



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 12, 2021

Shawn Thomas Wood, VP Operations Manager
Georgia-Pacific Consumer Operations LLC
401 NE Adams Street
Camas, Washington 98607

Re: Agreed Order 18201

Dear Shawn Thomas Wood:

Enclosed is a copy of the signed and effective Agreed Order 18201. The effective date of the order is August 12, 2021. The final agreed order and supporting documents are also available online at: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=15156>.

If you have any questions, please contact Shingo Yamazaki at (360) 407-7563 or shingo.yamazaki@ecy.wa.gov.

Sincerely,

James DeMay, P.E.
Industrial Section
Solid Waste Management Program

Certified Mail: 9489-0090-0027-6086-6096-83

Enclosure: Agreed Order 18201

cc: Matt Tiller, GP Camas

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Georgia-Pacific Consumer
Operations LLC

AGREED ORDER

No. DE 18201

TO: Shawn Thomas Wood
Georgia-Pacific Consumer Operations LLC
401 NE Adams Street
Camas, Washington 98607

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Georgia-Pacific Consumer Operations LLC (GP) 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 GP to develop a Remedial Investigation Work Plan and prepare a Remedial Investigation Report per WAC 173-340-350 and WAC 173-204-550, addressing contamination at the Site. This Order also requires GP to perform interim actions, as needed, where there has been a release or threatened release of hazardous substances.

Due to the ongoing operations at the Site, specific areas may be inaccessible and not allow for complete investigation/characterization/cleanup actions to occur at this time. The cleanup actions described in this Order shall be deferred for such locations until they become accessible. In the event that such identified locations become accessible, Remedial Investigation Work Plan and Remedial Investigation Report addenda shall be submitted to Ecology.

The information generated by this Order will be used to inform subsequent decisions regarding additional clean up actions under MTCA.

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 70A.305.050(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. GP agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter GP's responsibility under this Order.

GP 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 RCW 70A.305, WAC 173-204, and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as Georgia Pacific Consumer Operations LLC Site. The Site constitutes a facility under RCW 70A.305.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located at 401 NE Adams Street, Camas, Washington as shown in the Site Location Diagram (Exhibit A).

B. Parties: Refers to the State of Washington, Department of Ecology and Georgia-Pacific Consumer Operations LLC.

C. Potentially Liable Persons (PLP(s)): Refers to Georgia-Pacific Consumer Operations LLC.

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.

V. FINDINGS OF FACT

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

A. Based upon factors currently known to Ecology, the Site is generally located at 401 NE Adams Street, Camas, Washington as shown in the Site Location Diagram (Exhibit A). The Ecology Facility Site ID No. for the Site is 66765272 and the Cleanup Site ID No. is 15156.

B. GP is the current owner and operator of the Site.

C. Areas at the Site were first developed in the late 1800s. A brief history of operations at and ownership of the Site is provided below:

- Henry Pittock, J.K. Gill, and William Lewthwaite formed the Columbia River Paper Company in 1884.
- In 1883, construction of a paper mill at the facility located at 401 NE Adams Street began and the Columbia River Paper Company Mill started producing wood pulp in 1885.
- Through the early 1900s, the Columbia River Paper Company grew to have over eight paper mills. In 1905, the Columbia River Paper Company merged with the Crown Paper Company to form Crown Columbia Paper. In 1928, the Crown Paper Company merged with Zellerbach Paper to become Crown Zellerbach.
- Through the 1950-1960s, the Mill added another paper machine and a bleach plant.
- In 1986, the James River Corporation acquired the assets of Crown Zellerbach. In 1997, the James River Corporation merged with the Fort Howard Corporation to form the Fort James Corporation. In 2000, GP acquired the Fort James Corporation.

D. On April 21, 2011, GP discovered holes and cracks in the bottom the No. 2 Filtrate Tank that is a 350,000 gallon, 43-foot diameter above ground storage tank containing weak black liquor. Removal of the tank floor and digging into the substrate revealed pockets of black liquor and contaminated substrate. Evidence of black liquor extending beyond the concrete ring wall was noted.

E. On August 25, 2011, GP discovered cracks in the floor of the No. 4 Swing Tank which is a 25-foot diameter above ground storage tank containing black liquor. Black liquor was observed in the underlying fill material beneath the tank.

F. On June 23, 2014, GP discovered a release of weak black liquor in the old Kraft Mill Basement.

G. On September 3, 2015, during sewer line trenching activities between the Cat Shops and the Wood Yard, GP discovered hydrocarbon-impacted soil.

H. On February 15, 2017, GP discovered a release of diesel to the Camas Slough via the River Bank Pump House and surrounding soil.

I. On March 7, 2018, GP discovered No. 6 Fuel Oil contaminated soil that appeared to have originated from the decommissioned No. 6 Fuel Oil Day Tank.

J. On April 24, 2018, GP spilled approximately 154,000 gallons of black liquor when a tank was inadvertently opened. The spilled black liquor flowed across the pavement to the west of the East and West Black Liquor tanks and also flowed south and southeast down a steep-faced earthen wall towards the Steam Stripper and Hog Fuel Conveyor Area.

K. On August 26, 2020, GP discovered petroleum contaminated soil while performing excavation work for a package boiler blowdown sump. GP observed petroleum impacted soil and some free product in the excavation.

