STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by: South Park Marina, LP; the Port of Seattle, and the City of Seattle	FIRST AMENDMENT TO AGREED ORDER No. DE 16185

TO: Guy Crow, Agent
South Park Marina Limited Partnership
8604 Dallas Ave. S
Seattle, WA 98101

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I. INTRODUCTION

Agreed Order No. DE 16185 (Agreed Order), entered into by the State of Washington, Department of Ecology (Ecology), South Park Marina Limited Partnership (South Park Marina), the Port of Seattle (Port) and the City of Seattle (City) on April 3, 2019, required that South Park Marina, the Port and the City (hereinafter collectively referred to as "PLPs") conduct a Remedial Investigation (RI). Having satisfied the Agreed Order's requirement to perform an RI and produce a fully compliant RI report, this Agreed Order Amendment (First Amendment) is now executed to perform a Feasibility Study (FS) and prepare a Draft Cleanup Action Plan (DCAP) to select a cleanup alternative.

Ecology and the PLPs hereby stipulate to the execution of this First Amendment of the Order. By this First Amendment to the Order, the Scope of Work (SOW) and Schedule (Exhibit

B) of the original Order is deemed to be complete and is supplemented by the attached Scope of Work and Schedule of Deliverables (Exhibit C).

II. JURISDICTION

This First Amendment to Agreed Order No. DE 16185 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

III. AMENDMENT

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

Agreed Order No. DE 16185 is hereby amended as follows:

A. **The Order is hereby amended to add Exhibit C, attached hereto. Exhibit C is now an integral and enforceable part of the Order. All references to Exhibit B in the amended Order shall be construed as references to include Exhibit C.**

B. **Work to be performed, Section VII.A is amended to add the following:**

1. PLPs will conduct a Feasibility Study (FS) and prepare a Draft Cleanup Action Plan (DCAP) in accordance with Scope of Work and Schedule of Deliverables (Exhibit C) and all other requirements of this Order.

C. **The Project Coordinator for Ecology is Priscilla Tomlinson.**

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Effective date of this Amendment: September 2, 2026

SOUTH PARK MARINA LIMITED PARTNERSHIP

GUY CROW
Agent

Dated: 08/05/2026

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

KIM WOOTEN
Regional Manager
Northwest Regional Office
Toxics Cleanup Program

Dated: 9/2/26

PORT OF SEATTLE

STEPHEN P. METRUCK
Executive Director

Dated: 8/27/2026

CITY OF SEATTLE

Katie Wilson
Katie Wilson (07/29/2026 12:53:08 PDT)

KATIE WILSON
Mayor

Dated: 07/29/2026

SPM Draft AO Amendment (02-04-2026 clean)_002

Final Audit Report 2026-07-29

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Exhibit C— Scope of Work and Schedule of Deliverables

Scope of work

Purpose

The work under this First Amendment to AO no. 16185 involves conducting a Feasibility Study (FS) and preparing a Draft Cleanup Action Plan (DCAP) to select a cleanup alternative. The purpose of the FS and DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The PLPs shall coordinate with Ecology throughout the development of the FS and 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 four major tasks as follows:

Task 1. Feasibility Study
Task 2. SEPA Compliance
Task 3. Public Participation
Task 4. DCAP

Task 1. Feasibility study

The PLPs shall use the information obtained in the Remedial Investigation (RI) to prepare an Agency Review Draft Feasibility Study (FS) that meets the applicable requirements of WAC 173-340-351 according to the Schedule in this exhibit. The Agency Review Draft FS will evaluate cleanup action alternatives for site cleanup, consistent with applicable requirements of Washington's Model Toxics Control Act ("MTCA," ch. 70A.305 RCW) and Sediment Management Standards (ch. 173-204 WAC)to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

Prior to beginning the FS, a key project meeting will be held among Ecology and the PLPs to review ARARs, potential cleanup action alternatives, establish points of compliance and other technical matters which may facilitate performance of the FS.

The Agency Review Draft FS must include a detailed analysis of each cleanup action alternative according to the applicable requirements of WAC 173-340-351 and 173-204-550. The cleanup action alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360 and 173-204-570.

The cleanup action alternative that is judged to best satisfy the evaluation criteria will be identified. Justification for the selection will be provided in the FS Report.

The PLPs shall submit the Agency Review Draft FS electronically in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. After addressing Ecology's comments on the Agency Review Draft FS, the PLPs shall submit the Public Review Draft FS electronically in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. The FS will not be considered Final until after a public review and comment period.

Task 2. SEPA compliance

The PLPs shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist. If the result of the threshold determination is a determination of significance (DS), the PLPs shall be responsible for the preparation of Draft and Final environmental impact statements. The PLPs shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

Task 3. Public participation

If requested by Ecology, the PLPs shall support Ecology in presenting the Public Review Draft FS Reports and SEPA evaluations at public meetings or hearings. 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.

After the public comment periods are completed, the PLPs shall work with Ecology to respond to public comments. At Ecology's direction, the PLPs will prepare an Agency Review Draft Responsiveness Summary that addresses public comments. The PLPs shall submit the Agency Review Draft Responsiveness Summary to Ecology for review and approval, electronically in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

After addressing Ecology's comments and after Ecology approval, the PLPs shall submit the Final Responsiveness Summary to Ecology for distribution, electronically in Word (.doc) and Adobe (.pdf) formats.

Task 4. Draft Cleanup Action Plan

Upon Ecology approval of the Public Review Draft Remedial Investigation Report and Public Review Draft Feasibility Study, a key project 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 Draft Cleanup Action Plan (DCAP).

The PLPs shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed cleanup action to address the contamination present on the Site.

The preliminary DCAP shall include a general description of the proposed cleanup 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 Agency Review preliminary DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The PLPs shall submit the Agency Review preliminary DCAP electronically in Word (.doc) and Adobe (.pdf) formats, along with all supporting electronic files, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, the PLPs shall revise the preliminary DCAP to address Ecology's comments and submit Public Review DCAP electronically in Word (.doc) and Adobe (.pdf) formats.

Schedule of Deliverables

The schedule for deliverables described in the Agreed Order and the Scope of Work 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. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable in the form requested by Ecology.

Upon Ecology's approval of the request, the schedule will be amended to reflect the change.

Note that documents are considered to be Agency Review Drafts until Ecology has approved them as Final.

RI/FS and DCAP Deliverables	Completion Times
Agency Review Draft FS	135 days following the notice to proceed for a consultant to perform this Scope of Work
Public Review Draft FS	68 calendar days following receipt of Ecology's comments on the Agency Review Draft FS. If additional iterations of the draft document are deemed necessary by Ecology, each iteration will be due 68 days after receipt of Ecology comments. The

	document is considered completed for public review upon Ecology's approval.
Final FS Report	45 calendar days following the end of the public comment period. This document will incorporate any changes resulting from public comments.
Agency Review Preliminary DCAP	135 calendar days following Ecology approval of the Final RI and FS Reports
Public Review DCAP	68 calendar days following receipt of Ecology's comments on the Agency Review Preliminary DCAP. The document will be considered completed for public review upon Ecology's approval.