



February 21, 2018

Mr. Dale Myers
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Re: Final Interim Action Work Plan Schedule Extension

Agreed Order No. 13815
4700 Brooklyn Ave. NE (Chevron 90129)
Seattle, Washington, 98105
Project No 160092

Dear Mr. Myers:

This letter prepared by Aspect Consulting, LLC (Aspect) is to formally request a 15-day extension of the Final Interim Action Work Plan (IAWP), Agreed Order (AO)-deliverable schedule that FH Brooklyn, LLC (FH Brooklyn) and Chevron Environmental Management Company (Chevron) are signatories to with the Washington State Department of Ecology (Ecology).

The AO (No. DE 13815, effective January 11, 2016) requires FH Brooklyn and Chevron to complete an IAWP. An Agency Review Draft IAWP was submitted to Ecology on August 18, 2017, and subsequently, a Public Review Draft IAWP was submitted to Ecology on October 16, 2017, that addressed Ecology's comments. The public comment period for the IAWP and State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was held from December 22, 2017, to January 22, 2018. The Agreed Order (Exhibit 2, Table 2 of the AO) requires a Final IAWP due date of "30 days after public notice and comment period closes."

The Public Review Draft IAWP describes the King County Industrial Waste Program (KCIW) major discharge authorization to sanitary sewer that was issued on May 17, 2017. On January 30, 2018, Seattle Public Utilities (SPU) notified FH Brooklyn that it does not want discharge to sanitary sewer and that permitted discharge to surface water via storm sewer should be pursued through Ecology's Water Quality Program (WQP). Since receiving this unexpected notification from SPU, FH Brooklyn has submitted the Notice of Intent application on February 6 and responded to a February 9 request for additional information on February 16. Ecology WQP is actively developing a Construction Stormwater General Permit (CSWGP) and accompanying Administrative Order to establish discharge limits for contaminants present in groundwater.

Due to this recent and unexpected change in discharge permitting from SPU, a schedule extension of the Final IAWP deliverable is requested of Ecology pursuant with Article VIII.J of the AO. Specifically, it is requested that Item 3 – *Final Interim Action Work Plan* be revised to "45 days after public notice and comment closes." This requested extension will allow the new discharge permitting and requirements to be included in the Final IAWP.



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The schedule extension request does not affect the schedule of any other AO deliverables. If Ecology concurs, we propose that this requested schedule revision should not be considered substantial according to Article VIII.J.3, and no amendment of the AO is therefore required.

We have discussed this proposed schedule change with Chevron, and our understanding is that they agree with this schedule extension request.

Please let us know if you have any questions or wish to discuss.

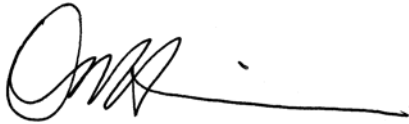
Sincerely,

Aspect consulting, LLC



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Bill Joyce, Joyce Ziker Parkinson PLLC

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