

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

The Port of Everett

FIRST AMENDMENT TO AGREED ORDER
for
**Remedial Investigation/Feasibility Study
and Draft Cleanup Action Plan – Bay Wood
Products Site**

No. DE 5490

TO: Port of Everett
Attention: Les Reardanz
1205 Craftsman Way, Suite 200
Everett, WA 98201

EXHIBIT:

EXHIBIT B Amended Scope of Work and Schedule

I. INTRODUCTION

Agreed Order No. DE 5490 (Order) entered into by the State of Washington, Department of Ecology (Ecology) and Port of Everett (the Port) on October 3, 2008 requires the Port to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 addressing both potential upland and in-water (i.e., adjacent marine sediment) contamination for the Site.

Pursuant to Section VIII.L of the Order, Ecology and the Port hereby stipulate to amend the Order. By this amendment to the Order, the Port will perform an interim remedial action at a facility where there has been a release or threatened release of hazardous substances.

This amendment does not attempt to recite all of the provisions of the Order. Provisions of the Order not specifically changed in this amendment remain in full force and effect.

VI. ECOLOGY DETERMINATIONS

F. Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects

a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, RI/FS study or design of a cleanup action. The Bay Wood Products RI/FS has identified that on-site soil stockpiles, contaminated with carcinogenic polycyclic aromatic hydrocarbons (cPAHs) above the Model Toxics Control Act (MTCA) unrestricted cleanup level, are the only media requiring cleanup action in the Site uplands. The stockpiles consist of soil and dredge material that originated from the construction of the Port's 14th Street bulkhead replacement project conducted in 2005 and 2006. The presence of these stockpiles warrants an interim action consistent with WAC 173-340-430. This Amended Order requires the Port to conduct an interim action by removing the cPAH contaminated soil stockpiles from the Upland Area of the Site. The interim action is being conducted to expedite the Upland Area cleanup action for the Site, and will be designed to be consistent with the final cleanup action for the Site's Upland Area.

VII. WORK TO BE PERFORMED

A. Scope of Interim Action: The Port shall perform an Interim Action to remove, transport, and dispose at an approved landfill, the existing cPAH contaminated soil stockpiles from the Upland Area of the Site. As part of the interim action, the Port will collect and analyze soil samples from beneath the removed stockpiles to demonstrate compliance with the MTCA unrestricted soil cleanup level for cPAHs. In the event that cPAH contamination is found in the soil under the soil stockpiles, the Port will excavate and remove this cPAH contaminated soil from the Site until compliance with the MTCA cPAH cleanup level is achieved. The interim action is more fully described in **Exhibit B** (Amended Scope of Work and Schedule) to this First Amendment to the Agreed Order.

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Effective date of this Order: January 25, 2013

THE PORT OF EVERETT



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DEPARTMENT OF ECOLOGY**



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