



City of Bothell™

January 28, 2013

Jerome Cruz, Ecology Site Manager
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Lydia Lindwall
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Re: Progress Report for period ending December 2012

Site Name: **BOTHELL PAINT & DECORATING**
Site Address: 18004 and 18005 Bothell Way NE, Bothell 98011 and adjacent parcel to the east
Parcel Numbers: 945720-0081 and 945720-0072
Facility/Site No.: 93536765
Agreed Order No.: DE 6296

Date submitted: January 28, 2013
Reporting Period: October 1 - December 31, 2012

Summary:

City of Bothell (City/PLP) continues to make progress on work at the Bothell Paint & Decorating site (Paint), under the Agreed Order DE 6296 as amended on June 9, 2010. In accordance with the requirements of the Agreed Order schedule of deliverables, the attached progress report has been prepared for the three-month period preceding this submittal.

For this reporting period much of the work has focused on continuing construction efforts in the 2012/2013 construction season (Crossroads Phase 3), under which the interim actions that began in 2010 will be completed to address the remaining cleanup under the active highway. The attached progress report provides an update on the work completed for the period ending December 30, 2012.

Please contact me if you have any questions.

Sincerely,
Nduta Mbuthia

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PROGRESS REPORT
 Prepared for
DEPARTMENT OF ECOLOGY

SITE: BOTHELL PAINT & DECORATING

Agreed Order No.:	DE 6296
PLP Name:	City of Bothell
Facility/Site No.:	93536765
Effective Date:	February 3, 2009
Amendment No. 1:	June 9, 2010
Reporting Period:	October 1 - December 31, 2012
Date submitted:	January 28, 2013
Prepared by:	Nduta Mbutia, Project Engineer City of Bothell, Public Works Department 9654 NE 182 nd Street, Bothell, WA, 98011 Phone: 425.806.6829 Email: nduta.mbutia@ci.bothell.wa.us



City of Bothell™

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Actions taken by PLP to comply with the Agreed Order (AO)

Completion of the interim action soil cleanup work slated for the 2012/2013 construction season is currently underway. As discussed in past progress reports, the contract bid package (plans, specifications and estimates) for construction of the Crossroads Ph-III roadway project, under which the remaining portion of soil cleanup in the existing roadway is to occur, was awarded to a contractor.

On October 30, Ecology sent city a letter requesting estimated remedial action schedules for this MTCA site as well as two others. The city responded on Nov 1 by filling in approximate dates on table attached to the letter. A coordination meeting was held on Nov 1 to follow up on the City's request for Ecology's concurrence on the methodologies utilized to determine the remediation levels for the 2010 soil cleanup at this site - meeting notes attached

In early Nov, upon Ecology site manager's request, the city provided information and maps on the recent culvert construction through Paint site area; and on 12/3/12 the city sent Ecology an invitation via email to develop a structured coordination effort that will loop Ecology in on the overall Horse creek relocation project as it pertains to the ongoing downtown cleanup.

Summaries of sampling and testing results and other data received by the PLP

During this period there was no new sampling/testing data collected

Deviations from the approved work plans

None

Contacts with outside entities, government agencies or tribal governments

During this reporting period Ecology's TCP Section collaborated with the city to conduct a cleanup tour with legislative staff and City of Bellingham staff. There was also contact with Ecology's Water Quality group, which administers the Construction Stormwater General permit; as well as King County's Wastewater Division who administer the Industrial Waste Program that issued the City's authorization for discharge of construction water from dewatering activities into sanitary sewer.

Deviations, problems or anticipated problems in meeting the schedule or work plan objectives

None

Solutions developed, implemented or planned to address problems or delays

N/A

Changes in key personnel

None

Work planned for next reporting period

During the next reporting period, the following activities are anticipated:

- Continue digging test pits along future utility lines
- Ongoing grant and project administration, management and reporting

Budget Plan

Table Summarizing Grant Eligible Expenses by Task for Period Ending December 30, 2012

