

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:

Portac, Inc. and Port of Tacoma

AMENDMENT TO
ORDER ON CONSENT

No. DE 88-S326

TO:

Masaru Namiki

Portac, Inc.

P.O. Box 3471

Redmond, Washington 98073-3471

Rob Healy

Senior Manager, Environmental Programs

Port of Tacoma

1 Sitcom Plaza

Tacoma, WA 98421-3000

I. INTRODUCTION

Administrative Order on Consent No. DE 88-S326 (Consent Order) entered into by the State of Washington, Department of Ecology (Ecology), Portac, Inc. (Portac) and the Port of Tacoma (Port) on September 22, 1988 under RCW 90.48.120 provides for remedial action at the Site, including three years of monitoring and continuing inspection and maintenance of a 29.4 acre environmental cap (Cap) covering a portion of the site.

Portac and the Port completed the monitoring in 1992, and the Port has assumed inspection and maintenance responsibilities for the Cap pursuant to a schedule contained in a September 12, 2011 MOU (MOU) with Ecology. Moreover, Portac and the Port have agreed to formally settle Portac's responsibility for the remainder of the cleanup of this site, including any obligations under the Consent Order, which is documented in the "Settlement Agreement and Full Site Release" agreement, dated March 28, 2018.

By this Amendment to Order on Consent No. DE 88-S326 (Amendment), Ecology is approving the removal of Portac as a party to the Consent Order. The Port will be the remaining Respondent responsible under the Consent Order. In addition, Ecology is approving the requirement that the Port will continue inspections and repairs of the Cap as required by the Consent Order, MOU, and any other site-related plans or orders entered into between the Port and Ecology. 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 Consent Order. Provisions of the Consent Order not specifically changed in this Amendment remain in full force and effect.

II. JURISDICTION

This Amendment is issued pursuant to the authority of Ch. 90.48 RCW.

III. AMENDMENTS

Parties Bound, Section III of the Order is Amended:

The Consent Order, Opening Paragraph (Identification of Respondents Bound), is hereby amended with the following requirement:

Remove Portac, Inc. and its successors and assigns as Respondents bound by this Order. All other sections of the Consent Order that impose or could impose requirements on Portac Inc. as a Respondent, including but not limited to the requirement to inspect, maintain, and repair the Cap are likewise amended to remove Portac Inc.

Effective Date: _____

8/8/18

Portac, Inc.



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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



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Port of Tacoma



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