L. On October 5, 2020, GP discovered petroleum contaminated soil while performing trench work for a new natural gas pipeline for the new package boiler. GP observed petroleum impacted soil and some localized pooling of free product.

M. Additional historic and significant releases at the site that were reported to Ecology have been tabulated in Appendix A.

VI. ECOLOGY DETERMINATIONS

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by GP.

A. GP is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8).

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32) and (13), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to GP dated January 24, 2020, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that GP is a PLP under RCW 70A.305.040 and notified GP of this determination by letter dated April 8, 2020.

D. Pursuant to RCW 70A.305.030(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.

E. Under WAC 173-340-430, an interim action is a remedial 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, 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. Either party may propose an interim action under this Order. If the Parties are in agreement concerning the interim action, the Parties will follow the process in Section VII.E. If the Parties are not in agreement, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70A.305, or to undertake the interim action itself.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that GP take the following remedial actions at the Site, as more fully described in the “Scope of Work and Schedule” attached to this Order as **Exhibit B**. These remedial actions must be conducted in accordance with WAC 173-340 and 173-204.

A. GP shall conduct the remedial actions in accordance with the schedule and terms of the “Scope of Work and Schedule” in **Exhibit B** and all other requirements of this Order. GP shall perform the following remedial actions:

- Develop a Remedial Investigation Work Plan;
- Conduct a Remedial Investigation;
- Prepare a Remedial Investigation Report;
- Develop Interim Action Work Plans (if required); and
- Perform Interim Actions (if required).

The following naming conventions shall be used for documents: Agency Review Draft (designation for the first time Ecology receives a document); Public Review Draft (designates a document ready for public comment); and Final (designation for a document after public comment and Ecology approval).

B. If GP learns of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in media, e.g.: soil, groundwater, surface water, air, and/or sediments, GP, within seven (7) days of learning of the change in condition, shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses, sampling results) relating to the change in conditions.

C. GP shall submit to Ecology written quarterly Progress Reports that describe the actions taken during the previous quarter to implement the requirements of this Order. All Progress Reports shall be submitted by the tenth (10th) day of the month in which they are due after the effective date of this Order. Unless otherwise specified by Ecology, Progress Reports and any other documents submitted pursuant to this Order shall be sent by certified mail, return receipt requested, and emailed to Ecology’s project coordinator. The Progress Reports shall include the following:

1. A list of on-site activities that have taken place during the quarter.
2. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests.
3. Description of all deviations from the Scope of Work and Schedule (Exhibit B) during the current quarter and any planned deviations in the upcoming quarter.
4. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.
5. All raw data (including laboratory analyses) received during the previous quarter (if not previously submitted to Ecology), together with a detailed description of the underlying samples collected.
6. A list of deliverables for the upcoming quarter if different from the schedule.

D. All plans or other deliverables submitted by GP for Ecology's review and approval under the Scope of Work and Schedule (Exhibit B) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

E. If the Parties agree on an interim action under Section VI.E, GP shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). GP shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and GP is required to conduct the interim action in accordance with the approved Interim Action Work Plan.

F. If Ecology determines that GP has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to GP, perform any or all portions of the remedial action or at Ecology's discretion allow the GP opportunity to correct. In an emergency, Ecology is not required to provide notice to GP, or an opportunity for dispute resolution.

G. GP shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.A (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

H. Except where necessary to abate an emergency situation or where required by law, GP shall not perform any remedial actions at the Site outside those remedial actions required by this Order to address the contamination that is the subject of this Order, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section VIII.J. (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, GP must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within one (1) business day of the discovery of the event. Planned demolition and construction activities at the Site, not involving sub-surface intrusion or excavation in areas of known or threatened releases of hazardous substances, are not considered remedial actions for purposes of this Order.

VIII. TERMS AND CONDITIONS

A. Payment of Remedial Action Costs

GP 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 RCW 70A.305, 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). Ecology has accumulated \$21,121.69 in remedial action costs related to this Site as of December 31, 2020. For all Ecology costs incurred, GP shall pay the required amount within thirty (30) 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.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70A.305.060, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Shingo Yamazaki
Department of Ecology
Solid Waste Management Program, Industrial Section
P.O. Box 47600
Olympia, WA 98504
360-407-7563
E-mail: shingo.yamazaki@ecy.wa.gov

The project coordinator for GP is:

Matt Tiller
Global Remediation & Environmental Services, LLC
133 Peachtree Street
Atlanta, Georgia 30303
404-652-5243
E-mail: matt.tiller@gapac.com

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 GP, 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.

C. Performance

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

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

Any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

GP 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.

D. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about non-operational areas at the Site that GP 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 GP'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 GP.

Non-operational areas are those locations at the Site that are not involved in the production of Georgia-Pacific products.

For access to operational areas at the GP Facility, GP's Project Coordinator or other representative must accompany Ecology's authorized representative(s) at all times for purposes of security and compliance with facility and work area health and safety precautions. All persons who access the GP Facility pursuant to this Section shall comply with any applicable health and safety laws, and with all plant and work area security, health and safety plans.

GP shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by GP 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 GP 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.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, GP 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, GP shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by GP pursuant to implementation of this Order. GP shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow GP 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.D (Access), Ecology shall notify GP 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.

