

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

City of Bothell

Bothell Paint & Decorating
AMENDMENT NO. 1 TO
AGREED ORDER
No. DE 6296

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

I.

AMENDMENT

Agreed Order (Order) No. DE 6296 dated February 3, 2009, is hereby amended to incorporate the information and requirements contained in this Amendment. This amendment is issued pursuant to RCW 70.105D.050(1) and WAC 173-340-530(8)(b) and does not replace or change any of the existing requirements of the Order which shall remain in effect.

II.

FINDINGS OF FACT

Section V. Findings of Fact, Subsection E is amended to include the following report:

Bothell Paint and Decorating Draft Remedial Investigation/Feasibility Study, Revision No.1, by Parametrix, dated December 2009. Subject to Ecology review and approval.

III.

ECOLOGY DETERMINATIONS

E. 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 pre-existing dissolved metals and possible dissolved petroleum hydrocarbon impacts to groundwater. The City of Bothell is planning the SR 522 Bothell Crossroads project that will realign SR 522 to the south of the current alignment, creating a new T- intersection with SR 527. The project, whose beginning construction phase is planned for summer 2010, will pass through the Bothell Paint and Decorating site. Soils contaminated with metals such as lead, chromium and cadmium and petroleum hydrocarbons are located at the southern portion of the parcel in a former sandblasting area. This portion of the site will be affected by the SR 522 realignment and redevelopment, making post-construction remediation more difficult to implement if not done before the construction season. Therefore, it is beneficial to accomplish as much permanent soil source cleanup as possible within this construction schedule, while at the same time recognizing that work on the RI/FS and DCAP may extend past this construction schedule due to data gaps. Such circumstances warrant an interim action consistent with WAC 173-340-430.

III.

WORK TO BE PERFORMED

VII. WORK TO BE PERFORMED in the Order is amended to include:

C. Work Plans shall consist of a detailed description of site conditions, work to be performed, personnel requirements, and schedules for implementation and deliverables for the following:

TASK VI. Interim Actions

F. The City of Bothell shall submit 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.

IV.

EXHIBIT B: SCOPE OF WORK

The existing Exhibit B Scope of Work to Agreed Order No. DE 6296 is amended to include:

Task VI: Interim Actions

A. Interim Action Work Plans

The PLPs will submit a draft and final Interim Action Work Plan for Ecology's review and approval. The draft Interim Action Work Plan will also include the design and implementation of interim actions to facilitate protection of human health and the environment. The scope of the interim action may include excavation and off site disposal, confirmational sampling, backfill with clean material, and groundwater monitoring in major areas of contamination at the site as identified in preliminary remedial investigative work. 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 the State Environmental Policy Act.

C. Interim Action Report

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

V.

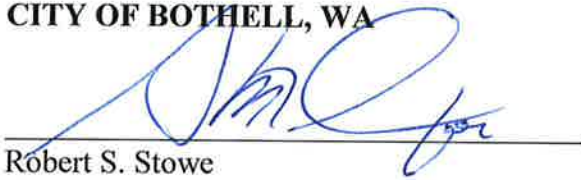
EXHIBIT C: SCHEDULE OF DELIVERABLES

The existing Exhibit C Schedule of Deliverables to Agreed Order No. DE 6296 is amended to include:

<p>6. Interim Actions.</p>	<p>Draft Interim Action Work Plan submitted to Ecology in February 2010 for Ecology review and approval.</p> <p>Final Interim Action Work Plan submitted two weeks after Ecology approval of Draft Interim Action Work Plan.</p> <p>Public comment period for Interim Action and SEPA to be combined with Agreed Order Amendment comment period.</p> <p>Implementation of interim actions from approximately August 2010 to December 2011.</p>
<p>7. Draft Interim Action Report for Ecology review and approval.</p>	<p>60 days after completion of interim action.</p>
<p>8. Final Interim Action Report.</p>	<p>30 days after receipt of Ecology approval of Draft Interim Action Report.</p>
<p>9. One year of quarterly groundwater monitoring.</p>	<p>Following completion of the Interim Action. Quarterly monitoring reports to be submitted for Ecology review and approval.</p>
<p>10. PLP to submit Draft Final RI/FS Report from Ecology review and approval.</p>	<p>Within 60 days of completion of one year of groundwater monitoring.</p>
<p>11. PLP to submit Final RI/FS Report.</p>	<p>30 days after receipt of Ecology approval of Draft Final RI/FS Report.</p>
<p>12. PLP to submit draft Cleanup Action Plan for Ecology review and approval.</p>	<p>30 days after completion of final RI/FS Report.</p>

Effective date of this Amendment: _____

CITY OF BOTHELL, WA



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