

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

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: _____

Portac, Inc.



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Port of Tacoma

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DEPARTMENT OF ECOLOGY

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