RI/FS and a rationale regarding their selection, a proposed schedule for implementation,

description of any institutional controls proposed, and a summary of federal, state and local laws that are applicable to the proposed cleanup action. The draft Pre-Design Characterization Report will be included as an Appendix to the DCAP.

3. Preparation of a Final Cleanup Action Plan (CAP) is not a part of this Order. Ecology intends to draft the Final CAP. The Final CAP will be implemented in a subsequent agreed order, enforcement order, or consent decree.

O. The Order, Exhibit C (Schedule of Deliverables), is hereby replaced with the following:

EXHIBIT C
Schedule of Deliverables

Deliverable	Due Dates ¹
The Port submits the Ecology Review Draft Lora Lake Parcel Feasibility Study	11/13/2012
The Port submits the Ecology Review Draft Pre-Design Characterization Work Plan	12/7/2012
The Port submits the Final Pre-Design Characterization Work Plan	30 calendar days following receipt of Ecology's final review comments.
The Port submits the Ecology Review Draft Lora Lake Apartments Site RI/FS Report	1/11/2013
The Port submits the Public Review Draft Lora Lake Apartments Site RI/FS	30 calendar days following receipt of Ecology's review comments on the Draft Lora Lakes Apartments Site RI/FS.
The Port submits the Ecology Review Draft Cleanup Action Plan.	90 calendar days following receipt of Ecology's comments on the Ecology Review Draft Lora Lake Apartments Site RI/FS Report
The Port submits Progress Reports	15th of every month following the end of each calendar month, beginning after the completion of the first full month after the effective date of the Agreed Order

¹ If a due date falls on a holiday or weekend, the due date will be extended to the next working day.

Effective date of this First Amendment: _____

Port of Seattle

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DEPARTMENT OF ECOLOGY**

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