F. Public Participation

Ecology shall maintain the responsibility for public participation at the Site. However, GP shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans and the remedial investigation report. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify GP prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by GP that do not receive prior Ecology approval, GP 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, 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, arrange and/or continue information repositories to be located at the following locations:

- a. Camas Public Library
625 NE 4th Ave
Camas, WA 98607
360-834-4692

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Office in Lacey, Washington.

G. 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, GP 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, GP shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right GP may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If GP withholds any requested records based on an assertion of privilege, GP shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

H. Resolution of Disputes

1. In the event that GP elects to invoke dispute resolution GP must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), GP has fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice.

If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; GP's position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. GP may then request regional management review of the dispute. GP must submit this request (Formal Dispute Notice) in writing to the Industrial Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; GP's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute 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.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII.E (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1. GP's request for 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.
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on GP 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 GP 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 GP.
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.
- c. Endangerment as described in Section VIII.K (Endangerment).
- d. Operational upsets or events in the paper production areas that prevent or have the potential to prevent remedial activities at the Site.

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 GP.

3. Ecology shall act upon any GP's written request for extension in a timely fashion. Ecology shall give GP 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.J (Amendment of Order) when a schedule extension is granted.

4. At GP's request, 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 one of the following:

- 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.
- c. Endangerment as described in Section VIII.K (Endangerment).

J. 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.L (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 GP. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, GP shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H (Resolution of Disputes).

K. Endangerment

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

In the event GP determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, GP may cease such activities. GP 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, GP shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with GP's cessation of activities, it may direct GP to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, GP'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.I (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.

L. Reservation of Rights

This Order is not a settlement under RCW 70A.05. 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 GP to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against GP regarding remedial actions required by this Order, provided GP complies with this Order.

Ecology nevertheless reserves its rights under RCW 70A.305, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or 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.

By entering into this Order, GP does not admit to any liability for the Site. Although GP is committing to conducting the work required by this Order under the terms of this Order, GP expressly reserves all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. 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 GP 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 GP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, GP 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, GP shall notify Ecology of said transfer. Upon transfer of any interest, GP shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

N. Compliance with Applicable Laws

1. *Applicable Laws.* All actions carried out by GP pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70A.305.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order.

GP has a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or GP, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and GP must implement those requirements.

2. *Relevant and Appropriate Requirements.* All actions carried out by GP pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or GP, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and GP must implement those requirements.

3. Pursuant to RCW 70A.305.090(1), GP may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, GP shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70A.305.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

4. GP has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or GP determines that additional permits or approvals addressed in RCW 70A.305.090(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 GP shall be responsible to contact the appropriate state and/or local agencies.

If Ecology so requires, GP 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 GP and on how GP must meet those requirements. Ecology shall inform GP in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. GP shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Pursuant to RCW 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(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 GP shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70A.305.090(1), including any requirements to obtain permits or approvals.

O. Indemnification

GP 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 (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of GP, its officers, employees, agents, or contractors in entering into and implementing this Order. However, GP 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 GP's receipt of written notification from Ecology that GP has completed the remedial activity required by this Order, as amended by any modifications, and that GP has complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70A.305.050, 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. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

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

2. 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 70A.305.070.

Effective date of this Order: August 12, 2021

GEORGIA-PACIFIC CONSUMER
OPERATIONS LLC

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SHAWN THOMAS WOOD
Vice President
Camas, Washington
Telephone: 360-834-3021

JAMES DEMAY
Industrial Section Manager
Solid Waste Management Program
Telephone: 360-407-6868

APPENDIX A

Date	ERTS #	Description
5/25/17	673330	Phil called to report an unknown substance that leaked through a small hole in the gunnite lined containment under a sewer pipe. They discovered this at 13:30 today. Between 10-20 gallons have pooled in the containment. Separation occurred forming a layer of heavy black sludgy material and clear water. Whatever is flowing in is coming from the ground. They took a sample and the pH was 8.5 They are going to take more samples for analysis. This is considered legacy contamination because it is an old site from the 1800s and they are not sure what contaminations might have been left in the soil. Phil left a message for Ha Tran.
10/31/15	660438	Earl (WA State EOC) called to report a clarifier overflow that occurred at Georgia Pacific in Camas. The contact person is Jeff Dambrun ((971) 274-9523). Toxic water spilled from Lady Island. Clarifier released mixture of water and sulfuric acid. They shut off the sulfuric acid as soon as possible after they noticed the overflow.
9/26/15	659676	The mill's operation was shut down for its annual maintenance outage around 10/26/15. On Saturday 9/26/15, G-P detected foam at Blue Creek. Continuous pH monitoring showed pH around 9.0's in Blue Creek, which was unusual. G-P staff conducted a walk-down of Blue Creek to investigate the source. The source was subsequently identified as black liquor. The black liquor overflow from sewer line vault into the excavated sewer line and entered Blue Creek from the cracks in the concrete at the North side of the mill.
4/14/15	656141	An Interstate Distributor Co. Ottawa yard truck suffered a lift hydraulic hose failure during a rain event and discharged sheen into a catch basin at the Georgia Pacific Corporation, Camas mill. Three gallons of oil spilled to pavement. The Mill Response Team conducted cleanup of the sheen in the catch basin as well as a response in the slough at the mill that leads to the Lower Columbia River.
10/10/14	652138	The Georgia Pacific Camas had a process sewer overflow to bare ground. They noticed it at 13:00 and lasted 15 minutes. The amount is unknown.
4/21/14	648237	As part of the maintenance work during this year's outage, a vault beneath our Kraft Mill was scheduled to be repaired and sealed. On April 21, 2014, as the contractor assigned to do this work was preparing his equipment, he discovered that a section of the K6 sewer had overflowed onto bare ground. Upon notifying Mill employees, a call was made to WDOE to inform you of this discovery.
4/21/13	640742	Flow of water/black liquor mix flowed across pavement and encountered exposed gravel that was a result of facility update. Unknown amount overflowed. Gravel area impacted in 2x25 ft. Source controlled, no water impacts.
9/18/12	636479	Sarah Maxwell, called to report a black liquor chemical substance containing sodium hydroxide found leaking at drain to ground water, checking sewer drainage also. Found at shift change (approx. 8 hrs.) Now being investigated to see where coming from, contractor coming in to review. Chemical used to cook pulp.

