

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**City of Bothell**

AMENDMENT NO. 2 TO  
AGREED ORDER NO. DE 6295

Bothell Riverside

TO: Robert S. Stowe  
City Manager  
City of Bothell  
18305 101st Avenue NE  
Bothell, WA 98011

**I. INTRODUCTION**

Agreed Order No. DE 6295 (Order), entered into by the State of Washington, Department of Ecology (Ecology) and the City of Bothell (City) on February 3, 2009, required the City to conduct a remedial investigation/feasibility study (RI/FS) and to submit a draft cleanup action plan (DCAP) for the Bothell Riverside Site (Site). The First Amendment to the Order occurred in 2010 to perform an interim action to remove petroleum contamination in the soil. This Second Amendment requires a second interim action to prevent the chlorinated solvents in the groundwater from discharging into the Sammamish River.

**II. JURISDICTION**

Amendment No. 2 to Agreed Order No. 6295 is issued pursuant to RCW 70.105D.050(1).

**III. AMENDMENT**

This Second Amendment does not attempt to recite all of the provisions of the original Order or the First Amendment. Provisions of the Order and First Amendment not specifically addressed in this Second Amendment shall remain in full force and effect.

This Second Amendment effects substantial changes in the work being performed and will be the subject of public notice and comment under WAC 173-340-600.

The Order is hereby amended to incorporate the information and requirements contained in this Second Amendment.

**A. Section VI (Ecology Determinations)**

Section VI of the Order is amended to add the following determination in addition to the determinations already set forth:

F. Under WAC 173-340-430, an interim action is a remedial action that is 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, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action. Previous environmental and remedial investigations have identified a solvent plume that is directly discharging into the Sammamish River. Such circumstances warrant a second interim action consistent with WAC 173-340-430.

**B. Section VII (Work to Be Performed)**

Section VII of the Order is hereby amended to add the following requirements in addition to those requirements already set forth:

**TASK VII. Second Interim Action**

G. Scope of Interim Action: The City shall install extraction wells to control the groundwater gradient. The solvent contaminated groundwater will then be collected and discharged into the sanitary sewer.

H. The City of Bothell has submitted to Ecology a Work Plan and Schedule for the Interim Action(s) and shall follow the submittal requirements for an interim remedial action as per WAC 173-340-430(7). Implementation of the interim action is contingent on formal Ecology approval of work plans for the interim action.

**C. Section VIII.P (Compliance with Applicable Laws)**

Section VIII.P of the Order is replaced in its entirety by the following language:

1. All actions carried out by the City pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions related to the RI/FS work required by this Order. The permits or specific federal, state, or local requirements that Ecology has determined are applicable to the interim action required by this Order and that are known at the time of entry of this Order have been identified in Exhibit E.

2. Pursuant to RCW 70.105D.090(1), the City is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the City shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt for the RI/FS work or interim actions required by this Order.

The City has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the City determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the City shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the City shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall

make the final determination on the additional substantive requirements that must be met by the City and on how they must meet those requirements. Ecology shall inform the City in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The City shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the City shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

**D. Exhibit E**

Exhibit E attached to this Second Amendment shall hereby become Exhibit E, respectively, to the Order. As such, it is an integral and enforceable part of the Order.

**E. Exhibit B**

Exhibit B (Scope of Work) to Agreed Order No. DE 6295 is amended to include:

**Task VII: Second Interim Action**

**A. Interim Action Work Plans**

The PLPs have submitted a draft and final Interim Action Work Plan for Ecology's review and approval. The public comment period required for the Interim Action Work Plan and by the State Environmental Policy Act is to be combined with the Agreed Order Second Amendment Comment Period. The Interim Action Work Plan includes the design and implementation of interim actions to facilitate protection of human health and the environment. The scope of the interim action may include locations

and number of extraction wells, well development, pump controls and well discharge lines, and groundwater monitoring program. The Interim Action Work Plans shall include, as appropriate, submittal requirements in accordance with WAC 173-340-430(7).

The interim action shall be designed in a manner that will not foreclose reasonable alternatives for the final cleanup action in accordance with WAC 173-340-430(3)(b).

**B. Implement Approved Interim Action**

Implement approved interim action(s) after Ecology review and approval and public review and comment necessary under WAC 173-340-600(16) and SEPA.

**C. Interim Action Report and Groundwater Monitoring Report**

An Interim Action Report and Groundwater Monitoring Report shall be prepared as a separate deliverable that includes the information listed in WAC 173-340-430(7). An Interim Action Report and Groundwater Monitoring Report shall be submitted for Ecology review and approval.

