

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:

The Boeing Company
Boeing Commercial Airplanes
Everett Plant
3003 West Casino Road
Everett, WA 98203

SEVENTH AMENDMENT TO
AGREED ORDER

No. DE 96HS-N274

TO: The Boeing Company
EHS Remediation Director
Steven Shestag
Mail code: 055-T487
5800 Woolsey Canyon Road
Canoga Park, CA 91304

I. INTRODUCTION

Agreed Order No. DE 96HS-N274 (Order) entered into by the Department of Ecology (Ecology) and The Boeing Company (Boeing) on February 12, 1997, has previously been amended six times: October 22, 1998 (First Amendment), July 26, 2004 (Second Amendment), July 27, 2006 (Third Amendment), January 24, 2008 (Fourth Amendment), April 26, 2011 (Fifth Amendment), and August 6, 2012 (Sixth Amendment) (collectively referred to as the Amendments). This seventh amendment requires that Boeing perform an interim action at the Boeing Commercial Airplanes, Everett Plant (Facility). Ecology believes the actions required by this Amendment are in the public interest.

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

II. JURISDICTION

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

III. AMENDMENTS

Ecology Determinations, Section V. of the Order is Amended:

The Order, Section V (Ecology Determinations) is hereby amended to add the following:

10. Based on all information known to Ecology, Ecology has determined that the interim action required herein is necessary to reduce a threat to human health or the environment by substantially reducing one or more pathways for exposure, and to correct a problem that may become substantially worse or cost substantially more to address if remedial action is delayed. Performing the interim action is intended to result in a partial cleanup of the Facility and is consistent with WAC 173-340-430.

11. Ecology or Boeing may propose additional interim actions at the Facility. After consulting with Boeing, Ecology will determine if the interim action(s) is warranted under WAC 173-340-430. Any interim action must be approved by Ecology under Section VI.18.

Work to be Performed, Section VI. of the Order is Amended:

The Order, Section VI. (Work to be Performed), is hereby amended to add the following requirement:

17. Former Gun Club Area C Contaminated Soil Removal Interim Action

a. Location of interim action. The location of the interim action work is illustrated in Exhibit A. This attachment is an integral and enforceable part of this Order.

b. Interim Action. The goal of this interim remedial action is to remove lead, PAH and arsenic contaminated soils to MTCA Method A unrestricted soil cleanup levels for lead and arsenic and MTCA Method B soil cleanup levels (including protection of groundwater) for PAHs. Work will be conducted in the following areas: (i) eastern portion of the Former Gun Club Area C, (ii) other portions of Area C described in the Interim Action Work Plan and (iii) the portion of Area A known as "Pond D" described in the Interim Action Work Plan. Boeing shall make all reasonable efforts to complete this interim action by the end of 2014.

The scope of work for the interim action authorized under this Seventh Amendment is set forth in Exhibit B. This attachment is an integral and enforceable part of this Order. Upon

Ecology's review and approval of the interim action work plans and SEPA checklists, and completion of the required public notification periods, Boeing shall then be required to perform the interim action in accordance with any applicable Ecology approved documents generated pursuant to the Schedule below and subject to the terms and conditions of this Order.

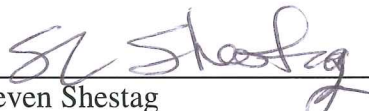
c. Schedule. Exhibit C identifies the timeline of deliverables required for the interim action. This attachment is an integral and enforceable part of this Order.

18. Additional Interim Actions. Ecology has determined that further Amendments to the Order are not necessary to implement additional interim actions. If Ecology determines that an additional interim action is warranted under Section V.11 of the Order, Boeing shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). Boeing shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and Boeing is required to conduct the interim action in accordance with the approved Interim Action Work Plan.

EFFECTIVE DATE of this Seventh Amendment: _____.

