STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:	Bothell Riverside AGREED ORDER
City of Bothell	No. DE 6295

TO:

Robert S. Stowe
City Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the City of Bothell under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the City of Bothell to conduct a remedial investigation/feasibility study (RI/FS) and to submit a draft cleanup action plan (DCAP) on the Bothell Riverside site located at Woodinville Drive (SR 522) and NE 180th Street in Bothell, WA. Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050 (1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. The City of Bothell agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the City of Bothell's responsibility under this Order. The City of Bothell shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as the Bothell Riverside site located at Bothell, WA and is generally located at Woodinville Drive (SR 522) and NE 180th Street. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. Based

upon factors currently known to Ecology, the Site is more particularly described in the Site Diagram (Exhibit A). The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology and the City of Bothell, WA.

C. Potentially Liable Person (PLP): Refers to the City of Bothell, WA.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms "Agreed Order" or "Order" shall include all exhibits to this Order.

V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the City of Bothell:

A. The City of Bothell owns the property at Woodinville Drive (SR 522) and NE 180th Street, Bothell (King County Tax Parcels No. 082605-9120, 082605-9284, and 082605-9031). The City of Bothell acquired the property from Bestern Inn in 1990.

King County Assessor Real Property Records

http://www5.kingcounty.gov/kcgisreports/property_report.aspx?PIN=0826059120

http://www5.kingcounty.gov/kcgisreports/property_report.aspx?PIN=0826059284

http://www5.kingcounty.gov/kcgisreports/property_report.aspx?PIN=0826059031

B. The Site contained a former gasoline service station. Petroleum impacted soil and ground water were found on-site. Solid waste including discarded containers of motor oil, anti-freeze, and transmission fluid were also found. Approximately 4,500 yards of petroleum impacted soil were excavated, treated on-site, and returned to the excavation in the early 1990s by the City of Bothell and Texaco. Water was pumped from the excavation, treated and returned to the excavation during a 3-month period in 1991.

C. A Phase II ESA investigation performed for the City of Bothell in February 2008 documented the presence of petroleum impacted soil and chlorinated solvent impacted ground water at concentrations of potential regulatory concern. Chlorinated solvents detected in ground water at the eastern portion of the property may be from activities on an adjacent or other nearby

property. Petroleum hydrocarbon concentrations of soils treated and backfilled in 1991 may still exceed current MTCA cleanup levels.

D. This Site is on Ecology's Leaking Underground Storage Tank (LUST) and Underground Storage Tank (UST) database. Ecology's Integrated Site Information System including Confirmed and Suspected Contaminated Sites List (CSCSL) and LUST databases, does not indicate more recent reports or other information after 1994.

G. Several reports document the release of hazardous substances at the site. These documents, and other reports relating to the Site, are available at Ecology's Northwest Regional Office Central Records.

Report of Preliminary Environmental Site Assessment, SR 522 & NE 180th Street Property, Bothell, Washington, by Groundwater Technology, dated September 18, 1992.

Groundwater Monitoring Report, SR 522 & NE 180th Street, Riverside Property, Bothell, Washington, by Groundwater Technology, dated October 5, 1994.

Phase II Environmental Site Assessment, Riverside Property, Bothell, Washington, by HWA Geosciences, Inc., dated March 28, 2008.

VI. ECOLOGY DETERMINATIONS

A. The City of Bothell is an "owner or operator" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5).

B. Based upon all factors known to Ecology, a "release" or "threatened release" of "hazardous substance(s)" as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to the City of Bothell dated November 20, 2008, pursuant to RCW 70.105D.040, -.020(21) and WAC 173-340-500. By letter dated November 25, 2008, the City of Bothell voluntarily waived its rights to notice and comment and accepted Ecology's determination that the City of Bothell is a PLP under RCW 70.105D.040.

D. Pursuant to RCW 70.105D.030(1) and -.050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLP take the following remedial actions at the Site and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein:

A. The work to be performed includes the planning, implementation, and reporting on the conduct of a remedial investigation and feasibility study (RI/FS) and draft cleanup action plan (DCAP) for the Bothell Riverside site. A Scope of Work is attached hereto as Exhibit B for the completion of a RI/FS and DCAP. Exhibit B is incorporated by reference as an integral and enforceable part of the Order.

B. The PLP shall submit all necessary work plans to implement the Scope of Work (Exhibit B) to Ecology for review and approval according to the Schedule of Deliverables attached as Exhibit C. Upon approval by Ecology, the PLP will proceed with field implementation of the Work Plans in accordance with an agreed upon schedule.

C. Work Plans shall consist of a detailed description of site conditions, work to be performed, personnel requirements, and schedules for implementation and deliverables for the following:

TASK I.	RI/FS Project Plans including RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Public Participation Plan
TASK II.	Remedial Investigation
TASK III.	Feasibility Study
TASK IV.	Remedial Investigation/Feasibility Study Report
TASK V.	Draft Cleanup Action Plan

These work plans and each element thereof shall be designed, implemented, and completed in accordance with the Model Toxics Control Act (Chapter 70.105D RCW) and its implementing

regulation (Chapter 173-340 WAC) as amended, and all applicable federal, state, and local laws and regulations.

D. Electronic data shall be entered into Ecology's Environmental Information Management (EIM) System.

E. If, at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this section, Ecology may complete and issue the final deliverable.

VIII. TERMS AND CONDITIONS OF ORDER

A. Public Notice

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect.

