



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300
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September 7, 2018

Electronic Copy

Masaru Namiki
Portac, Inc.
PO Box 3471
Redmond, WA 98073-3471

Rob Healy
Senior Manager, Environmental Programs
Port of Tacoma
1 Sitcom Plaza
Tacoma, WA 98421-3000

Re: Portac, Inc. and Port of Tacoma – Amendment to Agreed Order – No. DE 11237

Site Name: Portac Inc. Tacoma
Site Address: 4215 SR 509 – E Frontage Rd, Tacoma, Pierce County, WA 98421-3998
Cleanup Site ID: 3642
Facility/Site ID: 1215

Dear Mr. Namiki and Mr. Healy:

Enclosed please find your signed copy of the Amendment to Agreed Order, No. DE 11237, in the Matter of Remedial Action by Portac, Inc. and Port of Tacoma.

If you have any questions, please contact me at (360) 407-6316 or andrew.smith@ecy.wa.gov.

Sincerely,

Andrew Smith, P.E., LHG
Unit Supervisor, UST/Technical Support Unit
Toxics Cleanup Program
Southwest Regional Office

By certified mail: 9489 0090 0027 6021 5083 47 and 9489 0090 0027 6021 5083 54

cc: Patrick Ryan, Perkins Coie
Kimberly Seely, Coastline Law Group PLLC

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

RECEIVED

AUG 02 2018

WA State Department
of Ecology (SWRO)

In the Matter of Remedial Action by:

Portac, Inc. and Port of Tacoma

AMENDMENT TO
AGREED ORDER

No. DE 11237

TO:
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

Agreed Order No. DE 11237 (Order) entered into by the State of Washington, Department of Ecology (Ecology), Portac, Inc. (Portac) and the Port of Tacoma (Port) on April 12, 2016 provides for remedial action at the Site, including completing a remedial investigation (RI) and feasibility study (FS).

Portac and the Port completed the Public Review Draft RI and FS and Ecology approved their completion on March 6, 2018. Upon completion of the RI and FS, Portac and the Port have agreed to settle Portac's responsibility for the remainder of the cleanup of this site, which is documented in the "Settlement Agreement and Full Site Release" agreement, dated March 28, 2018.

By this Amendment to Agreed Order No. DE 11237 (Amendment), Ecology is approving the removal of Portac as a party to the Agreed Order. The Port will be the remaining responsible Potentially Liable Person under the Agreed Order. In addition, Ecology is approving the requirement that the Port complete a draft Cleanup Action Plan (dCAP). 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 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

Parties Bound, Section III of the Order is Amended:

The Order, Section III. (Parties Bound), is hereby amended with the following requirement:

Remove Portac, Inc. and its successors and assigns as parties bound by this order.

All other sections of the Order that impose requirements on Portac Inc., including but not limited to the requirement to complete a Remedial Investigation and Feasibility Study, to perform other remedial actions at the Site, or to pay Ecology for costs incurred under the Order are likewise amended to remove Portac Inc.

Work to be Performed, Section VII (A) of the Order is Amended:

The Order, Section VII. (Work to be Performed), is hereby amended to include the following obligation:

A. 11. Draft Cleanup Action Plan

a. The Port shall submit a Draft Cleanup Action Plan (dCAP) to Ecology for approval within 120 days of the Effective Date of this Amendment, subject to Subparagraph 11.b. below.

b. In preparing the dCAP, the Port may conclude modification to the FS prepared under the Order is warranted. In such case, the Port shall submit a modified FS to Ecology for approval within 60 days of the Effective Date of this Amendment. The Port shall submit a dCAP to Ecology 120 days after Ecology's approval of the modified FS.

Effective Date: _____

8/8/18

Portac, Inc.



Takayuki Iwai
P.O. Box 3471
Redmond, WA 98073-3471
Telephone: 206-359-8662

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Rebecca S. Lawson, P.E.
Section Manager
Toxics Cleanup Program
Southwest Regional Office
Telephone: 360-407-6316

Port of Tacoma



John Wolfe
Chief Executive Officer
(253) 592-6710