



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 7, 2011

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SeaTac Investments LLC  
2003 Western Avenue, Suite 500  
Seattle, WA 98121-2106

Mr. Kevin J. Collette  
ANSCO Properties, LLC  
Ryan Swanson & Cleveland  
1201 Third Avenue, Suite 3400  
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Ms. Tamarah Knapp Hancock, P.E.  
General Counsel  
Scarsella Bros. Inc.  
PO Box 68697  
Seattle, WA 98168-0697

**Re: Completion of Agreed Order No. DE 6844, SeaTac Development site (aka MasterPark Lot C)**

Dear Mr. Rigoni, Mr. Collette, and Ms. Hancock:

Thank you for working with the Washington State Department of Ecology (Ecology) on Agreed Order No. DE 6844 (Agreed Order or Order). Over the past two years, Ecology and the Potentially Liable Persons or PLPs under the Order (ANSCO Properties, LLC, Scarsella Bros. Inc., and Sea-Tac Investments LLC) worked toward the completion of the Agreed Order under the Model Toxics Control Act or MTCA. This letter summarizes the completion and satisfaction of the terms of the Agreed Order for the SeaTac Development site, also known as MasterPark Lot C.

**1. Overview of the Agreed Order and Ecology's Decision**

Under the Agreed Order, Ecology required the PLPs to complete a remedial investigation/feasibility study (RI/FS) in conformity with an RI/FS work plan and applicable regulations; complete a RI/FS report (RI/FS Report) and to submit a draft cleanup action plan (DCAP) for review and approval by Ecology. This work is set out in Section VII of the Order. Pursuant to Section IX of the Order, Ecology has determined that the PLPs have completed the work required under the Order and have satisfied the Order, as explained below.



Generally, the Order required the PLPs to conduct the remedial actions in the Remedial Investigation/Feasibility Study Work Plan in Exhibit B of the Order. In addition to the Remedial Investigation/Feasibility Study Report (RI/FS Report) and work plans required in Exhibit B, a draft Cleanup Action Plan (DCAP) was also a required deliverable in the Order.

Following completion of several phases of RI work and submission of a draft RI/FS Report and DCAP, a comment period was held last April 21 to May 31, 2011 on these documents and the State Environmental Policy Act (SEPA) Checklist and Determination of Nonsignificance for the preferred remedial action outlined in the DCAP.

Several comments were received from the public and interested parties, including the Port of Seattle. Ecology exchanged information with the Port and met for discussions which resulted in the installation and sampling of two additional monitoring wells. After deliberating on the comments received during the comment period as well as subsequent comments from the Port of Seattle, Ecology wrote a Responsiveness Summary which addressed all the comments and concerns about the site.

Ecology has closed the comment period and determined that the Order for the RI/FS and DCAP can be closed out. Ecology expects that another Agreed Order will implement the preferred cleanup alternative: Focused In-Situ Air Sparging and Soil Vapor Extraction (IAS-SVE) with Source Area Cap, Institutional Controls, and Monitored Natural Attenuation.

## **2. Completion and Satisfaction of Terms of the Agreed Order**

The work required by the Agreed Order and the PLP's completion of this work are briefly summarized as follows:

A. PLPs shall conduct the remedial actions more specifically defined in the Remedial Investigation/Feasibility Study Work Plan for the SeaTac Development Site, SeaTac, Washington, attached hereto and incorporated herein as Exhibit B, and shall submit to Ecology for approval each deliverable called for under Exhibit B. Each deliverable, once approved by Ecology, shall become an integral and enforceable part of this Order.

*The PLPs have completed the work required under this section of the Order. The results of the PLP's work are presented in the September 17, 2010 report entitled "Remedial Investigation/Feasibility Study Sea-Tac Development Site, Seatac, Washington" and the Appendix B of the Responsiveness Summary "Technical Memorandum Re: Addendum to SeaTac Development Site RI/FS and Draft CAP." The RI/FS Report also incorporates data from previous independent environmental and hydrogeologic investigations from 2000 to 2009 (period before the Agreed Order was written), previous remedial actions including UST, Oil/Water Separator and Sump Removal, Soil Grading, Excavation and Capping in 2002, and historic ground water sampling from 2001 to 2009. Ecology has reviewed and approved of the work.*

B. The schedule for performance and/or deliverables shall conform with the Schedule set forth in Exhibit B. at Section 6.0 and shall include review by Ecology.

*The PLPs carried out the work that conformed to the schedule and deliverables under this section of the Order. The results of the PLP's work include two phases of groundwater investigations beginning in 2009 and two soil vapor investigations in 2007 and 2009. Ecology reviewed and approved of the work.*

C. The PLPs shall submit a sampling and analysis plan (SAP) for Ecology's review and approval, and a health and safety plan for Ecology's review and comment, per WAC 173-340-350(7)(c)(iv). The SAP will be prepared in accordance with requirements of WAC 173-340-820 and 830. The health and safety plan will be in accordance with provisions and requirements of WAC 173-340-810.

