

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**Art Brass Plating, Inc.
Blaser Die Casting Co.
Capital Industries, Inc.
Burlington Environmental, LLC**

AGREED ORDER

No. DE 10402

TO: Mr. Mike Merryfield
President and General Manager
Art Brass Plating, Inc.
5516 3rd Avenue South
Seattle, WA 98108

Mr. Kevin Callan
Secretary and Treasurer
Blaser Die Casting Co.
PO Box 80286
Seattle, WA 98108

Mr. Ronald Taylor
President
Capital Industries, Inc.
PO Box 80983
Seattle, WA 98108

Mr. Morris Azose
Vice President, Operations, West Region
PSC Environmental Services [for Burlington Environmental, LLC]
18000 72nd Avenue South, Suite 217
Kent, Washington 98032

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology), and Art Brass Plating, Inc., Blaser Die Casting Co., Capital Industries, Inc., and Burlington Environmental, LLC (each, individually, a PLP, and collectively the PLPs; see Section III.) 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 PLPs to perform a Feasibility Study, prepare a Feasibility Study Report, and draft a Site Cleanup Action Plan. The PLPs shall perform a Feasibility Study and prepare a Feasibility Study Report for each Site Unit that shall collectively comprise the Feasibility Study and Feasibility Study Report for the Site. 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). For Burlington Environmental exclusively, compliance with this Order also satisfies the requirements of WAC 173-303-646 through -64630.

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 PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the responsibility of any PLP under this Order. The PLPs 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. 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.

B. Cleanup Action: Refers to the WAC 173-340-200 definition, and includes any action to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance at the Site. For Burlington Environmental exclusively, cleanup actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC are also considered Corrective Actions and/or Corrective Measures, when they fulfill the requirements of WAC 173-303-646 through 173-303-646920.

C. Cleanup Action Plan (CAP): Refers to the document issued by Ecology under WAC 173-340-360 which selects facility-specific cleanup actions and specifies cleanup standards (cleanup levels, points of compliance, and other requirements for the cleanup action).

D. Cleanup Standards: Refer to the standards promulgated under RCW 70.105D.030(2)(e) and include (1) hazardous substance concentrations (cleanup levels) that protect human health and the environment, (2) the location at the Site where those cleanup levels must be attained (points of compliance), and (3) additional regulatory requirements that apply to a cleanup because of the type of action and/or the location of the Site.

E. Contaminants of Concern: Refer to the specific contaminants of concern (“COCs”) to be investigated and otherwise addressed under this Order, which are: PCE (tetrachloroethene); TCE (trichloroethene); DCEs (dichloroethenes); Vinyl Chloride; 1,4-Dioxane; and, inorganic hazardous substances where they are found in Site groundwater or soils at concentrations that present a potential risk to human health or the environment.

F. Corrective Action: Refers to any activities including investigations, studies, characterizations, and corrective measures, including actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-64620. For the purposes of this Order and Burlington Environmental exclusively,

the term “corrective measure” is synonymous with “cleanup action;” the term “corrective measure study” is synonymous with “feasibility study.”

G. Dangerous constituent or Dangerous waste constituent: For Burlington Environmental exclusively, this refers to any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 Appendix IX, any constituent that caused a waste to be listed or designated as dangerous under the provisions of Chapter 173-303 WAC, and any constituent defined as a hazardous substance at RCW 70.105D.020(10).

H. Dangerous waste: Refers to any solid waste designated in WAC 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste. Dangerous wastes are considered hazardous substances under RCW 70.105D.020(10). Facilities that manage dangerous wastes are referred to as Dangerous Waste Management Facilities.

I. Facility: For Burlington Environmental exclusively, refers to the Dangerous Waste Management Unit (as defined in WAC 173-303-040) controlled by Burlington Environmental and located at 734 South Lucile Street, Seattle, Washington; all property contiguous to the Dangerous Waste Management Unit also controlled by Burlington Environmental; and all property, regardless of control, affected by release(s) or threatened release(s) of hazardous substances, including dangerous wastes and dangerous constituents, at and from these areas. “Facility” also includes the definition found in RCW 70.105D.020(5), and for Art Brass Plating, Blaser Die Casting, and Capital Industries, the term “Facility” is confined to the definition in RCW 70.105D.020(5).

J. Feasibility Study: Refers to the evaluation of potential site cleanup alternatives, as described in WAC 173-340-350(8) and (9). For Burlington Environmental exclusively, “feasibility study” and “corrective measures study” are synonymous and mean the investigation and evaluation of potential corrective measures, undertaken in whole or in part to fulfill the substantive Resource Conservation and Recovery Act corrective action requirements of WAC 173-303-64620.

K. HWMA: Refers to the Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and its implementing Dangerous Waste Regulations, Chapter 173-303 WAC, which implement an authorized state program under RCRA.

L. MTCA: Refers to the Model Toxics Control Act, Chapter 70.105D RCW.

M. Parties: Refers to the State of Washington, Department of Ecology and: a) Art Brass Plating, b) Blaser Die Casting, c) Capital Industries, and d) Burlington Environmental (collectively referred to herein as the PLPs).

N. Permit: Refers exclusively to Burlington Environmental's HWMA Permit No. WAD 000812909 for the Georgetown Facility.

O. Permitting Requirement: Unless otherwise specified, refers exclusively to Burlington Environmental and the requirements of Chapter 173-303 WAC for applying for, obtaining, maintaining, modifying, and terminating Dangerous Waste Management Facility permits.

