

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

FOX AVENUE BUILDING, L.L.C.  
6900 Fox Avenue South  
Seattle, Washington 98108

FIRST AMENDMENT TO AGREED ORDER

No. DE 8985

TO: FOX AVENUE BUILDING, L.L.C.  
6900 Fox Avenue South  
Seattle, Washington 98108

**I. INTRODUCTION**

Agreed Order No. DE 8985 (Order) entered into by the State of Washington, Department of Ecology (Ecology) and Fox Avenue Building, L.L.C. (Fox Avenue) on June 18, 2012, requires that Fox Avenue implement a Cleanup Action Plan (CAP) at the Site.

By this First Amendment to Agreed Order No. DE 8985 (First Amendment), Ecology modifies the CAP so that the indoor air cleanup levels are based on updated MTCA cleanup levels.

Ecology believes the modifications to the CAP included in this First Amendment are in the public interest.

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

**II. JURISDICTION**

This First Amendment is issued pursuant to the authority of RCW 70.105D.050(1).

### III. AMENDMENTS

#### **Cleanup Action Plan, Exhibit B of the Order Is Amended:**

The Order, Exhibit B (Cleanup Action Plan), is hereby amended to replace Section 2.6, page 2-6, paragraph 4 with the following:

Indoor Air on the Site has been impacted by the following COCs:

**PCE and TCE at Cascade Columbia.** Concentrations of PCE levels in indoor air are greater than the MTCA Method C cleanup levels in the downstairs office and restroom at Cascade Columbia.

#### **PCE, TCE and Vinyl Chloride at Seattle Boiler Works.**

Indoor air samples collected by URS at the Seattle Boiler Works facility in December 2010 and by Floyd|Snider in December 2012 indicate that PCE, TCE and vinyl chloride are below both Method C and the Modified Method B concentrations used to trigger contingency measures at Seattle Boiler. A summary of soil gas and indoor air sampling results at Seattle Boiler Works and at Cascade Columbia is included in Table 2.1.

A summary of soil gas and indoor air sampling results at Seattle Boiler Works and at Cascade Columbia is included in Table 2.1.

The Order, Exhibit B (Cleanup Action Plan), is hereby amended to replace Section 3.3, page 3-3, paragraph 1 with the following:

Standard MTCA Method B and C cleanup levels to protect indoor air quality exist for the individual COCs as derived using the equations in WAC 173-340-750 and EPA Integrated Risk Information System (IRIS) toxicity values that were updated by EPA in September 2011. Final cleanup levels for COCs in indoor air are provided in the table below.

The Order, Exhibit B (Cleanup Action Plan), is hereby amended to replace Section 3.4, page 3-3, Table for final site-wide cleanup levels with the following:

Chemical of Concern	Soil Cleanup Level— Protection of Groundwater/ Indoor Air	Groundwater Cleanup Level— Protection of Surface Water (µg/L)	MTCA Method B <sup>1</sup> Indoor Air Cleanup Level (µg/m <sup>3</sup> )	MTCA Method C <sup>2</sup> Indoor Air Cleanup Level (µg/m <sup>3</sup> )
Benzene	Empirical <sup>3</sup>	51	NA	NA
1,1-DCE	Empirical <sup>3</sup>	3.2	NA	NA
Penta	Empirical <sup>3</sup>	3.0	NA	NA
PCE	Empirical <sup>3</sup>	3.3	9.6	40
TCE	Empirical <sup>3</sup>	30	0.37	2.0
TPH (Mineral Spirits to Heavy Oil Range)	Empirical <sup>3</sup>	500	NA	NA
Vinyl Chloride	Empirical <sup>3</sup>	2.4	0.28	2.8

Notes:

- 1 MTCA Method B Air CULs are applied to the Seattle Boiler Works property
- 2 MTCA Method C Air CULs are applied to the Cascade Columbia building.
- 3 CUL has no numeric value. Instead, soil, indoor air, and groundwater will be empirically demonstrated to be in compliance when indoor air and groundwater (at the conditional point of compliance) meet their respective cleanup levels within the estimated restoration time frame.

Abbreviations:

CUL Cleanup level  
DCE Dichloroethene  
µg/L Micrograms per liter  
µg/m<sup>3</sup> Micrograms per cubic meter  
NA Not applicable, the chemical is not a contaminant of concern for air  
PCE Tetrachloroethene      TCE Trichloroethene      TPH Total Petroleum Hydrocarbons

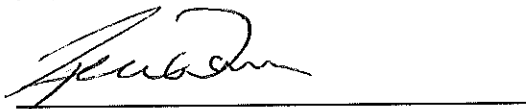
Effective date of this First Amendment: 5/8/13

FOX AVENUE BUILDING, L.L.C.



Robert Code  
Member  
Fox Avenue Building, L.L.C.  
(206) 282-6334

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY



Robert Warren  
Section Manager  
Toxics Cleanup Program  
Northwest Regional Office  
(425) 649-7054