**F. Exhibit C**

Exhibit C (Schedule of Deliverables) to Agreed Order No. DE 6295 is amended to include:

13. Second Interim Action	Public comment period for Interim Action Work Plan and SEPA to be combined with Agreed Order Second Amendment Comment Period.
14. Implementation of the Second Interim Action	Implementation of the Interim Action shall occur within 6 months of effective date of the Agreed Order Second Amendment.

15. Interim Action Report and  
Groundwater Monitoring Report

Reports shall be submitted to Ecology for  
review and approval within 60 days of  
completion of one year of quarterly  
groundwater monitoring.

#### IV. SIGNATURE AUTHORITY

The undersigned representative of each party hereby certifies that he or she is fully  
authorized to enter into this Second Amendment and to execute and legally bind such party to the  
same.

#### V. EFFECTIVE DATE

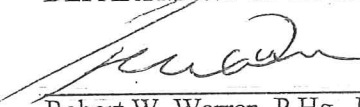
Amendment No. 2 of Agreed Order No. DE 6295 shall be effective upon execution by  
the City and Ecology.

Effective date: 4/19/13

CITY OF BOTHELL, WA

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

  
Robert S. Stowe  
City Manager  
City of Bothell  
18305 101st Avenue NE  
Bothell, WA 98011  
(425) 486-3256

  
Robert W. Warren, P.Hg., MBA  
Section Manager  
Toxics Cleanup Program  
Northwest Regional Office  
(425) 649-7054

## EXHIBIT E

### APPLICABLE PERMITS AND REQUIREMENTS

The second interim action to be performed at the Bothell Riverside Site requires the following permits and environmental review process:

**Notice of intent to construct resource protection wells under Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells**

All drilling and well installation work will be performed in accordance with Chapter 173-160 WAC. Prior to any well drilling or installation, a subcontracted licensed well driller will complete and submit to the Department of Ecology a Notice of Intent to Construct Resource Protection Wells.

**Sanitary Sewer Discharge permit from King County Industrial Waste Division**

Prior to any water discharge to the sanitary sewer, the City will submit an Industrial Waste Program Wastewater Discharge Permit Application to King County Department of Natural Resources and Parks, Wastewater Treatment Division, to obtain a discharge authorization. All discharge and required monitoring will be conducted under the Permit.

**State Environmental Policy Act Integrated Compliance (RCW 43.21C.036 and WAC 197-11-250 through 259)**

Compliance with SEPA, Chapter 43.21C RCW, will be achieved by conducting SEPA review in accordance with applicable regulatory requirements, including WAC 197-11-268, and Ecology guidance as presented in Ecology Policy 130A (Ecology 2004). SEPA review will be conducted concurrent with public review of the interim action. Ecology will act as the SEPA lead agency and will coordinate SEPA review. It is planned that public review for the Agreed Order second amendment will be conducted by Ecology concurrently with public review for the SEPA documentation. The City will coordinate closely with Ecology to ensure that the two public review processes are consistent and concurrent.

WAC 197-11-970 Determination of non-significance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The Riverside Site is currently in the RI process with one interim action for petroleum contaminated soil already completed in 2010. Ecology requested another interim action to address chlorinated solvents / halogenated volatile organic compounds (HVOCs) in ground water discharging to the Sammamish River at the Riverside property. The interim action will consist of installing extraction wells along the southern property line, extracting/pumping the contaminated groundwater, treating it and discharging it to the sanitary sewer.

Proponent: City of Bothell

Location of proposal, including street address, if any The project is located within the City of Bothell's historic downtown area, approximately 200 feet southwest of the main intersection with SR522, Bothell Way NE and Main Street.

Lead agency: State of Washington Department of Ecology

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal during public comment period from March 1, 2013 to April 1, 2013.

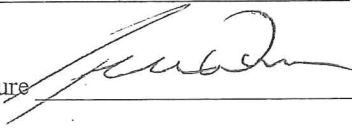
Responsible official: Robert W. Warren

Position/title Section Manager, Toxics Cleanup Program, Northwest Regional Office, Washington State Department of Ecology  
Phone: (425) 649-7054

Address: 3190 – 160<sup>th</sup> Ave SE ,Bellevue, WA 98008-5452

Email: robert.warren@ecy.wa.gov

Date: 4/19/13

Signature 

(OPTIONAL)

- You may appeal this determination to Robert W. Warren by letters or email, no later than April 1, 2013

You should be prepared to make specific factual objections.

- There is no agency appeal.