P. Potentially Liable Person (PLP): Refers individually to Art Brass Plating, Blaser Die Casting, Capital Industries, and Burlington Environmental. When used in the plural, this term refers to Art Brass Plating, Blaser Die Casting, Capital Industries, and Burlington Environmental collectively.

Q. RCRA: Refers to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901-6992k.

R. Release: For Burlington Environmental exclusively, Refers to any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous waste or dangerous constituents into the environment, and includes the definition of "release" in RCW 70.105D.020(25). For Art Brass Plating, Blaser Die Casting, and Capital Industries, the definition of "release" shall be confined to that stated in RCW 70.105D.020(25).

S. Site: Refers to the "West of 4th Site" and is located in south Seattle, generally bounded by: Fourth Ave. S. to the east; the Duwamish Waterway to the west; S. Lucile St. to the

north; and Slip 2 of the Duwamish Waterway to the south. The Site is defined by the extent of contamination caused by the release of hazardous substances from the PLPs' respective properties. 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). Note: in referring specifically to the "West of 4th Site" herein, *Site* is consistently capitalized.

T. Site Unit: Refers in this Order to administrative sub-divisions of the work performed at the Site. Site Unit boundaries are depicted in Exhibit A-1. At this Site, Site Units will afford a more effective means for targeting actions associated with specific contaminants, specific contaminated media, or specific areas of contamination. Actions at individual Site Units must contribute to the overall cleanup of the entire Site, and shall not interfere with or foreclose remedial actions at other Site Units or any other portion of the Site.

V. FINDINGS OF FACT

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

A. Art Brass Plating (Art Brass) is located at 5516 3rd Avenue South, Seattle, Washington (the Art Brass property). Art Brass performed soil and groundwater sampling on and in the vicinity of its property, and detected hazardous substances, including COCs, exceeding state cleanup levels. Art Brass has performed interim remedial actions, including groundwater air-sparging, soil vapor extraction, and vapor intrusion mitigation. Art Brass has also performed a Remedial Investigation (RI) under Agreed Order DE #5296. Art Brass's RI Report was conditionally approved by Ecology on December 18, 2012.

B. Contaminated groundwater due to releases at the Site is present west of 4th Ave. S. Hazardous substances continue to migrate in the groundwater from Art Brass's property in the direction of regional groundwater flow which is generally westerly to southwesterly. Concentrations of hazardous substances in groundwater and soils found during the Art Brass RI in certain areas exceed risk-based cleanup levels in Chapter 173-340 WAC established for the

protection of human health and the environment, and remedial action is therefore required. The extent of contamination is described in Art Brass's approved RI Report.

C. Blaser Die Casting (Blaser) is located at 5700 Third Avenue South, Seattle, Washington (the Blaser property). As part of a separate remedial action (sampling performed pursuant to its RI), Burlington Environmental detected hazardous substances in groundwater on and near other properties, including the Blaser property. In conducting indoor air sampling at the Blaser property, Burlington Environmental found elevated levels of TCE exceeding state cleanup levels. Blaser then performed soil, soil gas, indoor air and groundwater sampling on and under its property and in the vicinity of its property, and detected hazardous substances, including COCs, exceeding state cleanup levels. Blaser has performed interim remedial actions, including excavating and removing contaminated soils and vapor intrusion mitigation. Blaser has also performed an RI under Enforcement Order DE #5479. Blaser's RI Report was conditionally approved by Ecology on October 2, 2012.

D. Contaminated groundwater due to releases at the Site is present west of 4th Ave. S. Hazardous substances continue to migrate in the groundwater from Blaser's property in the direction of regional groundwater flow which is generally southwesterly. Concentrations of hazardous substances in groundwater and soils found during Blaser's RI in certain areas exceed risk-based cleanup levels in Chapter 173-340 WAC established for the protection of human health and the environment, and remedial action is therefore required. The extent of contamination is described in Blaser's approved RI Report.

E. Capital Industries (Capital) is located at 5801 Third Avenue South, Seattle, Washington (the Capital property). Capital has performed soil, soil gas, and groundwater sampling on and in the vicinity of the Capital property, and detected hazardous substances, including COCs, exceeding state cleanup levels. Capital has performed interim remedial actions, including vapor intrusion mitigation. Capital has also performed an RI under Agreed Order DE #5348. Capital's RI Report was conditionally approved by Ecology on December 18, 2012.

F. Contaminated groundwater due to releases at the Site is present west of 4th Ave. S. Hazardous substances continue to migrate in the groundwater from Capital's property in the direction of regional groundwater flow which is generally westerly to southwesterly. Concentrations of hazardous substances in groundwater and soils found during Capital's RI in certain areas of the Site exceed risk-based cleanup levels in Chapter 173-340 WAC established for the protection of human health and the environment, and remedial action is therefore required. The extent of contamination is described in Capital's approved RI Report.

G. Burlington Environmental, LLC (BE) is and has been the owner and operator of the dangerous waste management facility located at 734 South Lucile Street, Seattle, Washington. The facility no longer operates. PSC was formerly known as Chemical Processors, Inc. or "Chempro".

H. Chemical Processors, Inc. was incorporated in August 1970 and began solvent distillation and recycling operations on its property initially on behalf of the Preservative Paint Company. In December 1986, the Sabey Corporation purchased a 100% interest in Chempro and became the sole owner. In March 1988, Burlington Northern Inc. ("BNI"), through its subsidiary Glacier Park Company ("GPC"), acquired a majority interest in Chempro from the Sabey Corporation. Subsequent to the corporate spin-off of the BNI resources companies into a separate company, Burlington Resources Inc. ("BR"), Chempro became majority owned by BR.