B. Remedial Action Costs

The PLP shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The PLP shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly. Pursuant

to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

C. Implementation of Remedial Action

If Ecology determines that the PLP has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to the PLP, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of the PLP's failure to comply with its obligations under this Order, the PLP shall reimburse Ecology for the costs of doing such work in accordance with Section VIII. B (Remedial Action Costs), provided that the PLP is not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, the PLP shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

D. Designated Project Coordinators

The project coordinator for Ecology is:

Jerome Cruz
Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7094
Email: jcru461@ecy.wa.gov

The project coordinator for the PLP is:

Steven M. Morikawa
Capital Program Manager
City of Bothell, Public Works Department
9654 NE 182nd Street
Bothell, WA 98011
(425) 486-2768, ext. 4443
Email: Steven.Morikawa@ci.bothell.wa.us

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLP, and all

documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

E. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

The PLP shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

F. Access

Ecology or any Ecology authorized representative shall have full authority to enter and freely move about all property at the Site that the PLP either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLP's

progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLP. The PLP shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLP where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLP unless an emergency prevents such notice. All persons who access the Site pursuant to this Section shall comply with any applicable Health and Safety Plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

G. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLP shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII. (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, the PLP shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLP pursuant to implementation of this Order. The PLP shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLP and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII. F (Access), Ecology shall notify the PLP prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

H. Public Participation

A public participation plan is required for this Site. Ecology shall review any existing public participation plan to determine its continued appropriateness and whether it requires amendment. If no plan exists, Ecology shall develop a public participation plan alone or in conjunction with the PLP.

Ecology shall maintain the responsibility for public participation at the Site, and the PLP shall cooperate with Ecology.

1. Ecology will develop appropriate mailing lists with input from the PLP, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, interim actions and cleanup action plans. Ecology will edit, finalize and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings. The PLP will be provided an opportunity to review fact sheets and public notices prior to distribution.

2. The PLP shall notify Ecology's project coordinator prior to any of the following regarding the site: the issuance of all press releases; distribution of fact sheets; performance of other outreach activities; meetings with the interested public and/or local governments. Likewise, Ecology shall notify the PLP prior to the issuance of all press releases and fact sheets, and before meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLP that do not receive prior Ecology approval, the PLP shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, the PLP shall participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions, or as a presenter.

4. When requested by Ecology, the PLP shall arrange and/or continue information repositories to be located at the following locations:

(a) King County Bothell Library
18215 98th Ave. NE
Bothell, WA 98011

(b) Ecology's Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

I. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLP shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLP shall make all records available to Ecology and allow access for review within a reasonable time.

J. Resolution of Disputes

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section VIII. B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, the PLP has fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. The PLP may then request regional management review of the decision. This request shall be submitted in writing to the Northwest Region Toxics Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of the PLP's request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

K. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

a. The deadline that is sought to be extended;

b. The length of the extension sought;

c. The reason(s) for the extension; and

d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLP to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

a. Circumstances beyond the reasonable control and despite the due diligence of the PLP including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLP;

b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

c. Endangerment as described in Section VIII. M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLP.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the PLP written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII. L (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

a. Delays in the issuance of a necessary permit which was applied for in a timely manner;

b. Other circumstances deemed exceptional or extraordinary by Ecology; or

c. Endangerment as described in Section VIII. M (Endangerment).

L. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII. N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the PLP. The PLP shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII. J (Resolution of Disputes).

M. Endangerment

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLP to cease such activities for such period of time as it deems necessary to abate the danger. The PLP shall immediately comply with such direction.

In the event the PLP determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLP may cease such activities. The PLP shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction the PLP shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLP's cessation of activities, it may direct the PLP to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII. M (Endangerment), the PLP's obligations with respect to the ceased activities shall be suspended

until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII. K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

N. Reservation of Rights

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLP to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLP regarding remedial actions required by this Order, provided the PLP complies with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

O. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLP without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the PLP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLP shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the PLP shall notify Ecology of said transfer. Upon transfer of any

interest, the PLP shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

P. Compliance with Applicable Laws

1. All actions carried out by the PLP pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), the PLP is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the PLP shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

The PLP has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLP determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the PLP shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLP shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLP and on how the PLP must meet those requirements. Ecology shall inform the PLP in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLP shall not

begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the State to administer any federal law, the exemption shall not apply and the PLP shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

Q. Indemnification

The PLP agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of the PLP, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLP shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon the PLP's receipt of written notification from Ecology that the PLP has completed the remedial activity required by this Order, as amended by any modifications, and that the PLP has complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. In the event the PLP refuses, without sufficient cause, to comply with any term of this Order, the PLP will be liable for:

a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and

b. Civil penalties of up to twenty-five thousand dollars ($25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: FEBRUARY 3, 2009

CITY OF BOTHELL, WA

Robert S. Stowe
City Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011
(425) 486-3256

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Robert W. Warren, P.Hg., MBA
Section Manager
Toxics Cleanup Program
Northwest Regional Office
(425) 649-7054

