

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF REMEDIAL ACTION BY)
)
City of Tacoma, Washington State Department of) AGREED ORDER
Transportation, Puget Sound Energy, PacifiCorp,) No. DE 93TC-S166
Advance Ross Corporation) Second Amendment
_____)

To: City of Tacoma, Washington State Department of Transportation, Puget Sound Energy,
PacifiCorp, and Advance Ross Corporation.

The purposes of this Second Amendment are:

1. Redefine the Site boundaries, based on data developed during remedial and historical investigation activities, to delineate the properties that are subject to this Order.
2. Remove Waterway Properties, Inc. as a PLP in this matter, and delineate the responsibilities of the remaining PLP's.
3. Redefine the Scope of Work, the responsibilities for specific tasks assigned to the various PLPs, and the schedule for completion of tasks according to Revised Exhibit B.

The provisions of this amendment shall supercede all performance provisions of the original Agreed Order No. DE 93TC-S166, dated 10-28-93, and the original Agreed Order is amended as provided herein. The First Amendment to Agreed Order No. DE 93TC-S166 is hereby rescinded.

I

JURISDICTION

This Agreed Order Amendment is issued pursuant to the authority of RCW 70.105D.050(1).

II

ECOLOGY SUPPLEMENTAL FINDINGS OF FACT

1. A coal gasification plant was operated on portions of property now known as the Tacoma Coal Gasification Site (TCG Site), bounded to the north by the south boundary of Lot 12 of Block 57, and the north boundary of Lot 8 of Block 2101; to the south by the south boundary of the 23rd Street right-of-way; to the east by the Thea Foss Waterway; and to the west by the east boundary of the A Street right-of-

way, Tacoma, Washington, including those portions of the Dock Street, 22nd Street, and 23rd Street right-of-ways lying within this area. (The legal description of the TCG Site is Blocks 2200, 2201, Lots 8 - 12 of Block 2101 of the Tacoma Land Company's, Second Addition to Tacoma, W.T.).

2. The PLP's named above have agreed to join together to perform investigations and interim remedial actions involving portions of the TCG Site to determine the source(s) of potential ongoing contamination to the Thea Foss Waterway from the TCG Site, and develop and implement interim remedial options for mitigation of the ongoing contamination. The PLP's have agreed to divide responsibilities as lead parties for various tasks according to the provisions of the Revised Exhibit B of this Order. Overall project coordinators for the PLP's are listed in Section V, Item #4 of this Order.

III

ECOLOGY DETERMINATIONS

1. The City of Tacoma, Washington State Department of Transportation, Puget Sound Energy, PacifiCorp, and Advance Ross Corporation are past or present "owners or operators" as defined at RCW 70.105D.020(12) of a "facility" as defined at RCW 70.105D.020(4).

2. The facility shall be identified as the Tacoma Coal Gasification Site (TCG Site), which is bounded to the north by the south boundary of Lot 12 of Block 57, and the north boundary of Lot 8 of Block 2101; to the south by the south boundary of the 23rd Street right-of-way; to the east by the Thea Foss Waterway; and to the west by the east boundary of the A Street right-of-way, Tacoma, Washington, including those portions of the Dock Street, 22nd Street, and 23rd Street right-of ways lying within this area.

IV

WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, it is hereby ordered that the PLPs take the following interim remedial actions for the TCG Site and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein. The specific tasks for this order are described below in summary fashion and in more detail in Revised Exhibit B.

1. Undertake remedial action to prevent the migration of contamination from the upland portion of the TCG Site via the present storm drain system. In addition, develop an Engineering Design

Report for remediation of the area of the TCG Site associated with the three above ground storage tanks.
Perform remedial actions to prevent the migration of contamination from the nearshore upland area of the site associated with the three above ground tanks to the Thea Foss Waterway.

2. Complete the shoreline remedial investigation along the area characterized as the SP-6 area, according to earlier work documented in Final Report Focused Feasibility Study Tacoma Coal Gasification Site/Tacoma Gas Company Site Tacoma, Washington (GeoEngineers, August 25, 2000). Once completed, develop an Engineering Design Report for the remediation of the SP-6 area.