Task No.	Project Task Name	Original Budget (10/6/10)	Rev. Budget (amended 11/3/2010)	Current Budget (amended 5/31/2011)	Maximum Reimbursable Amount	Amount Reimbursed by Grant G1100263 (thru 10/31/12)
1	Bothell Landing	\$212,000	\$1,800,000	\$1,600,000	\$800,000	\$ 41,043.42
2	Bothell Paint & Decorating	\$520,000	\$1,710,000	\$1,200,000	\$600,000	\$ 30,390.95
3	Bothell Riverside	\$212,000	\$1,230,000	\$1,100,000	\$550,000	\$ 24,775.25
4	Bothell Hertz	\$212,000	\$1,230,000	\$1,400,000	\$700,000	\$ 623,769.49
5	Grant & Project Administration	\$ 96,000	\$ 180,000	\$ 357,452	\$178,726	\$ 45,645.80
		\$1,040,000	\$4,920,000	\$5,657,452	\$2,828,726	\$ 382,812.46

Budget Projection

During the next reporting period, there are anticipated expenditures for construction activities at this site

Attachments

Meeting notes - Nov 1, 2012

Coordination Meeting between Bothell & Department of Ecology

MEETING NOTES

Downtown Bothell Contamination Remediation

Date: Thursday, November 1, 2012

Time: 10:00 a.m. - 12:00 noon

Venue: Department of Ecology Office, Bellevue

Attendees: Ching-Pi Wang, Sunny Lin

Becker, Jerome Cruz, Anne Powell,

Arnie Sugar, Nduta Mbuthia

First half (10am - 11am): Ultra and Riverside sites

- There was discussion regarding Ecology's latest draft of the proposed Ultra Agreed Order received by City on 10/30/12. The City is generally in concurrence with Ecology's revisions, but still needs to complete a formal review of the AO & Exhibits and send comments back to Sunny and Anne - should be done by next week
- The next step in the process would be for Anne to send a clean draft copy to the Section Manager Bob W for his review. Final copy will then be sent to City for signatures, then back to Ecology to use for the public comment period.
- There was discussion about the anticipated AO deliverables schedule. Nduta explained that beginning early next year, the Ultra building will be demolished and City will start doing site preparation activities and underground utility work on the property; following which, the interim action and RI activities can begin on the property upon execution of the AO. The goal is that these activities will progress uninterrupted in order to align with the City's site redevelopment schedule
- Arnie wanted to know if some limited early RI explorations at the source could occur in advance of or concurrently with the preparation of the interim action work plan (deliverable #2). These explorations would help inform the most effective type of interim action befitting this site, and result in writing a well-informed IAWP. There was some discussion about moving deliverable #2 to follow deliverable #4, but it was noted that the City has an interest in performing the interim action early on in order to meet site redevelopment timelines
- Regarding data gaps, Sunny and Ching-Pi wanted to know if the City has completed the planned explorations on SR 522 up-gradient of Riverside to confirm that the Ultra plume is connected to Riverside. Nduta responded that this work has not happened yet, but there is an upcoming meeting (week of Nov 19) between City and King County/CDM who are assisting with resources to conduct this work. Ching-Pi stated that Ecology would like to participate in this meeting. Nduta will set up meeting and send invitations
- Other data gaps that will be addressed as part of the Ultra AO are in the area around the source property. As part of the RI, the City is proposing to advance installation of monitoring wells in this area to determine the northerly extents of the plume. Jerome wanted to know if installation of these wells would be reimbursed at 90%. Nduta responded yes, since this is part of deliverable #4, implementation of RI data gaps work plan. There was some discussion about the groundwater monitoring on these wells occurring earlier than the rest of the area-wide network. Nduta wanted to know if it would raise a concern from Jerome if the one-year of monitoring did not coincide with monitoring for the rest of the network. The consensus was that these data will be beneficial to and can be incorporated into the future area-wide groundwater study.