Under BR, Chempro filed its Part B permit application, and in 1988 negotiated a Section 3008(h) agreed order with the United States Environmental Protection Agency ("EPA") to perform a RCRA facility investigation and corrective measures study at the Georgetown Facility. In August 1991, EPA and Ecology jointly issued Permit No. WAD 000812909 to Chempro to treat and store hazardous and dangerous wastes. In January 1992, Chempro formally changed its corporate name to "Burlington Environmental Inc." Following several corporate mergers and acquisitions at the parent company level, in March 2003, Burlington Environmental Inc. became a wholly owned subsidiary of PSC Environmental Services, Inc. In April 2008, Burlington

Environmental merged with Burlington-PSC, LLC to form a new entity called “Burlington Environmental, LLC” (BE).

I. BE owned and operated the dangerous waste facility as a dangerous waste management facility on or after November 19, 1980, the date that subjected facilities to RCRA permitting requirements, including interim status requirements pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and implementing regulations thereunder, and including authorized state dangerous waste regulations promulgated in Chapter 173-303 WAC.

J. BE’s Georgetown dangerous waste facility Permit expired in August 2001. In February 2001, BE submitted a dangerous waste permit renewal application to Ecology to continue operations until closure and the completion of corrective action.

K. The BE dangerous waste facility consists of two adjacent and contiguous parcels of property, the original permitted parcel consisting of approximately two (2) acres located at 734 Lucile Street, Seattle, Washington and an unpermitted parcel of approximately four (4) acres (the former Amalgamated Sugar Company or “TASCO” property) located at 5400 Denver Avenue, Seattle, Washington. BE purchased the Amalgamated Sugar parcel on December 2, 2002.

L. On December 1, 2002, BE notified Ecology of its intent to close all permitted dangerous waste operations at its Georgetown facility. In August 2003 Ecology conditionally accepted certification for final clean closure of permitted dangerous waste management units at the facility after reviewing the certification report and supporting documentation in the “Facility Clean Closure Certification” (submitted by BE on July 2003). BE closed the operating portion of the facility effective December 2003.

M. BE has performed an RI under permit WAD 00081 2909. The RI Report, as amended, was approved by Ecology in December 2004. During the RI BE performed soil, soil gas, and groundwater sampling on and in the vicinity of their property, and detected concentrations of hazardous substances in groundwater and soils which exceed risk-based cleanup levels in Chapter 173-340 WAC established for the protection of human health and the

environment; remedial action is therefore required. Concentrations exceeding applicable clean up levels, due to facility releases, have been detected on and to the north and east of the 734 S. Lucile St, property. Hazardous substances due to releases have also contaminated groundwater. Hazardous substances in groundwater migrate in the direction of regional groundwater flow which is generally westerly-to-southwesterly. This has resulted in contaminated groundwater located east and west of 4th Ave. S.

N. The extent of contamination known in 2004 was described in the approved RI Report. Since that time the known extent of contamination in areas east and west of 4th Avenue South has been revised as new monitoring and other data have become available. This new information has been documented in subsequent Progress Reports, the September 2008 “Revised Characterization and Preferred Cleanup Approach for the Argo Yard Property” Report, the June 2010 “Subsurface Investigation Report,” the March 2011 “Phase II Subsurface Investigation,” and the three approved RI Reports identified in V.A, C, and E above.

O. BE has implemented interim actions, which have included construction of a subsurface barrier wall (also known as the hydraulic containment interim measure and referred to herein as the “HCIM”) that surrounds most of the 734 Lucile Street and 5400 Denver Avenue South properties (the “HCIM Area”). The HCIM was constructed to minimize or eliminate the downgradient migration of hazardous substances in groundwater. BE has also implemented a number of vapor intrusion mitigation measures both east and west of 4th Avenue S.

P. For the purposes of administering cleanup of the BE site, in 2005 it was divided into two areas designated as the “East of 4th Avenue South Area” and the “West of 4th Avenue South Area,” as shown on Exhibit A. The eastern area of the BE site, east of 4th Ave. S., is being addressed under a May 2010 Cleanup Action Plan and Agreed Order #DE7347. Remedial Investigations in the western area of the BE site, west of 4th Ave. S., were completed under BE Permit # WAD 00081 2909, Art Brass Plating Agreed Order #DE5296, Capital Industries Agreed Order #DE5348, and Blaser Die Casting Enforcement Order #DE5479. Except for 1,4-dioxane, the Feasibility Study and Draft Cleanup Action Plan for the western area of the BE site

are being addressed under this Order. The presence of 1,4-dioxane-contaminated groundwater at the Site is due to the migration of contaminated groundwater originating from areas east of 4th Avenue S. Remedial actions focused on the reduction of concentrations of this COC at both the Site and areas east of 4th Avenue S. will be planned and conducted under BE's Agreed Order #DE7347. BE's corrective action obligations with respect to its dangerous waste facility are enforceable conditions of its June 2010 dangerous waste permit, WAD 00081 2909, under the authority of Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

VI. ECOLOGY DETERMINATIONS

A. Art Brass is a "person" within the meaning of RCW 70.105D.020(19). Art Brass is an "owner and/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 Art Brass, dated December 12, 2006, pursuant to RCW 70.105D.040, -.020(21), and WAC 173-340-500. By letter dated January 17, 2007, Art Brass voluntarily waived its rights to notice and comment and accepted Ecology's determination that Art Brass is a PLP under RCW 70.105D.040.

D. Blaser is a "person" within the meaning of RCW 70.105D.020(19). Blaser is an "owner and/or operator" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5).

