



Snohomish County Council

Committee: Planning & Community Development

Analyst: Ryan Countryman

ECAFs: 2023-0693 and 2023-0871

Proposals: Motions 23-312 and 23-314

Date: August 15, 2023

Consideration

Two proposed motions relating to different aspects of an Agreed Order for environmental remediation of the former Tect Lease Area at Paine Field Airport.

- Motion 23-312 would approve and authorize the County Executive to sign an Agreed Order with the Washington State Department of Ecology and pay appropriate reimbursement costs to Ecology.
- Motion 23-314 would approve and authorize the County Executive to sign a Consultant Services Agreement with Landau Associates, Inc. (Landau) to assist in compliance with the Agreed Order.

Background and Analysis

Snohomish County began leasing portions of Paine Field to various aerospace companies beginning in the 1950s. Part of the airport known as the Tect Lease Area contained underground fuel storage tanks and chemical storage buildings. Decommissioning of some tanks is complete, while others remain in place. Similarly, users of the lease area have built or expanded several buildings over time, while also demolishing others. This lease area is the site for the Agreed Order (see vicinity map on page 4 and site plan on page 5).

Since the early 1990s, the site has undergone several environmental investigations focusing on subsurface soil, groundwater, and soil gas. A Phase I Environmental Site Assessment (ESA) by Landau completed in 1993 led to additional work that included digging two test pits that found a variety of contaminants in 1994. Further work to the mid-2000s helped delineate locations of soil and groundwater contamination and to determine concentrations of contaminants. Building owner investigations in between 2005 and 2007 and additional soil sampling led to remedial excavation of contaminated soil in the vicinity of Building C-19 in the early 2010s. A Phase II ESA conducted in 2017 identified additional contaminants at concentrations exceeding allowed limits around several more buildings in the Tect site. From 2018 to 2021, Landau did more work on behalf of the County to evaluate the nature and extent contamination issues, which helped to characterize the problem more fully but also identified need for additional work in future phases.

On March 9, 2021, the department of Ecology sent Snohomish County a letter identifying the county as a Potentially Liable Party (PLP) with respect to contamination in the Tect Lease

Area. Snohomish County expected this finding by Ecology. The County voluntarily accepted Ecology's finding in a March 20, 2021, response letter. Ecology formalized its determination on March 17, 2022. Under [RCW 70A.305.030\(1\)](#) and [.050\(1\)](#), Ecology may require PLPs such as Snohomish County 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.

Citing [WAC 173-340-420](#), the Agreed Order allows either Ecology or the County to propose actions 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, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action plan. (Agreed Order, page 8)

The Agreed Order anticipates that the County will lead in preparing a work plan for Remedial Investigation and a Feasibility Study for cleanup. The County shall submit quarterly progress reports to Ecology and Ecology will monitor and review the work by the county and its contractors. If not satisfied by the work of the County, Ecology may complete the work and the County shall reimburse it for the costs of doing so. The Agreed Order and attached scope of work provide detailed requirements regarding the qualifications of people doing the work, access to records related to the work, data sampling and verification, and a public participation process.

Snohomish County Airport issued a Request for Qualifications (RFQ 23-004BC) and selected Landau as the most qualified company to perform the services required by the Agreed Order.

Motion 23-312 would approve and authorize the County Executive to sign the Agreed Order and to pay appropriate costs to Ecology to reimburse its staff time. The Airport, with assistance of its attorneys, negotiated the Agreed Order with Ecology that requires the County to undertake remedial work. The Airport is responsible to reimburse Ecology for staffing expenses for Ecology's work on the Agreed Order, estimated to be approximately \$150,000 per year until completion. The duration of work is currently unknown as that largely depends on what the investigative work in the next motion finds.

Motion 23-314 would approve and authorize the County Executive to sign a consultant services agreement with Landau. Landau and its subcontractors would provide technical assistance to the Airport in the remedial investigation and feasibility study for the site subject to the Agreed Order. This would include filling in data gaps necessary to develop a site model that includes geology, hydrogeology, potential contaminants of concern and source, and contaminant migration pathways. This model would inform the development of a work plan to perform remediation and monitoring that would bring the site into compliance. Landau would also assist with interim actions as required by Ecology and procedural requirements including

compliance with the State Environmental Policy Act (SEPA). The contract is for an amount not to exceed \$1,694,100. It also provides for a September 1, 2023, effective date lasting to December 31, 2026, and a possible extension of up to two years.

The Airport Enterprise Fund has sufficient funds budgeted this year for the 2023 costs of both motions. The Airport will plan accordingly in future budgets. There is no impact to general revenues in Fund 002.