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- Ecology recommendation to do an alternative interim action the Riverside FFS report was discussed. The City is in concurrence with this recommendation. The next step is for Ecology to amend the Riverside AO to include interim action language that calls for pump and treat and discharge to the sanitary sewer. The city will be ready to start working on deliverables and implementation of the interim action soon after execution of the amended order
- There was a general discussion about whether the Ultra solvent plume and the solvent plume at Riverside are one and the same, or whether there are two distinct plumes. Sunny expressed that there are too many “what-ifs” at this point and that this discussion should be tabled for another time. Ching-Pi agreed that the site had become more complex and noted that two new variables have been introduced to the Riverside site i.e. (1) the possibility of a new source at Riverside, and (2) the possibility of the Ultra plume having migrated to Riverside
- Arnie asked about the possibility of the Riverside Agreed Order being closed as the City has an interest in closing out the orders as the downtown redevelopment continues to make progress. Ecology responded that after the RI/FS was completed then the site boundaries could be redefined based on the data that had been collected and analyzed. It was noted that the petroleum-impacted soil component had been addressed by the 2010 interim action, and what remains to be addressed now is the groundwater component. An RI/FS and dCAP for this site was also prepared for this site in 2009.
- Nduta asked about how Ecology would determine that a sufficient end point had been reached after the successful completion of the interim action at Riverside. Sunny responded that the sampling results would be used to make that determination. She described a scenario whereby the compliance monitoring would be needed for at least four quarters and if results all came back clean, there could potentially be a rest period, then one more sampling event after which Ecology would make a determination on the success of the interim action
- Ecology will send draft of the proposed Riverside Amendment (#2) to City for review. Per Ching-Pi, the City need not prepare an Interim Action work plan to attach to the AO amendment for the comment period, but if the City desires to prepare a two to three page summary of the planned interim action components instead, this would also suffice. City stated that the summary can be provided to Ecology within a couple of weeks.
- However, it was noted that another 30-day public comment period will be required for the interim action work plan itself. Ching-Pi noted that it is more efficient and less expensive to do one public comment period for an amendment to implement interim actions to stop contaminant flow into the Sammamish River. This public comment would be on an amendment that presents the fully expanded interim action work plan.

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Second half (11am - 12noon): Paint, Landing and Hertz sites

- Nduta provided an overview of why it is important to the City to obtain Ecology's concurrence on the methodologies used to determine cleanup levels on AO sites. City sent a letter to Ecology on 9.26.2012 requesting a formal response but hasn't heard back
- Jerome wanted clarification on whether the City was asking for concurrence on the remediation levels or on the cleanup levels. He does not feel comfortable with giving concurrence on the soil cleanups because there is remaining cleanup (interim actions) under the roadway and other exposure pathways that were not evaluated, such as vapor intrusion. Arnie responded that City would like to get feedback from Ecology that the work done in 2010 was done with in accordance with Ecology's expectations, since the same methodologies will continue to be used to complete the cleanups under the road
- Ching-Pi stated that Ecology could provide a letter that provides Ecology's feedback on work completed, but the letter would also include a disclaimer that this feedback does not apply to the work that is yet to be done under the road.
- Nduta responded that this would be helpful in providing the City with some reassurances on work already completed, since the new roadway is being built over previously remediated areas. The concern is that if something was missed then these areas would no longer be accessible. However, areas currently under SR522 will be easy to access in future sign traffic will have shifted south to the new alignment
- Jerome stated that Ecology does not intend to interfere with the City's construction plans and would never require the City to tear out the new road, so hypothetically if something were missed, there are other mechanisms that the City's consultant could use to document that vapor intrusion is not concern such as the road acting as a cap (barrier)
- Jerome asked whether the ARARs had been evaluated since vapor intrusion is a major concern that he has flagged. He is also concerned about potential impacts from Chevron which is up-gradient. Nduta responded that the RI/FS reports compiled and submitted to Ecology in 2009 evaluated the ARAR's. In 2009, Jerome approved the RI work plans which were then implemented; and followed by submittals of draft RI/FS reports and dCAPs for all three sites (Landing, Paint and Riverside). Jerome reminded the City that the draft RI/FS reports and DCAPs were not approved by Ecology. Instead, the preferred alternatives for soil were made into interim remedial actions.
- Ching-Pi stated that an Ecology concurrence on cleanup levels are known and published. Jerome stated that although the methodology to determine cleanup levels for TPH (total petroleum hydrocarbons) protective of direct contact and protection of groundwater seemed Ok as presented in the interim action reports, without knowing the other exposure pathways such as vapor intrusion and maybe groundwater to surface water, he does not have the information needed to conclude the cleanup levels are protective. Jerome stated that MTCA process is incomplete if concurrence