E. 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.

F. Based upon credible evidence, Ecology issued a PLP status letter to Blaser, dated December 12, 2006, pursuant to RCW 70.105D.040, -.020(21), and WAC 173-340-500. By

letter dated January 12, 2007, Blaser voluntarily waived its rights to notice and comment and accepted Ecology's determination that Blaser is a PLP under RCW 70.105D.040.

G. Capital is a "person" within the meaning of RCW 70.105D.020(19). Capital is an "owner and/or operator" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5).

H. 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.

I. Based upon credible evidence, Ecology issued a PLP status letter to Capital, dated December 12, 2006, pursuant to RCW 70.105D.040, -.020(21), and WAC 173-340-500. By letter dated January 11, 2007, Capital voluntarily waived its rights to notice and comment and accepted Ecology's determination that Capital is a PLP under RCW 70.105D.040.

J. BE is a "person" within the meaning of RCW 70.105D.020(19). BE is an "owner and/or operator" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5). BE is also the owner and operator of a non-operating Dangerous Waste Management Facility with a final Facility permit, subject to Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, and regulations promulgated there under, including authorized State regulations in Chapter 173-303 WAC.

K. 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. Among these substances certain waste and constituents are dangerous wastes and/or dangerous constituents as defined by Chapter 173-303 WAC.

L. Based upon credible evidence, Ecology issued a PLP status letter to BE, dated October 9, 2003, pursuant to RCW 70.105D.040, -.020(21), and WAC 173-340-500. By letter dated November 9, 2003, BE voluntarily waived its rights to notice and comment and accepted Ecology's determination that BE is a PLP under RCW 70.105D.040.

M. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.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.

N. 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. Ecology or the PLPs may propose interim actions at the Site. After consulting with the PLPs, Ecology will determine if the interim action(s) is warranted under WAC 173-340-430. Any interim action must be approved by Ecology under Section VII.D.

In the northeastern portion of the Site elevated levels of COCs in groundwater are present near a defined source area (see V.A.'s description of interim actions implemented by Art Brass Plating). Here, and in other parts of the Site, volatile COCs are present in shallow groundwater and pose a potential threat to indoor air quality via vapor intrusion (see V.A, V.C, V.E, and V.O's description of vapor intrusion interim mitigation actions implemented by the PLPs). Based on these circumstances, Ecology has determined that interim actions are warranted under WAC 173-340-430.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs 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. For BE exclusively, the following remedial actions at the Site shall also be conducted in accordance with Chapter 173-303 WAC, unless otherwise specifically provided for herein:

A. Perform a feasibility study, or studies, to evaluate potential cleanup actions for addressing Site contamination. Before performing the feasibility study's evaluation of remedial alternatives, and as discussed in the attached scope of work, the PLPs will prepare "FS Technical Memoranda" that will collectively constitute an "FS Work Plan." Following completion of the feasibility study, or studies, a feasibility study report will be prepared and submitted for Ecology approval. As discussed in the attached scope of work, the feasibility study report may be a single document or a compilation document, consisting of multiple, Site Unit studies.

B. Prepare and submit a draft Cleanup Action Plan for the Site.

C. Conduct other actions identified in the attached scope of work. The scope of work for the remedial actions required under this Order is set forth in Exhibit B (attached). The schedule for performance and deliverables is set forth in Exhibit C (attached).

D. If Ecology determines an interim action, or additional interim action, is warranted under Section VI.N, the PLPs 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). The PLPs 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 the PLPs are required to conduct the interim action in accordance with the approved Interim Action Work Plan.

E. If, at any time after the first exchange of comments on draft documents submitted to Ecology for approval, 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 PLPs 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). Ecology has accumulated \$13,241.39 in remedial action costs related to this Site as of December 10, 2013. Payment for this amount shall be submitted within thirty (30) days of the effective date of this Order. For all costs incurred subsequent to December 10, 2013, the PLPs 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 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

C. Implementation of Remedial Action

If Ecology determines that the PLPs have failed without good cause to implement the remedial action required by this Order, in whole or in part, Ecology may, after notice to the PLPs, 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 PLPs' failure to comply with its obligations under this Order, the PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that the PLPs are 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 PLPs 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:

Ed Jones
Hazardous Waste Toxics Reduction Program, NWRO
3190 160th Ave. SE
Bellevue, WA 98008
(425) 649-4449

The project coordinator for the West of 4th PLPs is:

Dana Cannon
Aspect Consulting
401 Second Avenue S, Suite 201
Seattle, WA 98104
(206) 838-5832

The project coordinator for the West of 4th PLPs will be responsible for communication with Ecology. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, 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 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 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 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, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapters 18.220 and 18.43 RCW.

The PLPs 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 access to enter and freely move about all property at the Site that the PLPs either own, control, or have 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 PLPs' 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 PLPs. Ecology shall coordinate access to an individual PLP's property with that

PLP. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs 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 PLPs 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 PLPs 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 PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLPs 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 PLPs 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. The PLPs have individually prepared such Plans, but those Plans do not describe the actions required by this Order. Ecology shall develop a West of 4th Public Participation Plan alone or in conjunction with the PLPs.

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

1. If agreed to by Ecology, develop appropriate mailing list, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, feasibility study reports, cleanup action plans, and engineering design reports. 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 major meetings with the interested public and local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs 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. Continue information repositories to be located at the following locations:
 - a. **Website:** <http://aspectconsulting.com/clients/W4>.
 - b. BE repository at ActivSpace – Luna Park West
3400 Harbor Avenue SW, Unit 214
Seattle, WA 98126
Appointment contact: (425) 227-6149
 - c. Ecology's Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. Later, in accordance with the attached Scope of Work (Exhibit B) and the schedule in Exhibit C, a joint-PLP Site repository shall be established. A copy of all documents related to this Site shall also be maintained in the repository at Ecology's Northwest Regional Office in Bellevue, Washington.