Agreed Order No. 6295
Exhibit A

EXHIBIT A

SITE DIAGRAM

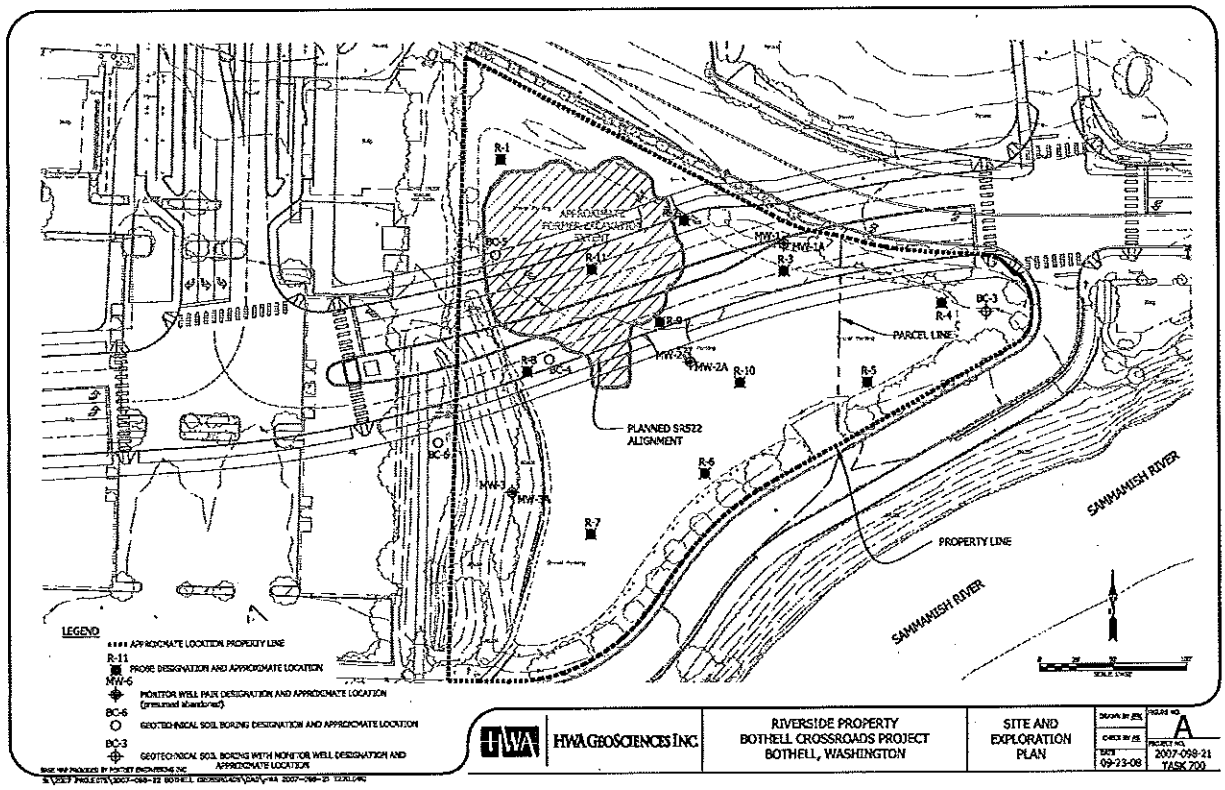


EXHIBIT B

Scope of Work

Bothell Riverside Site

The Potentially Liable Persons (PLPs) shall take the following remedial actions per the Schedule detailed in Exhibit C of this Agreed Order (Order) for conducting a remedial investigation and feasibility study (RI/FS), conducting interim remedial actions, and preparing a draft cleanup action plan (CAP). The PLPs will work cooperatively with Ecology to support public participation in the scoping and implementation of the work performed under this Agreed Order in accordance with Section VIII.H of the Agreed Order. All deliverables will adhere to Ecology Executive Policy 1-81 (Establishing Plain Talk at Ecology).

This Scope of Work is to investigate contamination at the Bothell Riverside Site (Site) located at Woodinville Drive (SR 522) and NE 180th Street, Bothell, Washington. This Scope of Work is to be used by the potentially liable person (PLP) to develop Work Plans in order to complete a Remedial Investigation/Feasibility Study (RI/FS) at the Site as required by the Model Toxics Control Act Cleanup Regulation (Chapter 173-340 WAC).

The RI is to supplement existing data and determine the nature and extent of contamination at the Site. The FS will evaluate remedial alternatives that are applicable for the Site. The information and data gathered during the RI/FS will be used to identify if additional data need to be collected and determine an appropriate remedial action. The PLP will furnish all personnel, materials, and services necessary for, or incidental to, performing the Remedial Investigation and Feasibility Study at the Site.

The RI/FS work must include the following tasks:

Task I: RI/FS Project Plan

A. RI/FS Work Plan

A Work Plan is to be prepared outlining procedures for the Remedial Investigation and Feasibility Study (RI/FS). The Work Plan shall be based on the state of knowledge regarding known or suspected contamination at the facility as described in the report prepared under Deliverable 1 (Exhibit C). An RI/FS Work Plan will be prepared to compile and analyze past investigation results, reports, and remedial actions undertaken at the Bothell Riverside Site. The RI/FS Work Plan will also identify data gaps and specify a scope of work necessary to complete the RI/FS. The purpose of the RI/FS is to collect, develop, and evaluate sufficient information regarding the Bothell Riverside Site to select a cleanup action under Chapters 173-340-350 through 173-340-390 of the Washington Administrative Code. The Work Plan shall include the following information:

1. Evaluation of existing data including but not limited to the planning for monitoring wells, soil borings, test pits, and additional data objectives.

2. Description of Tasks II and III RI/FS implementation, including:

    a. Sampling and Analysis Plan
    b. Quality Assurance Project Plan
    c. Health and Safety Plan
    d. Public Participation Support

3. Project Management - Project team, roles, and responsibilities.

4. Deliverables and schedule for Tasks II - IV.

The work plan shall not be implemented until approved by Ecology. Once approved by Ecology, the PLPs will implement the work plan according to the schedule contained in Exhibit C unless schedules contained or revised in the work plan are approved by Ecology, in which case the revised schedules shall govern. The PLPs shall prepare an adequate number of copies of the Draft RI/FS work plan and submit

them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After addressing Ecology's comments on the draft work plan and after Ecology approval, the PLPs shall prepare an adequate number of copies of the final work plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution.

B. Sampling and Analysis Plan

The PLP must prepare an initial Sampling and Analysis Plan (SAP) for use during all Site characterization studies. Additional investigative plans may be required by Ecology. All SAP's prepared for the Site must contain:

1. Field Investigations, Sampling, and Testing – The field sampling and testing component of the SAP will describe in detail the rationale for data collection, including sampling, testing, and data gathering methods, locations, frequency and other field study procedures that will be used for obtaining data required to complete the RI/FS. This component will include but not be limited to the following:

    a. Proposed number and location of monitoring wells, soil borings, test pits and other investigative activities.

    b. Types of media to be sampled and the number of samples of each.

    c. Sampling locations and designations, including access considerations.

    d. Discussion of data objectives and linkage to conceptual site model.

    e. Specific sampling methods, including number and type of Quality Assurance/Quality Control (QA/QC) samples.

    f. Schedule and task assignments.

    g. Supplies and equipment.

    h. Monitoring well construction requirements.

i. Analytical procedures, methods, and detection limits.

j. Shipping and handling arrangements

2. Preliminary analysis and presentation of Applicable, Relevant and Appropriate Requirements (ARARs) in support of data quality objectives determination (e.g., analytical detection limits).