Date	ERTS #	Description
		Estimate 2-100 gallons leaking. Unsure if going to soil, there is a retaining wall, not going to water.
9/7/12	636324	<p>* While clearing brush and attempting repairs on the previous day's discharge of foam (636271), workers discovered another leak.</p> <p>* This was a 1-gallon-per-minute release to soil, apparently after they had capped the overflow pipe.</p> <p>* The Columbia River/Camas Slough is just a few feet away, and discharged `process sewage` is getting to the river.</p> <p>* Flow has been reduced significantly since the discovery, and they are working to plug the leak.</p> <p>* 2 samples have been taken to the lab, and pH shows 10.48 (non-hazardous).</p> <p>* She has people doing rounds to check for fish/wildlife impacts, but none have been found.</p> <p>* She has left messages for Teddy Le in the Industrial Section again.</p>
8/26/11	628837	The percolation of weak black liquor through the steel floor from the No. 4 Tank was contained. The percolation did not sip through the engineering soil and based on the calculations is less than the RQ. The inspection crew of the mill cut an excess to investigate the black liquor migration. It was found that there was no evidence to indicate the black liquor went through the engineering compact soil. Ecology requested that they provide a formal report with the proposed repair and maintenance procedure for the tank. They were asked to file an interim report to Ecology. When that is available, I will share that with you I you would like.
4/21/11	626342	Georgia Pacific reporting that they were doing inspections of tanks and discovered a cracked tank leaking to the ground. Main component in the tank is sodium hydroxide. It is unknown how long the tank has been leaking.
12/11/06	559353	Backup fire suppression system is equipped with a diesel water pump. Monthly testing is conducted on the fire suppression system--diesel system malfunctioned and resulted in release of ~60 gallons of diesel fuel to floor in pump building at/around 1426 today. Spilled oil leaked through floors in pump building. Absorbent pads applied to floor(s) to recover pooled diesel (~ 0.5-inch-deep pools from level to level in pump house). Volume of oil lost to river probably greater than 20 gallons (and subject to revision). I will call back for a firmer figure of how much oil got into the waterway.
7/3/6	556204	At approximately 2200 hours, plant was hit by lightning which caused a power outage. They lost power to the pumps and released effluent into the Columbia River. Estimated release was about 35 minutes. Staff are in boats on the river with booms.
3/6/06	553753	280-gallon hydraulic oil spilled to asphalt with approx. 60 gallons going to soil. A hose ruptured on a hydraulic system causing the spill. Crews cleaned up the spill on the asphalt and they intend to burn the sawdust used to absorb the oil as well as a very small amount of contaminated soil.

Date	ERTS #	Description
1/17/04	538450	I (Robert Warren) called the reporting party back to obtain additional information concerning the reported spill of lime to soils. I was placed on hold. I was transferred to Sara. I asked her to brief me concerning the incident. She informed me that on the 17th their loading company, Gresham Transfer hooked up their hose up to the Camas facility and began to pump. The hose disconnected spilling approximately 20 gallons of lime to soils. The transfer company left the Camas facility without informing the Mill of the release. Later that day another Gresham truck came to the Mill and also did not report the release. This morning a third Gresham truck came to down load and saw the spill and reported it to the Mill.
7/19/03	535062	Caller reports a hose ruptured while filling a loader from a tank truck. Spill is 300 feet from Columbia River, contaminated in soil.
5/7/03	533571	A diesel powered water pump failed causing lube oil to spill into the Camas Slough.
1/19/03	531425	A dump truck ran into a dry ditch causing a release of hydraulic fluid. 20-30 gallons.
9/22/02	529209	Caller reports a break in the underground drain line from the green liquor storage tank. Maintenance contractor cleaning the tank. Liquid bubbling to surface in the area of bare soil. Liquid is discharging to on-site waste water treatment plant. Incident occurred at 0100 hours and was reported at 0400 hours.
2/7/02	524217	Caller reports that on 02/07/2002 at 2100 hours 827 pounds of sodium dichromate was released to the Columbia River via the on-site waste water treatment plant. The material was released to the waste water treatment plant when a valve broke. The equipment failure released 5900 gallons of sodium chlorate that contain sodium dichromate. The waste water treatment plant was designed to handle the sodium chlorate but not the metals in the sodium dichromate. All of the metal released to the water treatment facility has been released to the Columbia River.
2/8/02	524214	There has been a spill to the camas slough from the Georgia Pacific mill. The spill was caused by the failure of a pump from the road oil runoff holding tank to the oil-water separator. The pump failure caused the holding tank to swamp the oil water separator. The runoff flowed across the separator and into the slough. This caused a light sheen on the slough. Attempted to recover the product but the sheen is too light. This spill is unrecoverable.
8/2/01	520078	Waste water discharge backed up and 2000-3000 gallons of a mixture of water and black liquor flooded a containment pond. The pond has an area were the sewer backs up has a small area were the liquid can escape. Approx. 200-300 gallons got out of the pond and onto the ground.
6/24/01	519055	Caller reports approximately 1/4 cup of oil was released to the camas slough from the Georgia Pacific plant in Camas.
6/4/01	518573	Paper mill reports that approximately 1/2 gallon of lube oil has been spilled to the Camas- Columbia River slough. The source of the oil is unknown at this time. Caller states that the on scene personnel believe that the oil in the slough is the result of a wash down from a fire watch.