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 PLPs 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 PLPs 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 the PLPs may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If the PLPs withhold any requested records based on an assertion of privilege, the PLPs 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.

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 PLPs have fourteen (14) days within which to notify Ecology's project coordinator in writing of their objection to the decision or itemized statement.

- i. The PLPs shall include in the written objection sufficient detail to allow Ecology to evaluate the merits of the dispute.
 - ii. Such detail shall include the specific Ecology determination or direction or itemized statement in dispute and shall include specific argument(s) documenting the basis for invoking the dispute resolution procedure.
 - iii. Clarification of Ecology directions or determinations shall not be handled through the dispute resolution procedure. The Ecology project coordinator will make such clarifications in a manner and time he deems appropriate to expedite to the maximum extent practicable the work performed under this Order.
 - 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 PLPs may then request regional management review of the decision. This request shall be submitted in writing to the Northwest Region Hazardous Waste Toxics Reduction 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 PLPs' 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 PLPs 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 PLPs 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 PLPs;
- 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 PLPs.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the PLPs 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 PLPs. The PLPs 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 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 the PLPs to cease such activities for such period of

time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determine 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, the PLPs may cease such activities. The PLPs 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 PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII.M (Endangerment), the PLPs' 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 PLPs 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 PLPs regarding remedial actions required by this Order, provided the PLPs comply 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.

By entering into this Order, the PLPs do not admit to any liability for the Site. Although the PLPs are committing to conducting the work required by this Order under the terms of this Order, the PLPs expressly reserve 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.

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 PLPs 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 PLPs' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLPs 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 PLPs shall notify Ecology of said transfer. Upon transfer of any interest, the PLPs 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.

P. Compliance with Applicable Laws

1. All actions carried out by the PLPs 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 specific federal, state or local requirements have been identified as being applicable to performing the actions required by this Order (as set out in the attached scope of work). Federal, state, and local requirements, including requirements to obtain necessary permits, specific to the cleanup

alternatives evaluated in the feasibility study, will be identified in the final feasibility study report(s).

2. Pursuant to RCW 70.105D.090(1), the PLPs are 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 PLPs 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 PLPs have 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 PLPs 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 PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs 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 PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs 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 PLPs

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 PLPs agree 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 PLPs, their officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs 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 PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have 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 PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLPs 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.

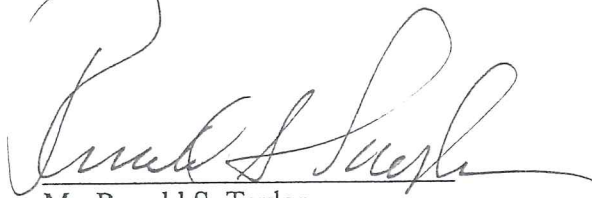
Effective date of this Order: 23 April, 2014


Mr. Mike Merryfield
President and General Manager
Art Brass Plating, Inc.
5516 3rd Avenue South
Seattle, WA 98108
(206) 767-4443

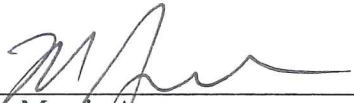

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY
for Dennis B. Johnson, Section Manager
Hazardous Waste Toxics Reduction
Program
Northwest Regional Office
(425) 649-7040

A handwritten signature in black ink that reads "Ken Callan". The signature is written in a cursive style with a horizontal line underneath the name.