3. Quality Assurance Project Plan (QAPP)

a. Field QA/QC methods.

b. Chain of custody procedures.

c. Decontamination procedures.

d. Laboratory analyses and QA/QC methods.

e. Sample custody procedures, including holding times, containers, and preservation.

4. Health and Safety Plan

a. Level of protection.

b. Hazard evaluation.

c. Waste characteristics.

d. Special considerations and emergency information.

C. Public Participation

Ecology will prepare a Public Participation Plan in accordance with WAC 173-340-600. The PLP will be provided an opportunity to provide feedback about the Plan and participate in the implementation. Ecology will provide public notice and comment opportunities for the results of the remedial investigation and Feasibility Study.

Task II: Remedial Investigation

The purpose of the Remedial Investigation (RI) is to obtain the information necessary to understand site conditions in relationship to known or suspected releases of contaminants. Specifically, new and existing information will be used to characterize the Site, identify known and potential contaminant sources, and establish the nature and extent of contamination present to sufficiently complete a Feasibility Study and select an appropriate remedial action. The RI data must meet the criteria set out in the QAPP and be of sufficient quality to support the development of an appropriate remedial action for the Site. The investigation will meet the requirements stated in WAC 173-340-350 and, more specifically, must include the following elements:

A. Site Characterization

Collect analytical data on groundwater and soils contamination in the vicinity of the Site. Considering information on historical operations and hydrogeology, the data must be sufficient to delineate the type, depth, concentration and areal extent of contaminants, along with information that addresses the rate and direction of contaminant movement.

1. Collect background information from previous environmental investigations, other Ecology information, and any other historical data.

2. Hydrogeology

An investigation of the regional and Site-specific geologic and hydrogeologic characteristics affecting groundwater flow through the Site:

a. Evaluate and monitor all existing monitoring wells that comply with the requirements of 173-160 WAC.

b. Install new groundwater monitoring wells and soil borings where needed.

c. Characterize site-specific stratigraphy and lithology based on well logs, maps, and any other information available, including identification of major aquifer and aquitard units.

d. Estimate or measure hydraulic conductivity and porosity based on well logs, samples, aquifer tests, and other general information available. .

e. Prepare maps showing water levels and regional/Site hydrogeology, and inferred direction of groundwater flow.

3. Soils

a. Drill soil borings and/or excavate test pits, where needed. Collect and analyze surface and subsurface soil samples, as appropriate, to support characterization of vadose zone conditions and support contaminant fate and transport analyses.

b. Characterize soil samples using the Unified Soil Classification System (USCS).

c. Prepare boring logs for each boring.

B. Source and Contamination Characterization

1. Identify known or potential sources of contamination based on past facility practices, reported spills or releases. Evaluate possible facility areas where hazardous substance use, storage or release may have occurred using appropriate intrusive or non-intrusive methods of investigation.

2. Sampling locations will be selected to characterize the contamination including the nature and extent along with fate & transport.

3. Analytical data collected must help describe the nature, extent, and the existing and potential sources of contamination.

4. Investigation of surface and subsurface contamination at the site will include surface water bodies such as Horse Creek.

C. Potential Receptor Information

Collect data to permit the evaluation of appropriate human and ecological cleanup standards (WAC 173-340-700 through 760). This may include:

1. Public Use/Site Access – Potential uses of the affected properties, including zoning and land use. The presence or absence of controls on Site access.

2. Potential Groundwater/Surface Water Uses – Any consumptive, recreational, or other use of groundwater and surface water in the area, and used by which populations.

3. Potential air and soil-gas pathways – Any basements or other spaces that are below grade.

4. Environmental Receptors – Information on ecological environments at the site, including the presence of endangered or threatened species.

Task III: Feasibility Study

The purpose of the Feasibility Study is to evaluate potential remedial technologies and approaches to enable selection of an appropriate remedial action for the Site. The selected remedy will be established by Ecology with the Draft Cleanup Action Plan (DCAP), to be developed following completion and approval of the final RI/FS Report. Ecology will provide an evaluation of preliminary cleanup standards for the Site, as appropriate, to guide cleanup alternatives development. The Feasibility Study must meet the requirements stated in WAC 173-340-350(8).

Progress Reports

The PLPs shall submit progress reports every three months or as appropriately scheduled with Ecology. Progress reports shall be submitted to Ecology until satisfaction of the AO in accordance with Section IX of the AO. At a minimum, progress reports shall contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the AO.
- Summaries of sampling and testing reports and other data reports received by the PLPs
- Summaries of deviations from approved work plans
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments
- Summaries of deviations, problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays
- Changes in key personnel
- A description of work planned for the next reporting period

Task IV: RI/FS Report

The PLP will complete a report documenting the Remedial Investigation/Feasibility Study as required by WAC 173-340-350(7) and (8). This report will include the following elements:

A. Remedial Investigation

1. Background Information

a. Site History.

b. Previous Studies.

2. Nature and Extent of Contamination

The PLP will prepare an assessment and description of the degree and extent of contamination. This should include:

a. Data Analysis – Analyze all data collected during previous Tasks and prepare supporting maps and tables.

b. Lab reports, previous investigations, well and boring logs, and any other documentation of characterization activities must be included.

c. Presentation of conceptual site models.

3. Applicable Relevant and Appropriate Requirements (ARARs) Analysis

Identify Applicable State and Federal Laws for cleanup of the Site in accordance with WAC 173-340-710.

