**STATE OF WASHINGTON**

**DEPARTMENT OF ECOLOGY**

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| In the Matter of Remedial Action by:  City of Seattle; and South Park Property Development, LLC | THIRD AMENDMENT  TO AGREED ORDER  No. DE 6706 |

TO:￼ Andrew Lee, General Manager/CEO

City of Seattle

Seattle Public Utilities

Seattle Municipal Tower

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PO Box 34018

Seattle, WA 98124-4018

Robert A. Howie, Jr.

South Park Property Development, LLC

165 NE Juniper Street, Suite 100

Issaquah, WA 98027

## INTRODUCTION

Agreed Order No. DE 6706 (Order), entered into by the State of Washington, Department of Ecology (Ecology), the City of Seattle (City) and South Park Property Development, LLC (SPPD) on May 4, 2009, required that the City and SPPD (hereinafter collectively referred to as “PLPs”) to conduct a remedial investigation and feasibility study (RI/FS) and prepare a draft Cleanup Action Plan. In June 2013, the First Amendment to the AO was entered into by Ecology and the PLPs to require an interim action be performed at the SPPD parcel within the Site. In February 2016, the Second Amendment to the Order was entered into by Ecology and the PLPs to require an interim action be performed at the City’s parcel within the Site.

Ecology and the PLPs hereby stipulate to a Third Amendment of the Order. By this Third Amendment to the Order, the South Transfer Station Phase II Interim Action work plan (Exhibit G) is superseded and replaced by the attached South Recycling and Disposal Station Interim Action Work Plan (Exhibit H).

# JURISDICTION

This Third Amendment to Agreed Order No. DE 6706 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

# III. Amendment

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

Agreed Order No. 6706 is hereby amended to replace Exhibit G with Exhibit H, which is now an integral and enforceable part of the Order, and the following amendments will take place:

**A. Work to be Performed, Section VII.G.3-4 Are Replaced with the Following:**

3. South Transfer Station Interim Action. The interim remedial action will include maintenance and monitoring of an impervious landfill cap, landfill gas, and surface water controls, seep monitoring and access controls, a supplemental groundwater investigation, implementing institutional controls, and conducting compliance monitoring. The work plan for the interim action authorized herein is set forth in Exhibit H. This attachment is an integral and enforceable part of this Order.

4. Schedule. The timeline of deliverables required for the interim action is included in the interim action work plan (Exhibit H).

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

**C. Exhibit G is hereby removed from the Order.**

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Effective date of this Amendment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SOUTH PARK PROPERTY STATE OF WASHINGTON

DEVELOPMENT, LLC DEPARTMENT OF ECOLOGY

ROBERT A. HOWIE JR KIM WOOTEN

President Regional Manager

(425) 837-9720 Northwest Regional Office

Toxics Cleanup Program

(206) 594-0093

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CITY OF SEATTLE

ANDREW LEE

General Manager/CEO

Seattle Public Utilities

(206) 684-7934

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_