Date	ERTS #	Description
5/15/01	518082	Spoke with Jan Hall at Georgia Pacific. While starting up a padia, (a sawdust machine), the equipment had a failure and spilled 27000 gallons of water with a weak concentration of black liquor. The concentration levels were 95% water- 5% black liquor to the tank's containment area. 99% of the liquid remained in the containment area. 1% went outside the containment area and on to the soil. The contaminated area is between 25 and 30 feet long. It is unknown at this time whether the contamination is surface in nature or if the area was saturated and the contamination is deeper. Georgia Pacific engineers will be assessing the situation tomorrow and will report their findings to Ecology.
1/22/01	515752	Caller reports, a spill of less than 200 gallons of storm/ground water mixed with pump lubricating oil occurred at 12:10 pm. The initial report was made to dem at 1:02 pm. The amount of lubricating oil in the water is unknown. Mr. Young stated that he believed it to be less than 20 gallons but was unsure. The spill went into the camas slough which outlets into the Columbia River. Caller stated that the spill was unrecoverable. The operators shut down the pump to stop the spill. Final estimate a tablespoon of oil.
8/7/00	512689	While operating a bulldozer on a hillside, approx. 1-pint of fuel was released from the machine's overflow tube. A small (3' X 3') sheen occurred on the water. The slough is already boomed with sorbent boom. The responsible party also deployed spill pads to collect the fuel.
7/7/00	512116	Ken Wolfe, EMD, reporting a 50-gallon black liqueur spill at Fort James Paper Mill, 401 NE Adams, Camas, 98607. They developed a leak in a pipe on the storage tank from a bad flange. The spill went to the ground only; no water was involved. Phillips Environmental is on scene and is doing the clean up. The spill occurred at 11:25 am and was reported to EMD at 11:51 am by Pat Morrison, Fort James Paper Mill, 360-834-3021, ext. 3213.
6/20/00	511748	Spill occurred at Fort James Paper Company, 401 nw Adams st., Camas, at 0600 and 1030 hrs today. Estimate 300 gallons of sodium chlorate and 320 gallons of sodium bichromate.
5/8/00	510833	Telephone call on 5/8/2000, 3:17 am, from Pat Morrison, reporting a 500-gallon spill of strong black liqueur (80% soap) in the vicinity of #4 furnace. Material settled and solidified on soil and pavement. No storm drains in the area received any of the spilled material. (all storm drains in the area discharge to a wastewater treatment plant). Phillips Environmental is en route to the spill scene. Spilled material has a pH of approximately 12.0. Incident occurred at 2:25 am on 5/8/2000. I asked Pat to call back when the clean up is completed and he agreed to do so.
12/26/99	508421	1 million - 2.2 million gallons of effluent into the Camas slough. At approximately 0930 hrs started taking power spikes. At 1005 hrs catastrophic power failure and off until 1035 hrs (30 minutes). During this period effluent flow system allowed 1 million - 2.2 million gallons to go directly into the Camas slough.

Date	ERTS #	Description
		Also, bod 527 - 1054 lbs released into the slough, and 667 - 1334 lbs of suspended solids were released. This is a precautionary report.
6/30/99	505069	Jim, EMD, reporting a spill runoff in the Clark County area. Reporting Party is Steve Young, 360-834-8322, Fort James Paper Company, Camas. He reported that approximately 1 cup of remnant oil, runoff from asphalt paving, spilled into the Camas Slough. Spill resulted in a small sheen. Incident occurred today and was discovered at 1405 hrs. Address: 401 NE Adams St., Camas.
7/1/99	504983	<p>Jim State EOC called to report - an interstate wood products semi-truck ran into a silo at the Fort James Paper Corporation, ripping off the saddle tank of the semi and causing a 70-gallon diesel spill.</p> <p>Steve Young of Fort James Paper Corporation (360-834-8322), called Jim (state EOC) to report accident - time of accident 9:10 am.</p> <p>Jim state EOC, called and reported to Clark co EOC, spoke with operator #35. Fort James Paper Corp cleaning up, using saw dust. They will be excavating the contaminated soil.</p>
6/25/99	504881	Report came in from Teddy Le, Industrial Section. Due to rain (1 inch in 1 hour) there was leachate from the landfill, which does not appear to be going into any waterways. Older pump (over 10 years old) did not work properly.
5/5/99	504029	Ed at EMD reporting a spill at the Fort James Plant, 401 NE Adams St., Camas. Spill was reported to EMD by Steve Young, 360-834-8322. It occurred at 9:00 a.m. today and consisted of 550 gallons of green liquor. Substance is contained on plant grounds. Cause of spill was a collapsed line. Remedial action: Emergency mgmt. staff are washing the substance into a processing sewer.
1/17/99	502055	The original spill occurred on 1/15/99 when a hydraulic oil filter burst at the mill's portable sawdust truck dump. That spill was reported to Ecology's Industrial Section (DEM had no record of any notification). Mill personnel deployed boom and sorbents (no contractor hired) around the sheen. I explained they needed to report spill to NRC. I requested follow up call if any significant changes happened.
12/7/98	501374	Tank overflowed into a containment area with 200 gallons of black liquor. It also overflowed from the containment area. The substance has solidified and is being scraped off now.
10/9/98	500453	Forklift driver clipped the barrel causing it to leak. The material has been cleaned up. 55 gallons.
10/22/97	106093	Caller is reporting approx. 50 gallons of green liquor (sodium carbonate) that spilled. A weld (?) On a pipeline failed and leaked onto some rocks. Av is "washing the rocks."