4. Cleanup Levels/Risk Assessment Analysis

Perform a baseline Model Toxics Cleanup Act (MTCA) cleanup levels analysis/baseline risk assessment characterizing the current and potential threats to public health and the environment that may be posed by hazardous substances at the facility. The assessment will integrate cleanup standards and risk assessment as required by WAC 173-340-357 and WAC 173-340-708.

5. Discussion and Recommendations

a. Interpret and discuss data to determine the nature and extent of the contamination and to support final recommendations for the Site.

b. A summary of all possible and suspected source areas of contamination based on the data collected will be included.

c. Any known or potential risks to the public health, welfare, and the environment should be discussed.

d. Recommendations should be provided identifying additional data requirements.

B. Feasibility Study

a. Identification of contamination to be remediated.

b. Identification and initial screening of treatment technologies.

c. Proposed remedial alternatives and evaluation with respect to MTCA criteria.

d. Recommended alternative.

The PLPs shall prepare an adequate number of copies of the draft RI/FS report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After addressing Ecology's comments on the draft RI/FS report and after Ecology approval, the PLPs shall prepare an adequate number of copies of the final RI/FS report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

Task V: Draft Cleanup Action Plan

The PLPs will submit a draft Cleanup Action Plan (CAP) for Ecology's review and approval. The CAP will include, but not be limited to, the information listed under WAC 173-340-380. After receiving Ecology's comments on the draft CAP, if any, the PLPs shall revise the plan to address Ecology's comments and resubmit the plan.

EXHIBIT C

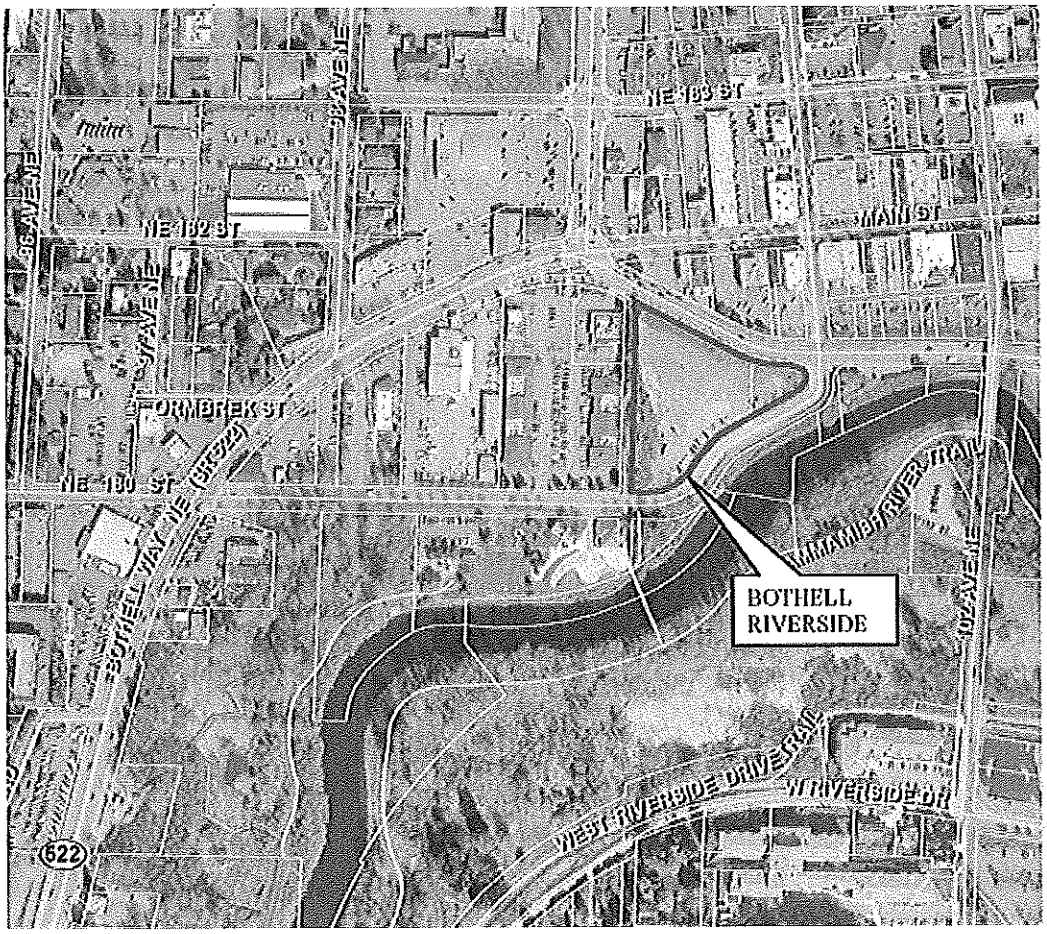
Schedule of Deliverables

Deliverables. Refer to Exhibit B (Scope of Work) for Key Components.	**Date Due**
1. PLP to Submit Draft RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work to be Performed	30 days after Effective date
2. PLP to Submit Final RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, Preliminary ARARs Analysis, and Schedule of Work to be Performed	30 days after PLP receives Ecology comments on the Draft Work Plan Sampling and Analysis Plan, Health and Safety Plan, and Schedule of Work and approval to proceed
3. PLP to begin implementation of RI and FS as described by Work Plan Schedule of Work to be Performed	30 days after PLP receives approval of final Task I plans from Ecology
4. Progress Reports	Every 3 months or as appropriate
5. PLP to submit Draft RI/FS Report(s)	As established in the approved RI/FS Work Plan
6. PLP to submit Final RI/FS Report(s)	30 days after PLP receives Ecology comments/modifications on the Draft RI/FS Report(s)
7. PLP to submit draft Cleanup Action Plan for Ecology review and approval	30 days after completion of draft RI/FS report.

