



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office
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July 24, 2024

Grant Hainsworth
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(253) 797-6323
grant.hainsworth@creteconsulting.com

RE: Minor Change to Agreed Order No. DE 21602

Dear Grant Hainsworth:

The Washington State Department of Ecology (Ecology), and Bridge Point Seattle 130, LLC (the PLP) have agreed to a minor change to Agreed Order No. DE 21602 under the terms of the Order, Section VIII. K. (Amendments). This minor change is to revise the deliverables and schedule in Agreed Order No. DE 21602, Exhibit B. Specifically, the Remedial Investigation (RI) and Feasibility (FS) Reports will be submitted as a combined RI/FS Report and the results of the Interim Action will be included in the RI/FS Report. Ecology has determined that the proposed change is not a substantial change to the Order and therefore additional public comment is not required.

The Order deliverables and schedule is revised as detailed in Attachment A. The parties shall meet every 180 days from the date of this letter to discuss the status of the Site and the need, if any, for further schedule modification.

This schedule modification and minor change to the Order does not change the PLP's underlying MTCA liability, or the PLP's obligation to meet all of the requirements of the Order.

Effective date of this minor change: July 24, 2024

Sincerely,

David Butler
Cleanup Project Manager
Toxics Cleanup Program, NWRO

Attachment (1): Attachment A – Amended Schedule of Deliverables

cc: Matt Gladney, Bridge (mgladney@bridgeindustrial.com)
Kathryn Wyatt, Office of the Attorney General (kathryn.wyatt@atg.wa.gov)
Kim Wooten, Ecology (kim.wooten@ecy.wa.gov)
Brett Carp, Ecology (brett.carp@ecy.wa.gov)

EXHIBIT B SCOPE OF WORK AND SCHEDULE OF DELIVERABLES

SCOPE OF WORK

PURPOSE

The work under this Agreed Order (AO) involves conducting a Remedial Investigation (RI) and Feasibility Study (FS), conducting interim actions if required or agreed to by Ecology, and preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative. The purpose of the RI, FS, and preliminary DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

Bridge shall coordinate with Ecology throughout the development of an Interim Action (if pursued or required), RI/FS and preliminary DCAP, and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The Scope of Work (SOW) is divided into eight major tasks as follows:

- Task 1. Remedial Investigation Work Plan
- Task 2. Remedial Investigation / Feasibility Study
- Task 3. Interim Action(s) (if pursued or required)
- Task 4. State Environmental Policy Act (SEPA) Compliance
- Task 5. Public Participation
- Task 6. Draft Cleanup Action Plan (DCAP)
- Task 7. Progress Reports

TASK 1. RI WORK PLAN

Bridge shall prepare a Remedial Investigation Work Plan (RI Work Plan). The RI Work Plan shall include an overall description and schedule of all RI activities. The RI Work Plan shall clearly describe the project management strategy for implementing and reporting on RI activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.

A Key Project Meeting (RI Planning Meeting) will be held prior to submittal of the RI Work Plan. The purpose of the RI Planning Meeting is to review requirements for the RI Work Plan and plan RI field work, discuss the preliminary Conceptual Site Model, and identify project data needs and possible interim actions.

The RI Work Plan shall describe general facility information; site history and conditions; including previous operations; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; a conceptual site model showing contaminants, migration pathways in all environmental media, and potential receptors; geology and groundwater system characteristics; past, current, and future land use; identification of natural resources and ecological receptors; hazardous substances and their sources, etc., in compliance with WAC 173-340-350 and WAC 173-204-550.

As part of the project background, existing environmental data on site soil, groundwater, surface water, and sediments will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, if necessary. The RI Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP), Quality Assurance Project Plan (QAPP), and Inadvertent Discovery Plan as part of the Work Plan in compliance with WAC 173-340-820 for defining the nature and extent of contamination. Bridge will also submit a copy of the Health and Safety Plan (HASP) for the project.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, stormwater, seep, catch basin and sediment samples, approximate depths, and includes a quality assurance project plan. The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection and handling; data and records management; and schedule.

The QAPP will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004)¹ and Sediment Sampling and Analysis Plan Appendix (February 2008).² Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

The SAP, including the QAPP, and an Inadvertent Discovery Plan will be submitted to Ecology for review and approval. As with all environmental work at the site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

¹ Found at <http://www.ecy.wa.gov/biblio/0403030.html>

² Found at <http://www.ecy.wa.gov/biblio/qapp.html>

Bridge or their contractors shall submit all new sampling data generated under this SAP and any other recently collected data to Ecology via entry of the data into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. Only validated data will be entered into the EIM database and the Bridge must enter the data within 30 days of submittal.