V

TERMS AND CONDITIONS OF ORDER

All terms and conditions of the original Agreed Order No. DE 93TC-S166 to remain the same with exception of the following:

4. Designated Project Coordinators.

The project coordinators for the PLPs are:

On Behalf of WSDOT:

Kenneth Stone
Region Environmental Manager
Washington State Department of Transportation
Olympic Region Headquarters
5720 Capitol Blvd.
PO Box 47440
Tumwater, WA 98504
(360) 357-2660

and

On Behalf of the Utilities:

Steven Secrist
Director – Environmental Services
Puget Sound Energy
815 Mercer Street
Seattle, WA 98111
(206) 224-2353

and

On Behalf of the City of Tacoma:

Karen Larkin
Division Manager
Public Works Department
City of Tacoma
Tacoma, WA 98402
(253) 591-5588

Except as noted above, and in the revised Exhibit B, all other provisions of Agreed Order No. DE 93TC-S166 remain unchanged.

DATED this _____ day of _____, 2001 at Olympia, Washington.

CITY OF TACOMA, WASHINGTON

By: _____

Attest: _____

City Clerk

Approved as to Form: _____
Assistant City Attorney

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY

By: Rebecca Lawson

Rebecca Lawson, SWRO Supervisor
Toxics Cleanup Program

STATE OF WASHINGTON, DEPARTMENT
OF TRANSPORTATION

By: _____
Gary F. Demich, Olympic Region Administrator

PUGET SOUND ENERGY

By: [Signature]

Title: _____

PACIFICORP

By: _____

Title: _____

ADVANCE ROSS CORPORATION

By: _____

Title: _____

On Behalf of the City of Tacoma:

Karen Larkin
Division Manager
Public Works Department
City of Tacoma
Tacoma, WA 98402
(253) 591-5588

Except as noted above, and in the revised Exhibit B, all other provisions of Agreed Order No. DE 93TC-S166 remain unchanged.

DATED this _____ day of _____, 2001 at Olympia, Washington.

CITY OF TACOMA, WASHINGTON

By: _____

Attest: _____

City Clerk

Approved as to Form: _____
Assistant City Attorney

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY

By: Rebecca Lawson
Rebecca Lawson, SWRO Supervisor
Toxics Cleanup Program

STATE OF WASHINGTON, DEPARTMENT
OF TRANSPORTATION

By: _____
Gary F. Demich, Olympic Region Administrator

PUGET SOUND ENERGY

By: _____

Title: _____

PACIFICORP

By: Al P. O'Leary
Title: Director / Vice President

ADVANCE ROSS CORPORATION

By: Al P. O'Leary
Title: Director / Vice President

REVISED EXHIBIT B
TACOMA COAL GASIFICATION SITE
SCOPE OF WORK AND SCHEDULE FOR
INTERIM REMEDIAL ACTION
AGREED ORDER NO. DE 93TC-S166, SECOND AMENDMENT

All work performed at and around the TCG Site pursuant to this Agreed Order shall be accomplished in accordance with Chapter 173-340 WAC. All submittals shall be in accordance with the requirements in WAC 173-340-830. The following tasks include a description of which PLPs are responsible for carrying out each particular task. The group of PLPs consisting of Puget Sound Energy, PacifiCorp, and Advance Ross Corporation shall hereinafter be referred to as "Utilities".

Tasks 1 through 4, previously identified in Exhibit B of the original Agreed Order and Revised Exhibit B of the First Amendment have been completed. Tasks yet to be performed, amended to be consistent with new information regarding differentiation of PLPs and new projects planned for street improvements in the area are as follows:

TASK 5 – 'A' STREET STORM LINES FOCUSED FEASIBILITY STUDY REPORT:

Submit a focused feasibility study to Ecology, in conformance with WAC 173-340-430(6)(a) and (b), that will include a preferred option for interim remedial action to stop the migration of contamination from the upland portion of the TCG Site via the present storm drain system. In addition, WSDOT will continue to investigate and resolve any other TCG Site contaminant pathways resulting from WSDOT installed storm systems. *Responsibility:* WSDOT in coordination with the City.

Schedule: Submit the draft feasibility study to Ecology and the other PLPs by July 15, 2001. Submit the final report within 30 calendar days after receipt of Ecology's comments on the draft report. Ecology will solicit both PLP consensus and public 30-day review and comment on this report and the selected interim action.