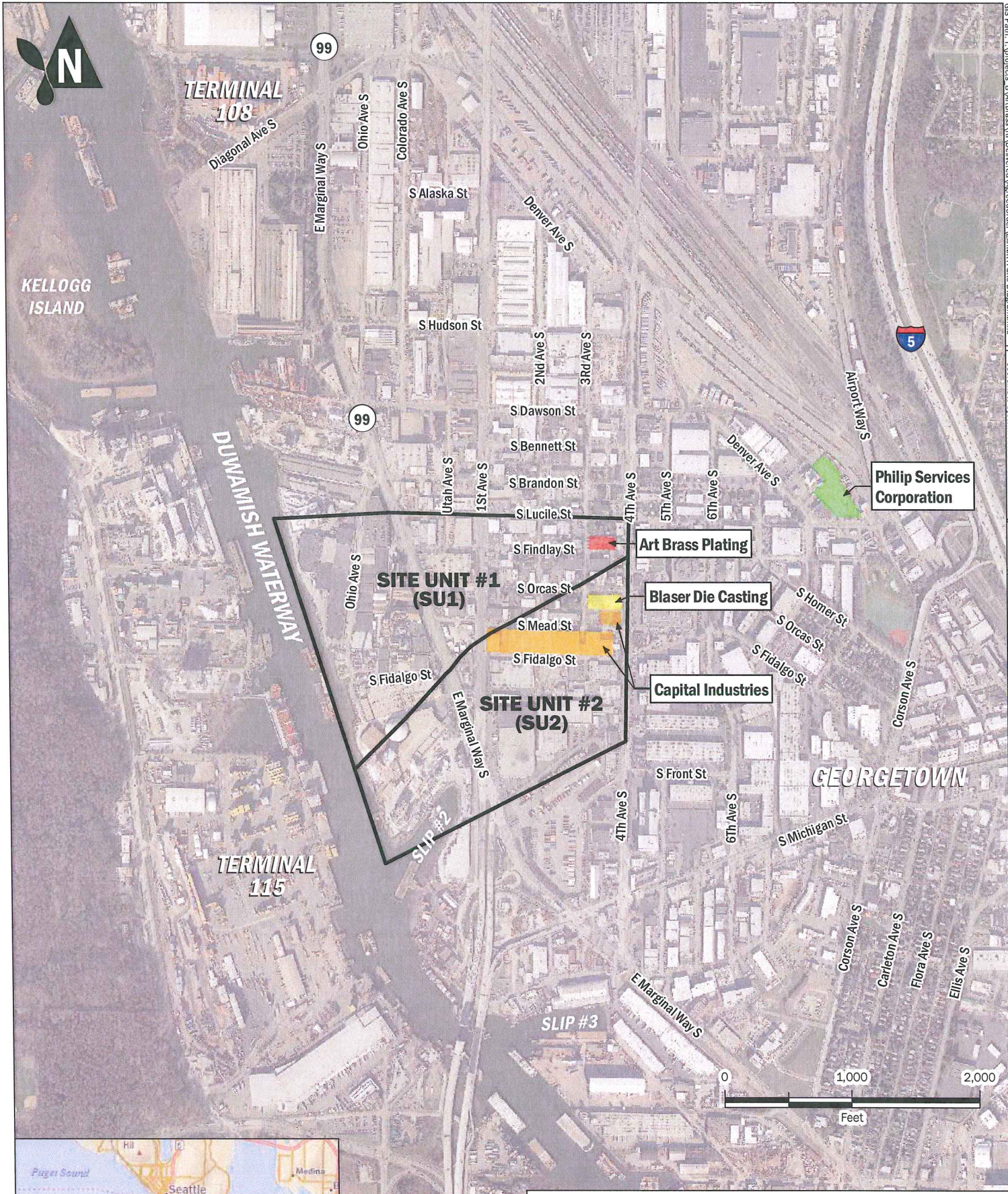
Mr. Kevin Callan
Secretary/Treasurer
Blaser Die Casting Co.
PO Box 80286
Seattle, WA 98108
206-767-7800

A handwritten signature in cursive script, appearing to read "Ronald S. Taylor". The signature is written in black ink and is positioned above the printed name and address.

Mr. Ronald S. Taylor
President
Capital Industries, Inc.
5801 3rd Ave. South
PO Box 80983
Seattle, WA 98108
(206) 762-8585



Mr. Morris Azose
Vice President, Operations, West Region
PSC Environmental Services [for Burlington Environmental, LLC]
18000 72nd Avenue South, Suite 217
Kent, Washington 98032
(425) 227-0311



<h2>Site Diagram</h2> <p>Seattle, Washington</p>		
	DEC-2013	BY: PPW
	PROJECT NO. 050067	REV BY: PPW
		EXHIBIT: A

Exhibit B

Scope of Work

This Scope of Work (SOW) provides the tasks that will be conducted pursuant to Section VII of the Agreed Order. The Scope of Work contains nine basic sections and 12 tasks:

- I. Feasibility Study (Tasks I.1 and I.2)
- II. Draft Cleanup Action Plan (Task II.1)
- III. Groundwater Monitoring (Tasks III.1 and III.2)
- IV. Progress Reports (Task IV.1)
- V. Vapor Intrusion (Task V.1)
- VI. Art Brass Plating Interim Action (Task VI.1)
- VII. Document and Data Maintenance (Task VII.1)
- VIII. Public Participation Plan and Notification of Property Owners, Tenants, and Utilities (Tasks VIII.1 and VIII.2)
- IX. New Information (Task IX.1)

Required documents, identified in this SOW, are described as being due on a date provided in Exhibit C or as otherwise established by Ecology. The “draft” version of any such document (meaning the initial submittal of the document) may be approved as final by Ecology. If the document is not approved, Ecology shall generally prepare a comment letter and the PLPs shall be asked to revise the document by a certain date. As noted in Section VII.E of the Agreed Order, if at any time after the first exchange of comments on draft documents, Ecology determines that insufficient progress is being made in the preparation of an approvable document, Ecology may choose to complete and issue the final deliverable.

All reports, work plans, and other submittals required by this Scope of Work, and submitted by the PLPs, shall be accompanied by a certification meeting the requirements of Agreed Order Section VIII.E. and shall, once approved, become an integral and enforceable part of this Order.

I. Feasibility Study (FS)

Each of the PLPs that executed the Agreed Order has completed a Remedial Investigation (RI) for its respective Site area. The information obtained during the RIs will be used during the FS phase to develop and evaluate cleanup action alternatives so that a final cleanup action may be ultimately selected for each specific Site Unit and for the Site.

Task I.1: FS Technical Memoranda

The purpose of a Feasibility Study is to evaluate a range of potential remedial alternatives under prescribed criteria to identify a comprehensive cleanup action most appropriate for the Site that can be proposed to the public in a Cleanup Action Plan (CAP). The cleanup action may be composed of a set of actions or elements that are based on the technologies identified

and evaluated during the FS. Prospective cleanup action technologies, alternatives, or components of alternatives, may be eliminated from the FS if, based on a preliminary analysis, they clearly do not meet the minimum requirements specified in WAC 173-340-360. Such alternatives include those for which costs are disproportionate under WAC 173-340-360(3)(e) and those that are not technically possible at the Site.