*The PLPs have completed the work required under this section of the Order. The plans were incorporated in the RI/FS Work Plan. Ecology reviewed and approved of the work.*

D. Within sixty (60) days after completion and approval by Ecology of the Remedial Investigation/Feasibility Study report required pursuant to Exhibit B, PLPs shall prepare a draft cleanup action plan and shall submit the draft cleanup action plan to Ecology for review and approval. The draft cleanup action plan shall comply with the requirements of WAC 173-340-380. Preparation of a final CAP is not part of this Order. The process for completing the final CAP and implementation of cleanup actions will be established subsequent to completion of the draft CAP.

*The PLPs have completed the work required under this section of the Order. The results of the PLP's work are presented in the April 14, 2011 document entitled "Draft Cleanup Action Plan, Sea-Tac Development Site, Seatac, Washington" and the Appendix B of the Responsiveness Summary "Technical Memorandum Re: Addendum to SeaTac Development Site RI/FS and Draft CAP." Ecology has reviewed and approved of the work.*

### **3. Need for Administrative Order to Conduct Cleanup**

These RI/FS investigations have adequately constrained dissolved plume hydrocarbon plume boundaries. Upon implementation of the IAS-SVE system and monitored natural attenuation, the size of the plume is expected to diminish appreciably along with its attendant potential risks. At present, there is no interim ground-water monitoring being conducted that would gauge potential future plume migration; however, the pattern of spatial and temporal variation of contaminant concentrations and low ground water gradient point to a slow spread of the plume in a westerly and/or northwesterly direction. Nonetheless, to prevent any further migration of the plume, the remediation should be implemented in a timely manner.

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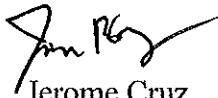
Once Ecology has begun down the formal path with a site, Ecology would continue through the formal cleanup process. Therefore, Ecology can offer an Agreed Order to implement the final cleanup. The Voluntary Cleanup Program is currently not a viable option under these conditions.

Although no administrative mechanism presently exists to implement the remediation outlined in the DCAP, at this time Ecology has decided to close the 2009 Agreed Order for the RI/FS and DCAP. The PLPs have satisfied the requirements of the Agreed Order.

TCP-NWRO management will be available to begin negotiations of another order for the cleanup of the site outlined in the DCAP.

Thank you for working with Ecology for the past several years on this Agreed Order. Should you have any questions, please do not hesitate to contact me. My telephone number is (425) 649-7094. My email address is [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov).

Sincerely yours,



Jerome Cruz  
Site Manager

jc/kh

cc: Bob Warren, Department of Ecology  
Harry Grant, Riddell Williams P.S.

### Bibliography

Golder Associates Inc., September 17, 2010. Remedial Investigation / Feasibility Study Sea-Tac Development Site Seatac, Washington. Submitted to Riddell Williams P.S. Project No. 073-93368-05.03.

Golder Associates Inc., November 2, 2011. Draft Cleanup Action Plan Sea-Tac Development Site Seatac, Washington. Submitted to Riddell Williams P.S. Project No. 073-93368-05.04.

Golder Associates Inc., October 11, 2011. Technical Memorandum RE: Addendum to SeaTac Development Site RI/FS and DCAP. Submitted to Jerome Cruz, Washington State Department of Ecology. Project No. 073-93368-05.03.

Washington State Department of Ecology, October 2011. Responsiveness Summary SeaTac Development (aka MasterPark Lot C) Site Remedial Investigation/Feasibility Study Report, Draft Cleanup Action Plan, and SEPA Determination Public Comment Period: April 29 – May 31, 2011.

**ERRATA SHEET**  
(November 7, 2011)

For the Document Titled:

Completion of Agreed Order No. DE 6844, SeaTac Development site (aka MasterPark Lot C) (November 7, 2011)

Letter to Doug Rigoni (SeaTac Investments LLC), Kevin J. Collette (ANSCO Properties, LLC), and Tamarah Knapp Hancock (General Counsel to Scarsella Bros. Inc.) by Jerome Cruz (Washington State Department of Ecology).

The following errata to the letter are corrected below.

**Page 5, under heading “Bibliography”**  
**Replace the second reference:**

Golder Associates Inc., November 2, 2011. Draft Cleanup Action Plan Sea-Tac Development Site Seatac, Washington. Submitted to Riddell Williams P.S. Project No. 073-93368-05.04.

**With the following:**

Golder Associates Inc., April 14, 2011. Draft Cleanup Action Plan Sea-Tac Development Site Seatac, Washington. Submitted to Riddell Williams P.S. Project No. 073-93368-05.04.

Golder Associates Inc., November 2, 2011. Cleanup Action Plan Sea-Tac Development Site Seatac, Washington. Submitted to Riddell Williams P.S. Project No. 073-93368-05.04.