THE BOEING COMPANY, by, through,
and for its BOEING COMMERCIAL
AIRPLANE GROUP - EVERETT PLANT

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Steven Shestak
Enterprise Remediation Director

Dennis Johnson, Section Manager
Hazardous Waste and Toxics Reduction
Northwest Regional Office

Date: Feb 19, 2014

SES

Date: _____

EXHIBIT A:

Figure of location of the Area C Former Gun Club Interim Action



- Legend**
- 1996 Area C IA Boundary
 - ▨ 2008 Soil Removal Interim Action Area
 - ▨ Area C IA Area Outside Ditch
 - ▨ Area C Ditch IA Area

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Figure 2
SWMU 100 - Locations of Areas A, B, and C
 Boeing Commercial Airplanes, Everett Plant
 Former Gun Club Area C Pre-Design Sampling
 SEPA

EXHIBIT B:

Scope of Work

Contaminated soils shall be identified and removed from Area C of the Former Gun Club (SWMU 100), as outlined in Exhibit A. As documented in the Ecology Approved Remedial Investigation Report, the hazardous substances previously detected in this area above applicable MTCA soil cleanup levels are arsenic, lead, and carcinogenic polynuclear aromatic hydrocarbons (CPAHs). The goal of the contaminated soil removal action is to meet MTCA Method A unrestricted soil cleanup levels for lead and arsenic and MTCA Method B soil cleanup levels (including protection of groundwater) for CPAHs. Work will be conducted in the following areas: in the (i) eastern portion of the Former Gun Club Area C, (ii) such other portions of Area C described in the Interim Action Work Plan and (iii) the portion of Area A known as "Pond D" described in the Interim Action Work Plan. Ecology anticipates that this interim action will meet soil cleanup standards for the portion of the Facility covered by this interim action. The interim soil removal action work plan(s) shall include, but not be limited to:

- (i) a description of each component of the interim action and how each component will meet the criteria identified in WAC 173-340-430(1) through (4) as appropriate;
- (ii) a description of the information and data generated and plans utilized in conducting the interim action, consistent with appropriate provisions contained in WAC 173-340-430(7) and (8);
- (iii) a QA Project Plan written in accordance with *Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies, Publication No. 04-03-030, July 2004*;
- (iv) a time schedule of activities and deliverables to Ecology; and

- (v) a description of the anticipated effectiveness of the interim action when completed, and conditions for terminating the interim action.

EXHIBIT C:

Schedule

1. **Within 20 calendar days** of the effective date of this Seventh Agreed Order Amendment, The Boeing Company (Boeing) shall submit to Ecology for review, a draft interim action work plan for contaminated soil removal and post-excavation confirmation soil sampling and analysis for all contaminated soil removal areas under this interim cleanup action.
2. **Within 20 calendar days** of receipt of all of Ecology's comments, Boeing shall revise the draft interim action workplan. If Ecology disagrees with the contents of the workplan as submitted by Boeing, the parties will use reasonable best efforts to expeditiously resolve the dispute in accordance with Section VII.4 of the Order. Boeing Company shall not proceed with any portion of the interim action until Ecology has approved the interim action work plan. Boeing shall provide preliminary, confirmation soil analytical data to Ecology **within 21 calendar days of the sampling**. Ecology will endeavor to review and respond to these data **within 4 business days** to determine that additional excavation is not required.
3. **Within 90 calendar days** of completing the interim action, Boeing shall submit to Ecology a draft completion report for the interim action. This report shall include at a minimum all of the following: final drawings; tabulated data; laboratory data summary sheets; quality assurance and quality control (QA/QC) narrative; data validation summaries per the Ecology approved QAPP; a narrative describing the interim action performed and results of sampling during and post-construction; plans for post-interim action monitoring, if necessary; and operation and maintenance plans and procedures, if necessary. Ecology will review this draft report and provide written comments or approval of the report.

4. If required by Ecology, Boeing shall incorporate all Ecology comments on the draft reports into a final report by Boeing in accordance with the procedures in the original agreed order.
5. Ecology written approval letter(s) for the report will document and evidence Boeing's compliance with the provisions of this Seventh Amendment to the Agreed Order.