Coordination Meeting between Bothell & Department of Ecology

MEETING NOTES

Downtown Bothell Contamination Remediation

is asked without evaluating these other pathways or completing the remedial investigation work. The Phase II interim action/remedial investigation might uncover new contamination not addressed by the cleanup level methodology from the 2010 excavations. All of these uncertainties will be defined in the RI. Jerome will craft a letter that details what needs to be done to complete the RI/FS

- Ching-Pi was unaware that draft RI/FS and dCAP reports had been submitted by City. Jerome stated that the work done in 2009 (Parametrix) was found to be insufficient and the decision was made by Ecology and the City to convert the preferred remedial alternative for soil that was stated in these drafts into an interim action. Jerome pointed out that the investigations for residual soil contamination that will be carried out for Landing and Paint & Decorating (Phase II) indicates the remedial investigation is not complete, aside from the insufficient groundwater investigation. The limited remedial investigation will involve sampling of sidewall and bottom samples from the Phase II work when it is finally done. More contamination may be discovered. But the City's contends that based on the AO scope, the only pending deliverable is the completion of one year of groundwater monitoring after completion of interim actions under the road, and subsequent incorporation of these data into a final RI/FS report that also addresses Jerome's comments (January 12 & 19, 2010 letters). There is a disconnect that needs to be resolved and it was decided that this discussion would be better suited for another future meeting
- Nduta asked where in the RI the vapor intrusion needed to be evaluated. Jerome advised her to look at the Landing and other RI work plans which show vapor intrusion as one of the tasks for the RI. The vapor intrusion tasks are listed in the later stages of the remedial investigations.
- Arnie wanted to know the status of the Hertz RI work plan that was revised again and submitted on September 14. Jerome has completed his review and forwarded it to Ching-Pi for feedback before sending red-lined document to the City, hopefully in the coming week
- Jerome stated that the dates provided by Nduta on Oct 30 via email in response to the Jerome's 10/30/12 letter request to provide dates in deliverables schedule table were helpful. He also wanted to know the schedule for when the pocket of soil contamination on Hertz is being removed and if a memo is forthcoming. Nduta responded that the contractor hasn't advised staff on when this is to be done, but will give Jerome a call when this is determined. Jerome is okay with this. Arnie clarified that the soil characterization submittal document for Hertz addresses what needs to be done and therefore an additional memo is not being prepared. Arnie thought the planned excavation area was communicated to Ecology (Re: September 19, Hertz test sampling report), but later determined that this area was not shown on the map
- There was some discussion about the status and stages of phased work discussed in the Hertz RI work plan. City explained that the memo mentioned as deliverable 1c was now obsolete since the work plan document was re-written to incorporate this work. Commencement of this work is now dependent upon Ecology approving the work plan and issuing a notice to proceed on implementation

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- Jerome wanted to discuss the area-wide well network map because he believes that it is important to finalize it now. However, the city responded that it is better to have that discussion after all the soil cleanups (2012 interim actions) are completed because the well locations can be better informed based on new data collected. City also reiterated that the Paint site is not part of that area-wide network since the on-site contamination sources are not comingled with the solvent plumes originating from up-gradient sources. Jerome pointed out the importance of arriving at a local Paint & Decorating and an area-wide network acceptable to both parties.

Meeting adjourned at 12 noon

Next steps:

- City to send comments on the Ultra AO
- City to evaluate whether to provide Ecology with a 2 - 3 page summary of proposed interim action or the complete/expanded interim action work plan (thus consolidating the public comment period into one)
- Ecology to issue letter on 2010 soil cleanups in Paint, Hertz and Landing sites
- Ecology to provide comments on Hertz RI work plan (9/14/12 revision)
- City to invite Ecology to future meeting with King County Brownfields (week of Nov 19)
- Next monthly meeting is Dec 6. Agenda to be determined. Ching-Pi is unable to attend. Anne P will not attend

Meeting attendee comments have been incorporated into the final copy. Meeting notes compiled by Nduta Mbuthia, City of Bothell