The PLPs will prepare FS Technical Memoranda (“tech memos”) that will collectively constitute an “FS Work Plan.” These FS Tech Memos will include Tech Memos that are applicable to the entire Site, and Site Unit-specific Tech Memos that are applicable to a specified area or contaminant. The PLPs shall submit draft FS Tech Memos to the Ecology project coordinator in accordance with the due date established in Exhibit C. Ecology shall review each Tech Memo and approve it as Final, approve it as Final with modifications, or disapprove it with comments. If the Tech Memo is disapproved, the PLPs shall submit a revised version to the Ecology project coordinator in accordance with the due date established in Exhibit C. The revised Tech Memo must satisfactorily address Ecology’s comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments. Failure to submit a revised Tech Memo which adequately addresses each of Ecology’s comments shall constitute a violation of the Order.

Upon Ecology approval of the FS Tech Memos described below, the PLPs shall complete the remainder of the FS in accordance with WAC 173-340-360, the approved FS Tech Memos, and the approved Deliverable Management Plan Tech memo’s FS schedule. The required Tech Memos are:

Site Technical Memos

- a. Deliverable Management Plan – This FS Tech Memo shall include a description of the FS and draft CAP “work flow.” This description shall explain and justify the sequencing of those FS work elements (including any studies conducted per Site Unit) leading to the preparation and submittal of the draft FS Report(s) and draft CAP. Specifically, it shall:
 - i. Describe the project management practices that the PLPs will use to coordinate the submittal of both Site and Site Unit-specific deliverables required to satisfy this Agreed Order. The Site Units are defined in the Agreed Order under Section IV, part T;
 - ii. Describe how the draft FS Report will be structured, and specifically how the:
 - FS Report will present findings, and whether those findings will be presented in a single FS Report, or in individual FS Reports per Site Unit (which then, collectively, will comprise the FS Report).
 - identification of potential cleanup technologies will be presented.

- identification of cleanup alternatives will be explained and presented. NOTE: if the PLPs have already identified likely cleanup action components to address releases at the Site, these components will also be described and discussed.
 - FS Report will comply with WAC 173-340-360(3)'s requirements for determining whether a candidate cleanup action uses permanent solutions to the maximum extent practicable.
 - FS Report will comply with WAC 173-340-360(4)'s requirements for determining whether a candidate cleanup action provides for a reasonable restoration time frame.
 - PLPs will select a preferred cleanup alternative(s) for addressing Site contamination. The Tech Memo will explain the methodology the PLPs intend to use to identify their preferred cleanup alternative(s).
- iii. Propose an FS schedule, including milestone dates for activities occurring after approval of the FS Tech Memos and before the submittal of the draft FS Report(s). The schedule shall be provided in both table format and in timeline (Gantt chart or equivalent) format. It shall contain proposed due dates for:
- the draft FS Report(s) and all pre-FS Report deliverables planned for submittal to Ecology. This shall include Data Gaps and Supplemental Assessment Tech Memos and sampling and treatability (including any bench-scale/pilot study) plans and reports discussed in item I.1.f below.
 - the draft West of 4th Groundwater Monitoring Program Plan (Task III.1).
 - the draft West of 4th Vapor Intrusion Plan (Task V.1).
 - the Public Participation Plan (Task VIII.1).
- iv. Propose a draft CAP schedule, including milestone dates for activities occurring after approval of the FS Report(s) and before the submittal of the draft CAP.
- v. Identify the location of the PLPs' data/record storage, and a description of the measures to be used to maintain and secure it (per Section VIII of the Agreed Order); and,

- vi. Discuss how and when the PLPs will address FS-related comments contained in Ecology's RI Report approval letters for Blaser Die Casting, Art Brass Plating, and Capital Industries.

- b. Preliminary Site Cleanup Standards – This FS Tech Memo shall list preliminary cleanup levels (protective contaminant concentrations) applicable for the Site, and provide technical/regulatory justification for these proposals. These cleanup levels will be concentrations of contaminants of concern that the PLPs will use during the FS to evaluate cleanup alternatives. The Tech Memo shall also identify preliminary Points of Compliance that are applicable for the Site and are expected to be incorporated into certain cleanup alternatives. If conditional groundwater Points of Compliance are expected to be evaluated during the FS, the Tech Memo shall also describe how the PLPs will incorporate requirements in WAC 173-340-720(8)(c) into the remedial alternatives that are developed;

- c. Site Conceptual Model/Contaminant Distribution Maps – This FS Tech Memo shall, in accordance with WAC 173-340-200, identify at a conceptual level the identified sources of hazardous substances, the types and concentrations of hazardous substances, the identified contaminated media, and actual and potential exposure pathways and receptors. It will also include descriptions of the critical assumptions to be used in the FS and during contaminant fate and transport analyses. The Site Conceptual Model will provide an explanation of the PLPs' understanding of why and how contamination has come to be distributed within the Site and form the basis for the development of Site cleanup actions.

Contaminant distribution maps and media- and pathway-specific figures will identify areas and media where concentrations of contaminants exceed, or may currently exceed, their respective pathway-specific preliminary cleanup levels. The figures will show where this contamination is presently located and will indicate concentrations or concentration/cleanup-level ratios. At a minimum, the figures providing the following information will include:

- i. Areas of contaminated vadose zone soil where Method B and C direct contact (DC)-based cleanup levels are exceeded.

- ii. Areas of contaminated soil where Method B soil cleanup levels protective of groundwater quality are exceeded. Method B soil cleanup levels protective of groundwater quality will be distinguished between those cleanup levels serving to ultimately protect: (i) surface water and sediment quality, and (ii) indoor air quality (via vapor intrusion from shallow groundwater).