RI Work Plan tasks and subtasks may include, but are not limited to, the following as necessary to address data gaps identified in the Work Plan:

- Sampling and analysis of soil, groundwater, and seeps;
- Sampling and analysis of stormwater and catch basin solids to determine whether the stormwater system is a source of contamination to sediments;
- Evaluate the potential to contaminate or recontaminate sediments, including analysis of the following pathways:
 - Direct discharges.
 - Stormwater discharges.
 - Overland flow.
 - Groundwater discharges and seeps.
 - Soil erosion.
 - Site operations.
 - Spills, dumping, leaks, housekeeping, and management practices.

Bridge will provide Ecology with an Agency Review Draft RI Work Plan. Once Ecology reviews and approves the Agency Review Draft RI Work Plan, it will be considered the Final RI Work Plan. The RI Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, Bridge will implement the Final RI Work Plan according to the schedule contained in this Exhibit.

Bridge shall prepare an Agency Review Draft RI Work Plan and submit them, to Ecology for review and comment. After Resolving Ecology's comments on the Agency Review Draft RI Work Plan and after Ecology approval, Bridge shall prepare the Final RI Work Plan and submit them to Ecology. The number and type of document (electronic, print copy, etc.) will be determined by the Ecology Project Coordinator.

TASK 2. REMEDIAL INVESTIGATION / FEASIBILITY STUDY

Bridge shall conduct an RI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-550 according to the RI Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, preliminary Sediment Management Standards (SMS) cleanup standards (if applicable), and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

Field sampling and analysis will be completed in general accordance with the SAP, QAPP, and Inadvertent Discovery Plan. Deviation(s) from the approved Plans must be communicated to Ecology immediately and documented as required by Ecology.

Bridge shall provide interim data reports and updates to Ecology as new site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request.

If the data collected during the RI is insufficient to define the nature and extent of contamination and/or to select a remedial alternative, an additional phase of investigation shall be conducted to define the extent of contamination.

Bridge shall use the information obtained in the RI, as well as any data obtained through any interim action, to prepare a Feasibility Study (FS) that meets the applicable requirements of WAC 173-340-350(8) according to the schedule in this Exhibit. Bridge will then create and submit an Agency Review Draft RI/FS which will define the nature and extent of contamination, provide a Conceptual Site Model, evaluate remedial alternatives for site cleanup, consistent with MTCA and SMS requirements to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

The Agency Review Draft RI/FS must include a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-350 and WAC 173-204-550. The remedial alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360 and WAC 173-204-570 (if applicable) including a detailed evaluation of remedial alternatives relative to the following criteria:

- Compliance with Cleanup Standards and Applicable Laws
- Protection of Human Health
- Protection of the Environment
- Provision for a Reasonable Restoration Time Frame
- Use of Permanent Solutions to the Maximum Extent Practicable
- The Degree to which Recycling, Reuse, and Waste Minimization are Employed
- Short-term Effectiveness
- Long-Term Effectiveness
- Net Environmental Benefit
- Implementability
- Provision for Compliance Monitoring
- Cost-Effectiveness
- Prospective Community Acceptance

The remedial alternative that is judged to best satisfy the evaluation criteria will be identified. Justification for the selection of the recommended remedial alternative will be included in the RI/FS Report.

Bridge shall compile the results of the RI into an Agency Review Draft RI/FS Report and submit it to Ecology.

After addressing Ecology’s comments on the Agency Review Draft RI/FS, Bridge shall prepare the Public Review Draft RI/FS and submit to Ecology for distribution and public comment. The RI/FS will not be considered Final until after a public review and comment period. The number and type of document (electronic, print copy, etc.) will be determined by the Ecology Project Coordinator.

Prior to submittal of the Agency Review Draft RI/FS Report, a Key Project Meeting will be held. During the Key Project Meeting, Ecology and Bridge will review available data and an updated conceptual site model, discuss the content and organization of the Draft RI/FS Report, review potential ARARs, and review potential remedial alternatives and establish points of compliance for the FS.

TASK 3. INTERIM ACTIONS (if pursued or required)

Remedial actions implemented prior to completion of the RI/FS, including those but not limited to that:

- are 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;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed;
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action;

will be considered interim actions. These actions will be implemented in accordance with WAC 173-340-430 and the AO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

As detailed in the AO, if required by Ecology, or if proposed by Bridge and approved by Ecology, Bridge will implement an interim action. Based upon information in the Agency Review Draft RI Report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

The scope of interim actions for the Site may include, but not be limited to:

- Soil removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduit, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes (if present)

- Removal of old drain fields or former surface impoundments
- Proper abandonment of old wells
- Removal of contaminated building or other structural materials
- Vapor control or mitigation
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing

If an interim action is to be performed, Bridge will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known),
- Summary of relevant RI/FS information, including at a minimum existing site conditions and alternative interim actions considered,
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities,
- Compliance Monitoring Plan,
- Health and Safety Plan (HASP),
- SAP/QAPP/Inadvertent Discovery Plan,
- Required permits and approvals.

