

JUL 30 1993

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:)

Burlington Northern Railroad Company)	Amendment No. 1 to
Othello Railyard Site)	Agreed Order
Othello, Washington)	No. 91TC-E703

A. This amendment to Agreed Order No. 91TC-E703 is issued pursuant to the authority of RCW 70.105D, the Model Toxics Control Act (MTCA).

B. Burlington Northern Railroad Company (BNRR) has completed a Supplemental Site Investigation and an Interim Action under Agreed Order No. 91TC-E703 with Ecology effective February 22, 1991. The Supplemental Investigation involved the installation of additional monitoring wells and test pits and chemical analysis of ground water and soil samples to determine the extent of contamination at the Site. The Interim Action involved excavation of contaminated soil for reuse and recycling as asphalt aggregates in road construction projects in Washington. In addition, a ground water diversion system was installed by BNRR as part of the Interim Action. The system was intended to intercept the groundwater flowing into the excavation area, thus minimizing the potential for ground water contamination by residual petroleum hydrocarbons remaining at the Site.

C. By letter dated September 30, 1992, Ecology notified BNRR that the work required by the Agreed Order had been completed and expressed a desire that BNRR complete a remedial investigation and feasibility study. Subsequently, BNRR and Ecology negotiated a Remedial Investigation/Feasibility Study Work Plan ("Work Plan") for the Site. Attachment 1.

D. The Parties desire to implement the Work Plan under the existing Agreed Order as an amendment to that Order rather than negotiating a new Agreed Order.

E. Following are the terms of the Amendment to Agreed Order No. 91TC-E703:

1. All of the terms of the Agreed Order remain in effect unless expressly amended herein.
2. The Remedial Investigation/Feasibility Study Work Plan shall become the "work plan" and "attachment 1" referenced in the Agreed Order.
3. The term "Remedial Action" shall replace "Interim Remedial Action".
4. Paragraphs B., C., and D. above shall be added to the "Findings of Fact" in the Agreed Order.
5. Paragraph III.7 regarding interim remedial action is hereby terminated and of no further force or effect.
6. "Upon the effective date of this Order" in paragraph IV.1 shall replace "within sixty (60) days of the effective date of this Order".
7. Paragraph IV.3 of the Agreed Order regarding an interim action work plan is hereby terminated and of no further force or effect.
8. A revised Public Participation Plan has been negotiated by Ecology and BNRR and shall become the "attachment 2" referenced in the Agreed Order.
9. "Ecology indirect costs of direct activities" in paragraph V.3 shall replace "agency indirect costs of direct activities".
10. In Paragraph V.4. of the Agreed Order, BNRR's Project coordinator is changed to:

Hans Stroo
Remediation Technologies, Inc.
1011 SW Klickitat Way, Suite 207
Seattle, Washington 98134


and Ecology's Project Coordinator is changed to:

Teresita Bala
Toxics Cleanup Program
Department of Ecology
N. 4601 Monroe, Suite 201
Spokane, Washington 99205

F. This Amendment shall become effective upon completion of the public comment period and upon subsequent written notice by Ecology to BNRR.

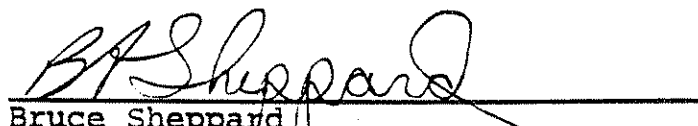
DATED this 2nd day of August, 1993.

For the Department of Ecology:



Flora J. Goldstein
Section Supervisor
Toxics Cleanup Program

For Burlington Northern Railroad Company:



Bruce Sheppard
Manager, Environmental Projects
Burlington Northern Railroad Company

SEP 30 1992

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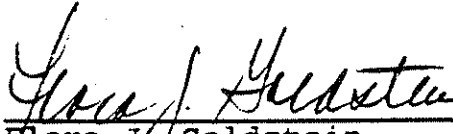
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