

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Puget Sound Energy and the City of
Seattle

FOURTH AMENDMENT
TO AGREED ORDER

No. DE 2008

TO: Puget Sound Energy
Environmental Program Services
P.O. Box 97034, PSE-12
Bellevue, WA 98009

City of Seattle
Seattle Public Utilities
P.O. Box 34018
Seattle, WA 98124

I. INTRODUCTION

Agreed Order No. DE 2008 (Order), entered into by the State of Washington, Department of Ecology (Ecology), Puget Sound Energy (PSE), and the City of Seattle (City) in 2005, required PSE and the City (hereinafter collectively referred to as “PLPs”) to conduct a remedial investigation and feasibility study (RI/FS) to address sediment contamination within an Area of Investigation (AOI) at the Gas Works Park Site in Seattle, Washington. In March 2013, the First Amendment to the Order was entered into by Ecology and the PLPs, to expand the AOI and to conduct a supplemental investigation to evaluate the upland-to-sediment pathway. In April 2017, the Second Amendment to the Order was entered into by Ecology and the PLPs to require the PLPs to perform an interim action to install groundwater monitoring wells and infrastructure for a groundwater treatment system beneath the Play Area within Gas Works Park. In October 2017, the Third Amendment to the Order was entered into by Ecology and the PLPs to require the PLPs to perform an interim action to operate the groundwater treatment system.

Ecology and the PLPs hereby stipulate to a Fourth Amendment of the Order. By this Fourth Amendment to the Order, the PLPs will develop a preliminary draft Cleanup Action Plan (DCAP) per WAC 173-340-380 and WAC 173-204-580.

II. JURISDICTION

This Fourth Amendment to Agreed Order No. DE 2008 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

III. AMENDMENT

This Fourth Amendment does not attempt to recite all of the provisions of the Order or the First, Second or Third Amendments. Provisions of the Order, as amended, not specifically changed in this amendment remain in full force and effect. This Fourth Amendment will be the subject of public notice and comment under WAC 173-340-600.

Agreed Order No. 2008 is hereby amended to incorporate the following provisions, which are integral and enforceable parts of the Order:

A. Section IV is hereby amended to include the following subsection:

9. The PLPs shall prepare a preliminary DCAP, in accordance with WAC 173-340-380 and WAC 173-204-580, in accordance with the work schedule set forth in the Schedule of Deliverables (Exhibit E). The preliminary DCAP shall include, but is not limited to, a general description of the proposed remedial actions, cleanup standards developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The PLPs will submit an Agency Review preliminary DCAP for Ecology's review and approval. The PLPs shall submit the Agency Review preliminary DCAP in Word (.doc) and Adobe (.pdf) formats.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, the PLPs shall revise the document to address Ecology's comments. The revised

version of the preliminary DCAP shall be submitted to Ecology in Word (.doc) and Adobe (.pdf) formats.

B. The Order is hereby amended to include Exhibit E, attached hereto.

Effective date of this Amendment: December 14, 2022

PUGET SOUND ENERGY



SARA LEVERETTE
Assistant General Counsel and Director
of Environmental & Programs Services
(425) 248-9954

Dated: November 29, 2022

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



ROBERT W. WARREN
Region Manager
Northwest Region Office
Toxics Cleanup Program
(206) 594-0093

Dated: December 14, 2022

CITY OF SEATTLE



[Andrew Lee \(Dec 13, 2022 17:24 PST\)](#)

ANDREW LEE
General Manager/CEO
Seattle Public Utilities
(206) 684-5851

Dated: 12/13/2022

EXHIBIT E

SCHEDULE OF DELIVERABLES

The schedule for deliverables under the Fourth Amendment to the Order is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the PLPs received such notification, comments or approval from Ecology.

Deliverables	Schedule
Submit the Preliminary Draft Cleanup Action Plan (DCAP) to Ecology for Agency Review	120 calendar days from the effective date of the Fourth Amendment to the Order
Submit revised Preliminary DCAP to Ecology	30 days following receipt of Ecology's final comments on the Agency Review Preliminary DCAP