TASK 6 – ‘A’ STREET STORM LINES ENGINEERING REPORT/PLANS AND SPECIFICATIONS:

Prepare and submit (subject to Section IV, Item #6 of the Order) an engineering report and design specifications in conformance with WAC 173-340-430(6)(c),(d),(e), and (f) for Ecology approval. The report shall include plans, specifications, identification of tasks to be performed by each PLP, and proposed schedule for the interim remedial construction activities to be implemented. *Responsibility:* WSDOT in coordination with the City.

SUB-TASK 6.1 – SUBSTANTIVE REQUIREMENTS:

Provide a list of all local, county, or state permits or approvals for which substantive requirements must be met, per RCW 70.105D.090.

SUB-TASK 6.2 – PUBLIC PARTICIPATION FACT SHEET:

Prepare a 1-page draft public participation fact sheet including a site description and a description of the proposed interim remedial action to be implemented, including a general schedule for implementation. Ecology will prepare and distribute the final fact sheet.

Schedule: Submit this report within 30 calendar days of receipt and resolution by Ecology of any public comments on the ‘A’ Street Focused Feasibility Study Report.

TASK 7 – NEARSHORE (THREE TANK AREA) FOCUSED FEASIBILITY STUDY REPORT:

Submit a focused feasibility study report to Ecology, in conformance with WAC 173-340-430(6)(a) and (b) that will include a preferred option for interim remedial action to stop the migration of contamination from the nearshore upland area of the TCG Site, where three large storage tanks were previously located, to the Thea Foss Waterway to prevent recontamination of waterway sediments.

Responsibility: Utilities.

Schedule: Task complete.

TASK 8 – NEARSHORE (THREE TANK AREA) ENGINEERING REPORT/PLANS AND SPECIFICATIONS:

Prepare and submit (subject to Section IV(6) of the Order) an engineering report and design specifications in conformance with WAC 173-340-430(6)(c),(d),(e), and (f) for Ecology approval. The

report shall include plans, specifications, and proposed schedule for the interim remedial construction activities to be implemented. *Responsibility:* Utilities.

SUB-TASK 8.1 – SUBSTANTIVE REQUIREMENTS:

Provide a list of all local, county, or state permits or approvals for which substantive requirements must be met, per RCW 70.105D.090.

SUB-TASK 8.2 – PUBLIC PARTICIPATION FACT SHEET:

Prepare a 1-page draft public participation fact sheet including a site description and a description of the proposed interim remedial action to be implemented, including a proposed schedule for implementation. Ecology will prepare and distribute the final fact sheet.

Schedule: Submit this report within 30 calendar days of receipt and resolution by Ecology of any public comments on the Nearshore Focused Feasibility Study Report.

TASK 9 – SHORELINE CHARACTERIZATION OF SP-6 AREA

Complete the shoreline remedial investigation along the area characterized as the SP-6 area, according to earlier work documented in Final Report Focused Feasibility Study Tacoma Coal Gasification Site/Tacoma Gas Company Site Tacoma, Washington (GeoEngineers, August 25, 2000). Once completed, develop an Engineering Design Report for the remediation of the SP-6 area. *Responsibility:* Utilities.

TASK 10 – IMPLEMENTATION OF INTERIM REMEDIAL ACTIONS:

Implement the Ecology approved interim actions at the TCG Site designed to mitigate ongoing contamination of the waterway from the 'A' Street and nearshore areas of the TCG Site. *Responsibility:* All PLPs, as provided for in the respective Engineering Reports/Plans and Specifications.

Since implementation of the remedial actions for the TCG Site are the responsibility of each of the PLPs jointly and equally, but the tasks leading up to remedial implementation have been allocated separately to different PLPs, the remedial design plans and allocation of resources will be approved by all the PLPs, as well as Ecology, prior to implementation.

Schedule: Implementation of the interim remedial actions shall be in accordance with Ecology approved, yet to be determined schedules, as provided for in the respective Engineering Report/Plans and Specifications.


Washington State Department of Transportation acceptance of this Second Amendment, as evidenced by the signature below, is conditioned by the following revision to Task 5 of Revised Exhibit B:

Schedule: Submit the draft feasibility study to Ecology and the other PLPs by January 15, 2002.

Except as noted above, and in the revised Exhibit B, all other provisions of Agreed Order No. DE 93TC-S166 remain unchanged.

DATED this 13th day of September, 2001 at Tumwater, Washington.

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION

By: 
Randall A. Hain
Olympic Region Administrator