EXHIBIT A

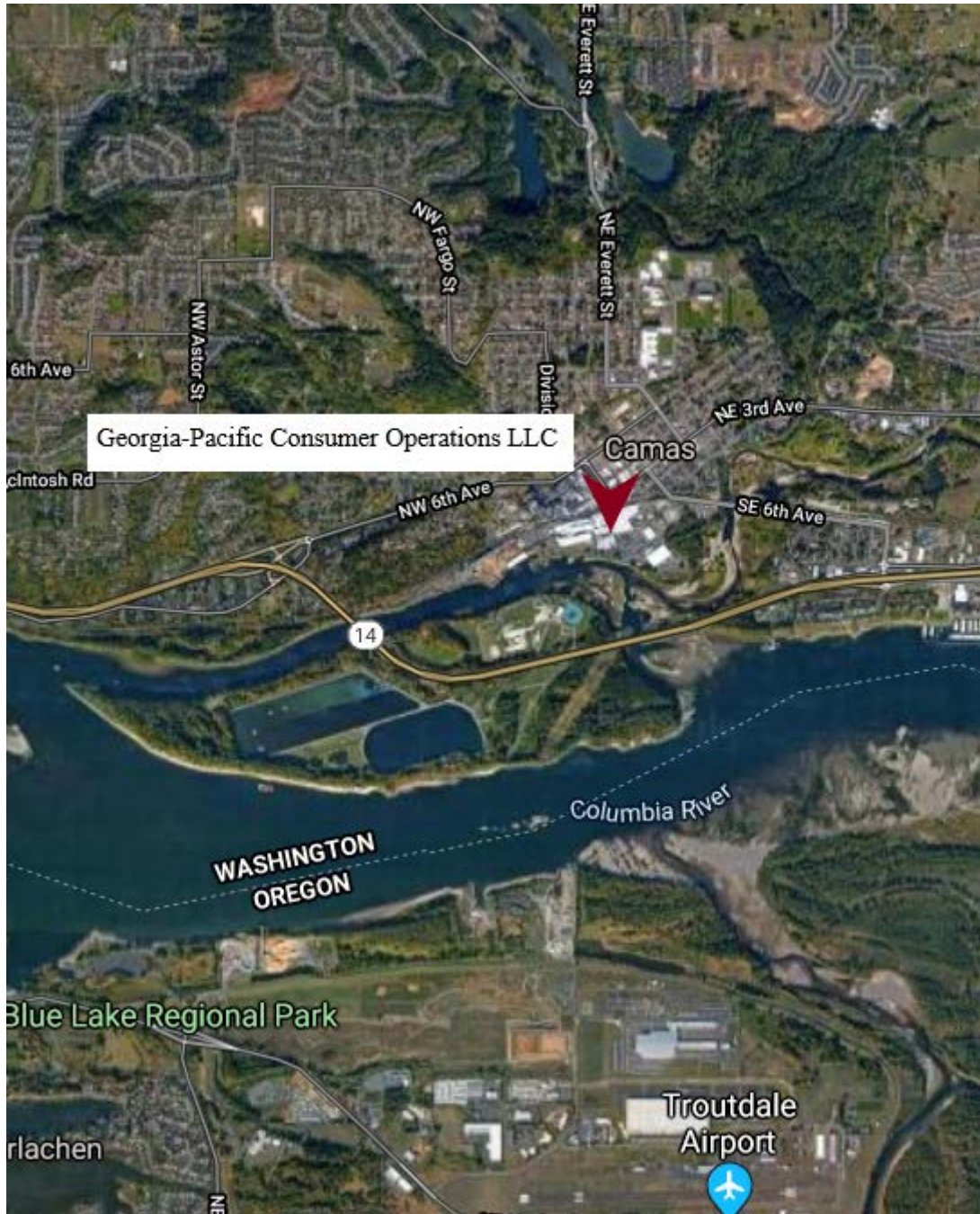


Figure 1. Current site location diagram.



Figure 2. Aerial photography of site in 1955 provided by Pacific Aerial Surveys, Inc. and retrieved from Clark County Maps Online.



Figure 3. Aerial photography of site in 1955 showing Lady Island, provided by Pacific Aerial Surveys, Inc. and retrieved from Clark County Maps Online. Photography shows facility prior to the installation of wastewater treatment on Lady Island.



Figure 4. Aerial photography of site in 1968 provided by WA DNR and retrieved from Clark County Maps Online.