DEPARTMENT OF
ECOLOGY
State of Washington

EXHIBIT D

Bothell Riverside Site
Public Participation Plan



2008

Prepared by
Washington State Department of Ecology
3190 160th Avenue SE
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1.0 INTRODUCTION

The Washington State Department of Ecology (Ecology) has developed this public participation plan pursuant to the **Model Toxics Control Act (MTCA)**, to promote meaningful community involvement prior to implementation of remedial action at the Bothell Riverside site, located at Woodinville Drive (SR 522) and NE 180th Street, Bothell, Washington (King County Tax Parcels No. 082605-9120, 082605-9284, and 082605-9031). This site is listed in Ecology's known and suspected contaminated sites list **Facility Site number** 53578168.

This plan outlines and describes the tools and approaches that Ecology uses to inform the public about site activities and identifies opportunities for the community to become involved. This plan aims at addressing potential community concerns regarding the remedial action and defines the types of public participation activities that will take place as a part of the cleanup process. It is based on Ecology's Model Toxic's Control Act (MCTA) regulations (WAC 173-340-600 Public Participation). Ecology is committed to an open dialogue with the community to ensure that interested parties receive information as well as provide input during the decision-making process.

Ecology and the city of Bothell (Bothell) have negotiated a legal agreement called an **Agreed Order** that formally describes their working relationship and outlines the scope of work. The city of Bothell will complete the remedial action outlined in the Agreed Order. The remedial action tasks at this Site are to complete the **Remedial Investigation** (RI), to develop a **Feasibility Study** (FS), and prepare a **Draft Cleanup Action Plan** (DCAP) for the site.

Following the completion of the draft RI/FS and draft CAP, additional public involvement activities will be scheduled. The public involvement activities will be tailored based on public comments received for this site and MTCA requirements. This will include public notification and public comment period when appropriate.

Steps in the Cleanup Process

The MTCA rules detail each step in the cleanup process to ensure that cleanups are thorough and protective of human health and the environment. The chart below defines these steps and how they apply to the project site. Legal documents such as "**Agreed Orders**" or "**Consent Decrees**" further define some of the steps and associated time frames. The cleanup process is complex. During the process, issues often arise that need more scrutiny or evaluation, and may lead to changes in the scope or timing of the project. At the same time, it is in everyone's interest to complete a cleanup as quickly as possible.

1. Site Discovery and Initial Investigation: Sites may be discovered in a variety of ways including reports from the owner, an employee, or concerned citizens. Following discovery, an initial investigation is conducted to determine whether or not a site warrants further investigation.

→

2. Site Hazard Assessment and Hazard Ranking: This assessment is conducted to confirm the presence of hazardous substances and to determine the relative threat the site poses to human health and the environment. Sites then are ranked from 1 (highest) to 5 (lowest).

↓

Ecology and this Site are currently at this phase of the process

3. Remedial Investigation: A Remedial Investigation is a study to define the nature, extent, and magnitude of contamination at a site. Before a remedial investigation can be conducted, a detailed work plan must be prepared which describes how the investigation work will be done.

←

4. Feasibility Study: The Feasibility Study takes the information from the Remedial Investigation and identifies and analyzes the cleanup alternatives available. As with the Remedial Investigation, a work plan will be prepared which describes how the study will be done.

↓

5. Cleanup Action Plan: A Cleanup Action Plan is developed using information gathered in the Remedial Investigations and Feasibility Study. The plan specifies cleanup standards and identifies cleanup methods. It will describe the steps to be taken, including any additional environmental monitoring required during and after the cleanup, and will describe the schedule for cleanup activities.

