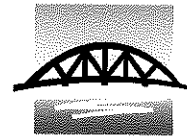


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City of Bothell™

January 29, 2010

Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Attention: Jerome Cruz, Ph. D.
NWRO - Toxic Cleanup Program

Re: City's Initial Response to Ecology on Site Recommendations and Review Comments for Remedial Investigation/ Feasibility Study Reports, and Draft Cleanup Action Plan for Downtown Bothell Agreed Order Sites

Dear Dr. Cruz:

Thank you for your January 12, 2010 and January 19, 2010 letters sent in response to the City's submittal of draft Remedial Investigation/Feasibility Study (RI/FS) reports and Draft Cleanup Action Plans (DCAP) for the Bothell Landing, Bothell Riverside and Bothell Paint & Decorating sites.

The City has reviewed the technical, regulatory, and administrative comments and offers the following responses:

BOTHELL LANDING, Facility/Site No. 73975762, Agreed Order No. 6294

Ecology and the City are in concurrence regarding the implementation of the remedial approach for petroleum hydrocarbon contaminated soil remediation as an interim remedial action.

Ecology and the City are in concurrence with the recommendation to implement, as an interim action, the soil remediation under Alternative 3 (Excavation and Offsite disposal, confirmational sampling, backfill with clean material and one year of groundwater monitoring) for petroleum hydrocarbon contaminated soils in the northern portion of the site, without leaving residual contamination above Method A or B cleanup levels.

Community Development &
Public Works Departments
9654 NE 182nd St.
Bothell, WA 98011
CD 425.486.8152 PW 425.486.2768
www.ci.bothell.wa.us

BOTHELL RIVERSIDE, Facility/Site No. 53578168, Agreed Order No. 6295

Ecology and the City are in concurrence regarding the implementation of the remedial approach for petroleum hydrocarbon contaminated soil remediation as an interim remedial action.

Ecology and the City are in concurrence with the recommendation to implement, as an interim action, the soil remediation under Alternative 3 (Excavation and Offsite disposal, confirmational sampling and backfill with clean material) for the petroleum hydrocarbon contaminated soils the northern portion of the site, without leaving residual contamination.

BOTHELL PAINT & DECORATING, Facility/Site No. 93536765, Agreed Order No. 6296

Ecology and the City are in concurrence regarding the implementation of the remedial approach for petroleum hydrocarbon contaminated soil remediation as an interim remedial action.

The City will develop a modified soil remediation Alternative that takes into account removal to the full extent of metals above cleanup levels in order to achieve the most permanent and protective remedial action. This remediation for soil contamination will include a more complete source removal (removal of contaminated soil for TPH and Metals Arsenic, Barium, Lead, Silver, Chromium, Cadmium and Mercury) without leaving residual contamination under the roadway (Cap).

To expedite the above efforts, the City is taking the following actions:

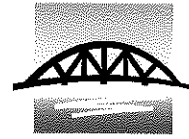
1. Field investigation activities were implemented the week of January 25, 2010 to conduct soil sampling for the determination of the chromium species detected in contaminated soils on the Riverside and Paint sites. Analytical laboratory testing is scheduled to occur the following week.

This determination of Chromium III versus Chromium VI will be used to establish exceedances and levels to which the soil must be remediated, and appropriate revisions made to the Interim Action Cleanup Plans, as needed, and submitted to Ecology.

2. The Interim Action work plans for each site are being developed as supporting documents for the Amended Agreed Orders. These work plans will include the associated Sampling and Analysis Plan (SAP), Health and Safety Plan (HASP) and Compliance Monitoring Plan (CMP) for the MTCA sites.
3. A draft of the MTCA Cleanup SEPA checklist has been prepared and is currently undergoing internal City review.

The City will continue to work with Ecology to amend Agreed Orders 6294, 6295 and 6296 and carry out the public comment requirements required by the Model Toxics Control Act for the amendment combined with SEPA requirements for the interim action.

Work plans for the interim action(s) will be integrated as deliverables or supporting documents to the amended agreed orders. The work plans will be submitted for Ecology review and approval within the next two weeks in order to meet the requirements for public involvement and the time window for cleanup within the construction schedule for the City's Crossroads redevelopment project.



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The City plans to implement the interim cleanup actions during the roadway construction of the Crossroads project. The goal is to implement the above actions in a timely manner in order to meet the Crossroads construction schedule planned for Spring 2010.

Below is an estimated timeline:

- Ecology to provide draft Agreed Order Amendment language – February 8
- SEPA and AO amendments 30-day public comment period – March 1, 2010 to March 31, 2010
- Crossroads contract bid advertisement - First week of April 2010; Bid opening - Last week of April 2010
- Implementation of interim actions for soil remediation – June 2010 to March 2011
- Groundwater monitoring (1 year) – January 2011 to December 2011

The City's immediate goal is to address soil cleanup actions in a manner that allows us to proceed with this interim action as soon as possible in order not to delay the Crossroads project. We would then continue our discussions with Ecology to resolve the RI/FS comments and long-term groundwater cleanup issues at a later time.

Sincerely,

Stephen L. Anderson
Deputy City Manager, City of Bothell

cc: Bob Warren, Department of Ecology NWRO Manager
Steven Morikawa, City of Bothell Capital Program Manager
Project file