Figure 5. Aerial photography of site in 1978 provided by WA DNR and retrieved from Clark County Maps Online.

EXHIBIT B – SCOPE OF WORK AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work under this Agreed Order (AO) involves developing a Remedial Investigation (RI) Work Plan, conducting a RI, preparing a RI Report, developing Interim Action Work Plans (as needed), and performing Interim Actions (as needed). The purpose of the RI and interim actions are to characterize the nature and extent of contamination at the Site and take actions deemed necessary to prevent the future or continued release of contaminants to the environment.

Georgia-Pacific Consumer Operations LLC (GP) shall coordinate with Ecology throughout the development of the RI Work Plan, RI, and Interim Actions (as needed), and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The Scope of Work (SOW) is divided into five major tasks as follows:

- Task 1. RI Work Plan
- Task 2. Remedial Investigation
- Task 3. Interim Action(s), if required
- Task 4. SEPA Compliance
- Task 5. Public Participation

Section 504 of the Rehabilitation Act published in the United State Code at 29 U.S.C. §794 requires non-discrimination and Washington State's digital accessibility Office of the Chief Information Officer Policy 188 requires that electronic documents produced by state agencies be accessible. This Order requires that documents submitted to Ecology be formatted using modern and widely available Word (.docx) and Adobe (.pdf) formats that make it accessible to people who use text-to-speech software, are color blind, or have other needs for reviewing public notice documents. GP must provide all deliverables in the Schedule of Deliverables (Exhibit B) in Ecology approved accessible formats.

TASK 1. RI WORK PLAN

GP shall prepare a Remedial Investigation Work Plan (Work Plan). The Work Plan shall include an overall description and schedule of all RI activities. The Work Plan shall clearly describe the project management strategy for implementing and reporting on RI activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.

A Remedial Investigation Planning Meeting will be held prior to submittal of the RI Work Plan. The purpose of the Remedial Investigation Planning Meeting is to review requirements for the Work Plan and plan Remedial Investigation field work, discuss the preliminary Conceptual Site Model, and identify project data needs and possible interim actions.

Historical Site Review and Conceptual Site Model

The Work Plan shall describe general facility information; site history and conditions, including previous operations; known spills or releases that have occurred throughout the history of operations at the site; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; a conceptual site model showing contaminants, migration pathways in all environmental media, and potential receptors; geology and groundwater system characteristics; past, current, and future land use; identification of natural resources and ecological receptors; hazardous substances and their sources, etc., in compliance with WAC 173-340-350 and WAC 173-204-550.

The Work Plan will also identify areas where further remedial investigation may be necessary but are inaccessible at this time due to existing infrastructure and/or ongoing site operations.

Data Gap Identification

As part of the project background, existing environmental data on site soil, groundwater, surface water, and sediments will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, if necessary. The Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. GP will also submit a copy of the Health and Safety Plan (HASP) for the project.

RI Work Plan Tasks

RI Work Plan tasks and subtasks will include the following:

- Sampling and analysis of soil, groundwater, and seeps;
- Sampling and analysis of surface and subsurface sediments;
- Sampling and analysis of stormwater and catch basin solids to determine whether the stormwater system is a source of contamination to sediments;
- Evaluate the potential to contaminate or recontaminate sediments, including analysis of the following pathways:
 - Direct discharges
 - Stormwater discharges
 - Overland flow
 - Groundwater discharges and seeps
 - Soil erosion
 - Site operations
 - Spills, dumping, leaks, housekeeping, and management practices

Sampling and Analysis Plan (SAP)

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, stormwater, seep, catch basin and sediment samples, approximate depths, and includes a quality assurance project plan.

The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection and handling; data and records management; and schedule.

Quality Assurance Project Plan (QAPP)

The Quality Assurance Project Plan (QAPP) will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program.

The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004) ¹and Sediment Sampling and Analysis Plan Appendix (February 2008).² Laboratories must meet the accreditation standards established in chapter 173-50 WAC. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

Submittal Requirements

The SAP, including the QAPP, will be submitted to Ecology for review and approval. As with all environmental work at the site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

GP or their contractors shall submit all new sampling data generated under this SAP and any other recently collected data to Ecology for entry into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. Only validated data will be entered into the EIM database within 30 days of submittal.

GP will provide Ecology with an Agency Review Draft Work Plan. Once Ecology reviews and approves the Work Plan, it will be considered the Final Work Plan. The Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the GP will implement the Final Work Plan according to the schedule contained in this Exhibit.

GP shall prepare two (2) copies of the Agency Review Draft RI Work Plan and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft Work Plan and after Ecology approval, GP shall prepare three (3) copies of the Final Work Plan and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology.

¹ Found at <https://fortress.wa.gov/ecy/publications/summarypages/0403030.html>

² Found at <https://fortress.wa.gov/ecy/publications/SummaryPages/1209057.html>

TASK 2. REMEDIAL INVESTIGATION

GP shall conduct a RI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-550 according to the Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, preliminary Sediment Management Standards (SMS) cleanup standards, and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

If the data collected during this investigation is insufficient to define the full nature and extent of the contamination or if an investigation is determined to be initially infeasible (due to the presence of buildings, foundations, other structures, or due to activities related to the current facility operation) and then becomes feasible at a later date, an additional phase of investigation shall be conducted to define the nature and extent of the contamination. The PLPs shall submit a Work Plan Addendum that addresses the next phase of RI sampling. The Work Plan Addendum will include a SAP, QAPP, and HASP. After submittal of the Work Plan Addendum, GP shall incorporate Ecology's comments on the Work Plan Addendum and implement the plan according to the Schedule of Deliverables. Information received from implementation of the Work Plan Addendum will be incorporated in the Agency Review Draft RI Report.