Bridge will also submit a copy of the Health and Safety Plan for the project. The Bridge will be responsible for complying with the State Environmental Policy Act (SEPA) Rules (WAC 197-11) including preparing and submitting an environmental checklist for the interim action and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan. SEPA review for an interim action shall be focused solely on review and analysis of the interim action and may with Ecology's approval adopt or incorporate any separate SEPA review associated with permits, land use approvals or entitlements for the Property or the Site.

Bridge shall prepare the Agency Review Draft IAWP and submit them to Ecology for review. Bridge shall incorporate Ecology's comments and then prepare the Public Review Draft IAWP and submit them to Ecology. After a public notice and comment period for the Public Review Draft IAWP (and SEPA determination), Ecology will approve the IAWP (if appropriate) and the document will be considered Final. Bridge shall prepare the Final IAWP submit them. Once approved by Ecology, Bridge will implement the interim action according with the approved schedule. The number and type of document (electronic, print copy, etc.) will be determined by the Ecology Project Coordinator.

Upon successful completion of the work, Bridge shall incorporate the results of the Interim Action into the RI/FS Report.

TASK 4. SEPA COMPLIANCE

Bridge shall be responsible for assisting Ecology with its compliance with the State Environmental Policy Act (SEPA) Rules (WAC 197-11-250 through 268), including the Bridge preparing and submitting a draft and final environmental checklist for either an Interim Action and/or for the selected remedial alternative that will be implemented through the Cleanup Action Plan. If the result of the threshold determination is a determination of significance (DS), Bridge may be responsible for the preparation of an agency review draft environmental impact statements. Bridge shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever practicable, such that public comment periods and meetings or hearings can be held concurrently.

TASK 5. PUBLIC PARTICIPATION

The PLPs shall assist Ecology to prepare a Draft and Final Public Participation Plan that complies with the provisions of WAC 173-340-600(9).

The PLPs shall support Ecology in presenting the Public Review RI/FS Report, Public Review Draft CAP, and SEPA evaluations at a public meeting if such a meeting takes place. The PLPs will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

Separate public comment periods will be held for 1) the RI/FS Report, and 2) the Draft CAP and SEPA evaluation. After each public comment period is completed, the PLPs shall prepare an Agency Review Draft Responsiveness Summary that addresses public comments. The PLPs shall prepare two (2) copies of the Agency Review Draft Responsiveness Summary and submit them to Ecology for review and approval, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

For each public comment period, after addressing Ecology's comments and after Ecology approval, the PLPs shall prepare five (5) hard copies of the Final Responsiveness Summary and final technical documents (RI/FS Report; DCAP and SEPA) after public comments are incorporated and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

TASK 6. PRELIMINARY DRAFT CLEANUP ACTION PLAN

Upon Ecology approval of the Public Review Draft RI/FS Report, a Key Project Meeting (Cleanup Action Plan Meeting) will be held regarding the Cleanup Action Plan. The Cleanup Action Plan Meeting will be used to review plans for developing the Agency Review preliminary DCAP.

Bridge shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The preliminary DCAP shall include a general description of the proposed remedial actions, an inadvertent discovery plan, 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.

Bridge will submit an Agency Review preliminary DCAP for Ecology's review and approval.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, Bridge shall revise the preliminary DCAP to address Ecology's comments and submit the Public Review DCAP to Ecology. The number and type of document (electronic, print copy, etc.) will be determined by the Ecology Project Coordinator.

TASK 7. **PROGRESS REPORTS**

Bridge shall submit Progress Reports on a quarterly basis to Ecology, although this submittal frequency may be revised in accordance with Section VII.(C) of the AO. At a minimum, Progress Reports will contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the AO;
- Summaries of sampling and testing reports and other data reports received by the PLP(s);
- Summaries of deviations from approved Work Plans;
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments;
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan;
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays;
- Changes in key personnel; and
- A description of work planned for the next reporting period.

SCHEDULE OF DELIVERABLES

The schedule for deliverables described in the Agreed Order and the Scope of Work is attached. 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 Bridge received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

RI/FS Deliverables	Completion Times
Quarterly Progress Reports	Due the 15th of every third month, beginning the first full month following the effective date of the Agreed Order.
Agency Review Draft RI Work Plan	30 calendar days following effective date of the Agreed Order
Final RI Work Plan, including SAP, QAPP, and HSP	45 calendar days after receipt of Ecology's comments on the Agency Review Draft RI Work Plan
Completion of RI Field Work	12 months following completion of the Final RI Work Plan
Agency Review Draft RI/FS Report	90 days following receipt of laboratory data
Public Review Draft RI/FS Report	45 calendar days following receipt of Ecology comments on Agency Review Draft RI/FS Report
Agency Review preliminary DCAP	90 calendar days following completion of the Public Review Draft RI/FS Report