

State of Washington
Department of Ecology

In the Matter of Remedial Action by:
Silver Bay Logging, Inc., and RJ & BA LLC
Second Amendment to Agreed Order
No. DE 21418

To: Betty Buhler	Betty Buhler	Andrew Lee
Silver Bay Logging, Inc.,	RJ & BA LLC	Seattle Public Utilities
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1. Introduction

Silver Bay Logging, Inc. and RJ & BA, LLC entered into Agreed Order No. DE 21418 (Order) with the State of Washington, Department of Ecology (Ecology), on December 28, 2022, at the site known in Ecology databases as the Independent Metals Plant 2 Site. The Order requires Silver Bay Logging, Inc. and RJ & BA, LLC to conduct a Remedial Investigation (RI) and Feasibility Study (FS) per WAC 173-340-350 and to develop a draft Cleanup Action Plan (DCAP) per WAC 173-340-350 through 173-340-380 addressing contamination at the Site located in the area of tax parcels 7327902480 (811 S. Chicago St), 7327902490 (803 S. Chicago St), 7327202500 (7808 8th Ave S.), 7327902510 (836 S. Kenyon St), 7327902520 (816 S. Kenyon St), and 7327903645 (7760 8th Ave S.) in Seattle, Washington. The Order was first amended on February 21, 2024, to update Exhibit C (Schedule of Deliverables). This Amendment thus becomes the Second Amendment to Agreed Order No. DE 21418 (Second Amendment).

In June 2024, the City of Seattle, specifically Seattle Public Utilities, acquired the properties associated with tax parcels 7327902480, 7327902490, 7327902510, 7327902520, and 7327903645. 7808 8th Avenue S. (tax parcel 7327202500) remains owned by RJ & BA, LLC.

Based upon credible evidence, Ecology issued a Preliminary Determination of Liability letter to the City of Seattle dated August 21, 2024, pursuant to RCW 70A.305.020(26), 70A.305.040, and WAC 173-340-500. Ecology provided notice and opportunity for comment. The City of Seattle provided written notice accepting its status as a Potentially Liable Person (PLP) for the Site on September 4, 2024. Ecology concluded that credible evidence supported a finding of potential liability. Ecology issued a determination that the City of Seattle is a PLP under RCW 70A.305.040 and notified the City of Seattle, Silver Bay Logging, Inc., and RJ & BA, LLC of this determination by letters dated September 9, 2024.

By this Second Amendment to Agreed Order No. DE 21418 (Second Amendment), Ecology adds the City of Seattle as a PLP to the Order. Ecology believes the modifications to the Order included in this Second Amendment are in the public interest.

The Second Amendment does not attempt to recite all the provisions of the Order. Provisions of the Order not specifically changed in the Second Amendment remain in full force and effect.

2. Jurisdiction

The Second Amendment is issued pursuant to the MTCA, RCW 70A.305.050(1).

3. Amendments

The Order is hereby amended to add the City of Seattle as a PLP.

Section I (Introduction) is hereby amended to say:

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the City of Seattle, Silver Bay Logging, Inc. and RJ & BA, LLC (collectively the potentially liable persons (PLPs)) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the PLPs to conduct a Remedial Investigation (RI) and Feasibility Study (FS) per WAC 173-340-350 and to develop a draft Cleanup Action Plan (DCAP) per WAC 173-340-350 through 173-340-380 addressing contamination at the Site located in the area of 816 and 836 S. Kenyon St, 803 and 811 S. Chicago St, and 7760 and 7808 8th Ave S., Seattle, Washington. Ecology believes the actions required by this Order are in the public interest.

Section IV (Definitions), C. is hereby amended to say:

C. Potentially Liable Persons (PLP(s)): Refers to the City of Seattle, Silver Bay Logging, Inc., and RJ & BA LLC.

Effective date of this Order: January 29, 2025

SILVER BAY LOGGING, INC.

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SEATTLE PUBLIC UTILITIES

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Andrew Lee (Dec 18, 2024 16:30 PST)

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