Field sampling and analysis will be completed in general accordance with the approved SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology immediately and documented as required by Ecology.

As new site data and information become available, GP shall provide data reports and updates to Ecology in the quarterly Progress Reports. Laboratory analysis data shall also be provided in electronic format when it has been validated.

Prior to submittal of the Agency Review Draft RI Report, a Remedial Investigation Pre-Report Check-in will be held. During the Remedial Investigation Pre-Report Check-In, Ecology and GP will review available data and an updated conceptual site model and discuss the content and organization of the Draft RI Report.

GP shall compile the results of the Site investigation into an Agency Review Draft RI Report. GP shall prepare two (2) copies of the Agency Review Draft RI Report and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft RI Report, GP shall prepare three (3) copies of a Public Review Draft RI Report and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports either in the report or as attachments. The RI Report will not be considered Final until after a public review and comment period.

If the data collected during this investigation is insufficient to define the nature and extent of contamination, and/or to select a cleanup action plan an additional phase of investigation shall be conducted to define the extent of contamination.

TASK 3. INTERIM ACTIONS (if required)

Remedial actions implemented prior to completion of the RI will be considered interim actions, will be implemented in accordance with WAC 173-340-430 and the AO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

Interim Actions include those that:

- are 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;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action.

As detailed in the AO, if required by Ecology, or if proposed by GP and approved by Ecology, GP will implement an interim action. Based upon information in the Agency Review Draft RI Report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

The scope of the interim actions may include, but not be limited to, typical source control or containment elements such as:

- Soil or sediment removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduit, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes
- Removal of old drain fields or former surface impoundments
- Proper abandonment of old wells
- Removal of contaminated building or other structural material
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing.

If an interim action is to be performed, GP will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant RI information, including at a minimum existing site conditions and alternative interim actions considered;

- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- SAP/QAPP; and
- Permits required.

GP will also submit a copy of the HASP for the project. GP will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the interim action, and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

GP shall prepare two (2) copies of the Agency Review Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology for review. GP shall incorporate Ecology's comments and then prepare two (2) copies of the Public Review Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology. After a public notice and comment period for the Public Review Draft IAWP (and SEPA determination), Ecology will approve the IAWP (if appropriate) and the document will be considered Final. GP shall prepare three (3) copies of the Final Interim Action Work Plan and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats. Once approved by Ecology, GP will implement the interim action according with the approved schedule.

Upon successful completion of the work, an Agency Review Draft Interim Action Report will be prepared as a separate deliverable. GP shall prepare two (2) copies of the Agency Review Draft Interim Action Report and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology for review and approval.

After incorporating Ecology's comments on the Agency Review Draft Interim Action Report and after Ecology approval, GP shall prepare three (3) copies of the Final Interim Action Report and submit them, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats, to Ecology.

TASK 4. SEPA COMPLIANCE

GP shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for any interim actions.

If the result of the threshold determination is a determination of significance (DS), GP shall be responsible for the preparation of draft and final environmental impact statements. GP shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

TASK 5. PUBLIC PARTICIPATION

GP shall support Ecology in presenting the Public Review Draft RI Report and SEPA evaluations at one public meeting or hearing.

The GP will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

After the public comment periods are completed, GP shall prepare an Agency Review Draft Responsiveness Summary that addresses public comments. GP shall prepare two (2) copies of the Agency Review Draft Responsiveness Summary and submit them to Ecology for review and approval, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats.

After addressing Ecology's comments and after Ecology approval, GP shall prepare five (5) copies of the Final Responsiveness Summary and submit them to Ecology for distribution, including one electronic copy each in Word (.docx) and Adobe (.pdf) formats.

SCHEDULE OF DELIVERABLES AND MEETINGS

The schedule for deliverables and meetings described in the Agreed Order and the Scope of Work is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date GP received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

Deliverables and Meetings	Completion Times
Remedial Investigation Planning Meeting	Prior to submittal of Draft RI Work Plan for Agency Review
Agency Review Draft RI Work Plan	120 calendar days following effective date of the Agreed Order
Completion of RI Field Work	12 months following completion of the Final SAP, QAPP and HASP
Remedial Investigation Pre-Report Check-in Meeting	Prior to submittal of Draft RI Report for Agency Review
Agency Review Draft RI Report	90 days following receipt of laboratory data
Public Review Draft RI Report	45 calendar days following receipt of Ecology comments on Agency Review Draft RI Report
SEPA Checklist – Interim Action	As needed (prior to conducting interim action)
Agency Review Draft Interim Action Work Plan	As needed (prior to conducting interim action)
Public Review Draft Interim Action Work Plan	As needed (prior to conduction interim action)
Final Interim Action Work Plan	As needed (following Ecology review and approval of Public Review Draft Interim Action Work Plan)
Agency Review Draft Interim Action Report	As needed (following successful completion of interim action work)
Final Interim Action Report	As needed (following Ecology review and approval of Agency Review Draft Interim Action Report)