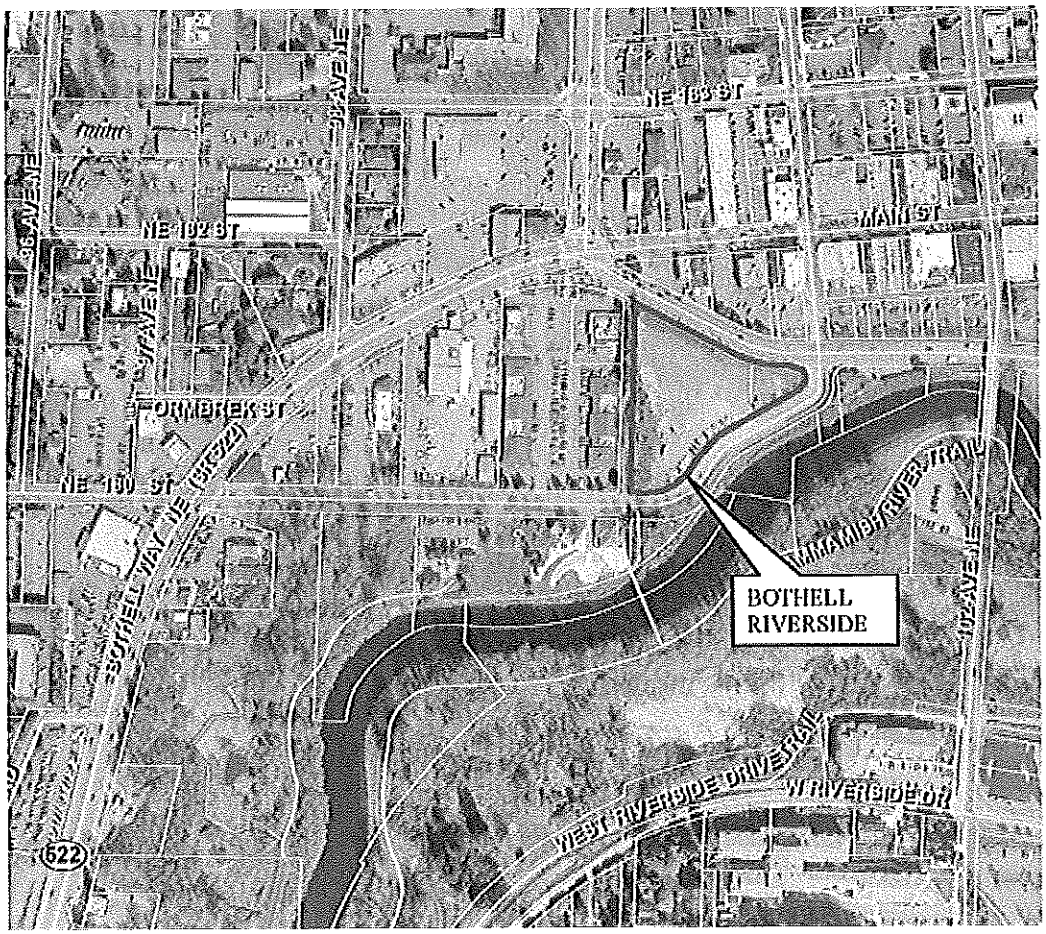
→

6. Cleanup: Implementation of the Cleanup Action Plan includes design, construction, operations, and monitoring.

Schedule and Sequence of Public Involvement Activities

Activity	Public Participation/ Communications Activity
Agreed Order prepared for public notice December 2008	• Community/interest group briefings if necessary • Fact sheet mailed – target week of 12/15/08
30 Day Public Comment Period	• Public comment period – draft Agreed Order including Public Participation Plan (PPP) Jan. 2-Feb. 2, 2009 Review and evaluate public comments • Prepare a responsiveness summary if necessary • Revise Agreed Order and PPP if recommended
Updates/Public Notifications	• As needed.
30 Day Public Comment Period	• Fact Sheet for Draft Remedial Investigation and Draft Feasibility Study Report and Draft Cleanup Action Plan. • Prepare a responsiveness summary if necessary • Revise the RI/FS and CAP if recommended.

Site Background and Map



The City of Bothell (Bothell) owns the property at Woodinville Drive (SR 522) and NE 180th Street, Bothell (King County Tax Parcel No. 082605-9120, 082605-9284, and 082605-9031). Bothell acquired the property from Bestern Inn in 1990. The site is currently used for parking and storage of City materials.

The site contained a former gasoline service station. Petroleum impacted soil and ground water were found on-site. Solid waste including discarded containers of motor oil, anti-freeze, and transmission fluid were also found. Approximately 4,500 yards of petroleum impacted soil were excavated, treated on-site, and returned to the excavation in the early 1990s.

Based on an environmental site assessment conducted in 2008, petroleum concentrations in some of this soil may still exceed some MTCA cleanup levels. The 1991 remediation also included three months of pumping and treating ground water from the excavation, and then returning the treated water to the excavation. The 2008 environmental assessment documented the presence of petroleum contaminants in the soil as well as chlorinated solvents in the ground water at concentrations of potential regulatory concern.

Cleanup Work to be Performed

The proposed work tasks under this Agreed Order are to prepare a work plan to complete the remedial investigation (RI) and Feasibility Study (FS) and prepare the Draft Cleanup Action Plan (DCAP). These documents will be reviewed and revised if necessary for approval by Ecology. With Ecology's approval, the next step is public review of the RI/FS report and draft DCAP. Future actions may include a new proposed legal agreement for implementing the CAP.

2.0 CONTAMINANTS OF CONCERN

Petroleum hydrocarbons in soil and groundwater, and chlorinated solvents in ground water are the primary contaminants of concern at this time. The Remedial Investigation will provide additional information to identify the nature and extent of contamination at the site.

3.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITY

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup process for this site. This section addresses how Ecology will keep the public informed about site activity and provide opportunities for being involved in the cleanup.

Ecology will continue to use a variety of tools to facilitate public participation in the planning and cleanup of this site. These tools are:

- Formal comment periods and responsiveness summaries.
- Fact sheets.
- Public meetings (if requested by 10 or more persons).
- Information repositories.
- Site register notices.
- Web tools including a web-based Events calendar.

Ecology will consider and implement constructive input provided by the community whenever possible.

Ecology urges the public to become involved in the remedial action process. Information will be provided regularly to provide many opportunities to review materials and provide comments. This plan is intended to be a flexible working document that will be updated as community concerns emerge and/or more information becomes available during the cleanup process. To arrange for a briefing with project staff, ask questions or provide comments on the plan or other aspects of the cleanup, please contact one of the persons

listed below. This public participation plan will be a working document as the project processes.

For technical questions, please contact:

Jerome Cruz, Site Manager
Washington State Department of Ecology
Toxics Cleanup Program – Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008
Phone: 425-649-7094
E-mail: jcru461@ecy.wa.gov

For Community Involvement questions, please contact:

Nancy Lui, Community Outreach
Washington State Department of Ecology
Toxics Cleanup Program – Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008
Phone: 425-649-7117
E-mail: nlui461@ecy.wa.gov

For Community Involvement questions for City of Bothell, please contact:

Joyce Goedeke - Public Information Officer
City of Bothell
18305 101st Ave. NE
Bothell, WA 98011
Phone: 425-486-3256
E-mail: joyce.goedeke@ci.bothell.wa.us

Goal of this Public Participation Plan

MCTA states that public participation plans are intended to encourage coordinated and effective public involvement tailored to the public's needs at a particular site. The goals of this plan are:

- To identify people and organizations with an interest or potential interest in the site.
- To promote public understanding and to identify community concerns related to the:

- Agreed Order
- Remedial Investigation
- Feasibility Study
- Draft Cleanup Action Plan

- To encourage interactive communication and collaboration between Ecology, the City of Bothell, and the community.
- To meet the public participation requirements under MCTA.

Roles and Responsibilities

Ecology maintains overall responsibility and approval authority for the activities outlined in this plan in accordance with MTCA requirements. Ecology conducts public comment periods as required by MTCA, which include receiving comments, making decisions, and preparing responsiveness summaries if necessary.

Public Outreach Activities

A 30-day public comment period will be scheduled for each major phase of the project. A formal public notice for each of the comment periods include the following:

- A fact sheet will be distributed to the impacted community and surrounding areas.
- A newspaper advertisement will be placed in the local area newspaper.
- A notice will be published in Ecology's Site Register and Ecology's Public Calendar.
- All public documents will be available on Ecology's website for public review.
- A public meeting will be held if 10 or more people request a meeting during the public comment period.