Current Proposals:

- Motion 23-312 would approve and authorize the County Executive to sign the Agreed Order with the Washington State Department of Ecology and pay appropriate reimbursement costs to Ecology.
- Motion 23-314 would approve and authorize the County Executive to sign the Consultant Services Agreement with Landau.

Handling: Normal

Finance: Approve

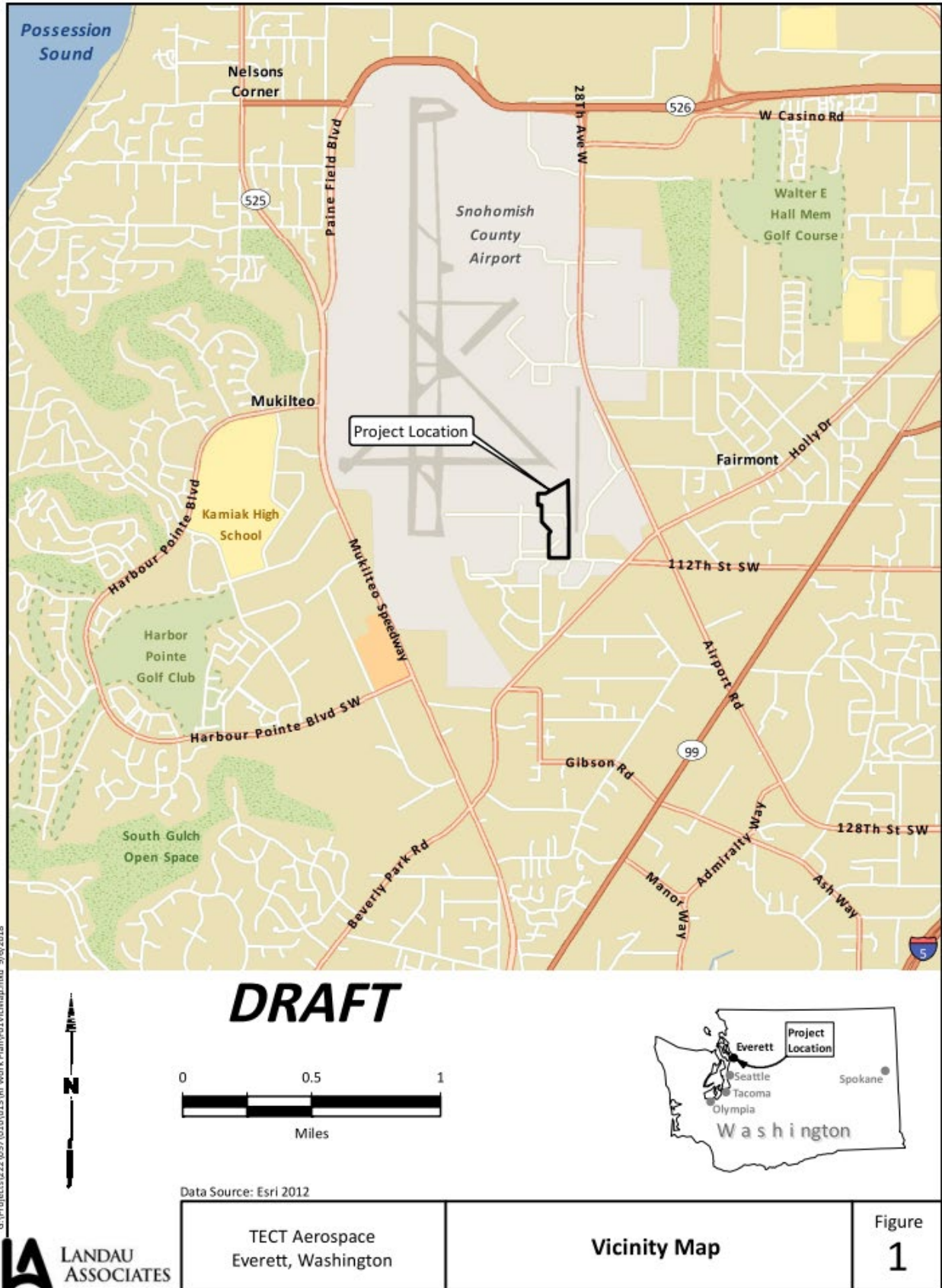
Risk Management: Approve

Executive Recommendation: Approve

Approved as to Form: Yes

Request: Move Motions 23-312 and 23-314 to General Legislative Session August 23 for consideration.

**Appendix A. Vicinity Map of Project Location (TECT Lease Area)
(Figure 1 of Exhibit A to the Agreed Order)**



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Appendix B. Site Plan for the TECT Lease Area (Figure 2 of Exhibit A to the Agreed Order)