Formal Public Comment Period

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions, which Ecology presents as draft documents. Comment periods usually last for 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing through letters or email. Verbal comments are taken if a public hearing is held. After a formal comment period,

Ecology reviews all comments received and may respond in a document called a Responsiveness Summary.

During the public comment period, please send your written comments to:

Jerome Cruz, Site Manager
Washington State Department of Ecology
Toxics Cleanup Program – Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008
Phone: 425-649-7094
E-mail: jcru461@ecy.wa.gov

Ecology will consider the need for changes or revisions to draft documents based on input from the public comments. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

Public Meetings and Hearings

Public meetings may be held at key points during the cleanup process. Ecology may also offer public meetings for actions expected to be of particular interest to the community. If ten or more people request a public meeting or hearing during the 30 day comment period, Ecology will hold a public meeting for the purpose of taking oral comments on draft documents.

Information Repositories

Information repositories are convenient places where the public can go to read and review site information (see below). The information repositories are often at libraries or community sites to which the public has access. During the comment period, the site documents will be available for review at each repository that is listed below. Documents remain at the repositories for the entire duration of the project.

The entire site file is available for review at Ecology's Northwest Regional Office by appointment. For special accommodations or translation assistance, please contact Nancy Lui at nlui461@ecy.wa.gov or at 425-649-4259 (TDD) and please indicate you would like assistance with the "Bothell Riverside" site.

The information repositories will be located at:

Bothell City Hall
18305 101st Ave. NE
Bothell, WA 98011
Monday- Friday 8 am- 5pm

King County Bothell Regional Library
18215 98th Ave. NE
Bothell, WA 98011
Monday-Thursday 10 am-9 pm
Friday 10 am-6 pm
Saturday 10 am-5 pm
Sunday Noon-8 pm

Washington State Department of Ecology
3190 160th Ave. S.E.
Bellevue, WA 98008
Call for an appointment: Sally Perkins
425-649-7190
425-649-4450 FAX
E-mail: sper461@ecy.wa.gov
Hours: Tuesday – Thursday, 8 am–Noon and 1–4:30 pm

Site Register and Public Events Calendar

Ecology's Toxics Cleanup Program uses its bimonthly Site Register and web-based Public Involvement Calendar to announce all of its public meetings and comment periods as well as additional site activities. To receive the Site Register in electronic or hard copy format, contact Linda Thompson at 360-407-6069 or by email at ltho461@ecy.wa.gov. The Public Involvement Calendar is available on Ecology's website at http://apps.ecy.wa.gov/pubcalendar/calendar.asp

Mailing List

Ecology has compiled and maintains a list of interested parties, organizations and residents living near the cleanup site. This list will be used to disseminate information via mail (fact sheets, site updates, public notices, etc.). If you are not on the mailing list for this site and wish to be added, please contact Nancy Lui at nlui461@ecy.wa.gov or at 425-649-7117. In the subject line, please indicate "Bothell Riverside Site" mailing list.

Ecology Website

Information on the cleanup is available online at Ecology's Website:

http://www.ecy.wa.gov/programs/tcp/sites/bothellRiv/bothellRiv_hp.html

4.0 PUBLIC PARTICIPATION GRANTS AND TECHNICAL ASSISTANCE

Additionally, citizen groups living near contaminated sites may apply for public participation grants during open application periods. These grants help citizens receive technical assistance in understanding the cleanup process and create additional avenues for public participation.

NOTE: Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the Site.

5.0 PUBLIC PARTICIPATION PLAN AMENDMENTS

The Plan was developed by Ecology and complies with the MCTA regulations (Chapter 173-340 WAC). It will be reviewed as cleanup progresses and may be amended if necessary. Amendments may be submitted to Ecology's site manager, Jerome Cruz, for review and consideration. Ecology will determine final approval of the Plan as well as any amendments.

APPENDIX A – GLOSSARY

Cleanup: The implementation of a cleanup action, or interim action.

Cleanup Action: Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with WAC 173-340-350 through 173-340-390.

Chemicals of Concern (COCs): Hazardous substances that are of particular concern at this site.

Comment Period: A time period during which the public can review and comment on various documents and proposed actions. For example, a comment period may be provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans.

Consent Decree: A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Containment: A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

Facility: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

Facility Site ID #: Site specific number assigned by Ecology for the Ecology known and suspected contaminated sites database.

Feasibility Study: The Feasibility Study takes the information from the Remedial Investigation and identifies and analyzes the cleanup alternatives available. As with the Remedial Investigation, a workplan will be prepared which describes how the study will be done.

Interim Action: Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

Model Toxics Control Act (MTCA): Refers to RCW 70.105D approved by voters in the state of Washington in November 1988. The implementing regulation is WAC 173-340 and was amended in 2001.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request to Ecology and notice to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Remedial Investigation: A Remedial Investigation is a study to define the nature, extent, and magnitude of contamination at a site. Before a remedial investigation can be conducted, a detailed workplan must be prepared which describes how the investigation work will be done.

Responsiveness Summary: A compilation of all questions and comments into a document open for public comment and their respective answers/replies by Ecology. The responsiveness summary is mailed, at a minimum, to those who provided comments, and its availability is published in the Site Register.

Site Discovery and Initial Investigation: Sites may be discovered in a variety of ways including reports from the owner, and employee, or concerned citizens. Following discovery, an initial investigation is conducted to determine whether or not a site warrants further investigation.

Site Hazard Assessment and Hazard Ranking: This assessment is conducted to confirm the presence of hazardous substances and to determine the relative threat the site poses to human health and the environment. Sites then are ranked from 1 (highest) to 5 (lowest).

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

Underground Storage Tank (UST) area: An area at a property that contains underground storage tank or tanks and connected underground piping for the storage and containment of liquids and are defined in the rules adopted under Chapter 90.76 RCW.