- iii. Areas of contaminated soil where indoor air quality may potentially be threatened via vapor intrusion directly from soil contamination. If preliminary Method B soil cleanup levels protective of indoor air are identified, these levels shall be used to estimate the areas of concern.

- iv. Areas of contaminated water table zone groundwater where Method B groundwater cleanup levels protective of indoor air quality (via vapor intrusion) are exceeded.
- v. Areas of contaminated water table zone groundwater where Method B groundwater cleanup levels protective of surface water and sediment quality are exceeded.
- vi. Areas of contaminated shallow zone groundwater where Method B groundwater cleanup levels protective of surface water and sediment quality are exceeded.
- vii. Areas of contaminated intermediate zone groundwater where Method B groundwater cleanup levels protective of surface water and sediment quality are exceeded.
- viii. Any areas of contaminated surface water or sediments where Method B cleanup levels are exceeded.

All plan-view groundwater figures will depict lateral (horizontal) gradient contours. For zones and areas where gradients significantly change, either seasonally or because of river stage, multiple figures will be included, depicting these changes;

- d. Fate and Transport Modeling Plan – This FS Tech Memo shall propose and discuss any plans (parameters, methods, procedures) to conduct fate and transport or other modeling analyses to support the evaluation of exposure pathways, contaminant plume stability/mobility, and/or particular remedial alternatives that would be applicable to Site-wide contamination. If fate and transport analyses specific to contaminants, exposure pathways, or remediation levels within a Site Unit are proposed, the Tech Memo will describe how these analyses will be consistent with Site-wide analyses conducted by the PLPs;
- e. Vapor Intrusion Assessment, Monitoring, and Mitigation (VIAMM) Tech Memo – This FS Tech Memo will present a framework for implementation of VIAMM within the Site boundaries. The Tech Memo shall include: the objectives of the West of 4th Vapor Intrusion (VI) program and associated site data needs (during the FS and draft CAP periods); a framework for administering and implementing the VI program; a framework for assessing VI at the Site during the FS and draft CAP periods; identification of VI-specific groundwater and indoor air action levels; a framework for inspecting and maintaining existing VI mitigation systems, and monitoring their performance; minimum standard operating procedures (SOPs) for Tier 1 through 5 (including post-mitigation operation, maintenance, inspection, and monitoring) VI work; a framework for addressing VI-related access considerations; a framework for identifying mitigated buildings that are candidates for system shutdown (Tier 5); and the procedure for shutting down systems following Ecology approval.

- f. Technology Screening – This FS Tech Memo shall include a discussion that focuses the range of potential remedial technologies for subsequent evaluation in the FS to ones that have been proven effective for the contaminants of concern in settings similar to this Site. As discussed below under Task I.2, potential remedial technologies for evaluation in the FS are not expected to include technologies whose primary purpose is to effectively remediate 1,4-dioxane. However, the evaluation of cleanup technologies will need to consider the effect that each technology will likely have on groundwater contaminated with 1,4-dioxane in the West of 4th Site.

The introductory section of the Tech Memo shall:

- i. identify preliminary remedial action goals and objectives, which will be used to guide the selection and evaluation of cleanup alternatives (per Site Unit);
- ii. identify applicable local, state, and federal laws and regulations that certain FS cleanup alternatives are likely to be subject to, or will likely need to be considered during the evaluation of alternatives. These laws, discussed in WAC 173-340-710, are generally referred to as “ARARs;” and,
- iii. discuss the Site Units selected in the Agreed Order within the context of the approved Preliminary Site Cleanup Standards and Site Conceptual Model/Contaminant Distribution Maps FS Tech Memos. The Site Units as defined in the Agreed Order shall be presumed valid unless the Technology Screening Tech Memo identifies a substantial reason to re-visit their justification to ensure that this selection will lead to an efficient and comprehensive Site cleanup. If, based on this re-evaluation, it appears that changes should be made to the number of Site Units, their physical boundaries, or the contaminants or exposure pathways associated with the Units, the Technology Screening Tech Memo shall propose these changes.

Site Unit-Specific Tech Memos

- g. Data Gaps and Supplemental Assessment – These Tech Memos shall identify, based on the conceptual site model, existing data, assumptions being made about the Site, and preliminary remediation goals, any critical data gaps known prior to beginning the FS that must be filled in order to complete the FS. This includes data obtained during any Site Unit-specific treatability studies.

If critical data gaps are identified that must be filled by field (including bench) data, the Tech Memo will either contain specific proposals for filling those critical data gaps or propose a due date for the submittal of a draft Sampling and Analysis Plan (Field Sampling Plan and Quality Assurance Project Plan). If additional data are

needed after a Tech Memo has been approved, the PLPs shall propose specific plans for obtaining the data in an amendment to the approved Tech Memo.

Task I.2: FS Report

The FS Report shall evaluate potential cleanup action alternatives for the Site under applicable criteria and select a preferred, cost-effective action (or set of actions). The FS Report will be structured as described in the approved Deliverable Management Plan Tech Memo and comply with applicable requirements in WAC 173-340-350(8)(c). It shall include the following information:

- a. a conceptual site model. The site conceptual model will identify sources of hazardous substances, the types and concentrations of hazardous substances, the identified contaminated media, and actual and potential exposure pathways and receptors. It will also include descriptions of the critical assumptions used during the FS. If the Report proposes that Site groundwater be classified as nonpotable (in accordance with WAC 173-340-720(2), the basis and supporting data and analysis for this proposed determination shall be provided.

NOTE: if the conceptual site model has not changed from the model prepared in a Site Conceptual Model/Contaminant Distribution Maps FS Tech Memo, the FS Report may reference the FS Tech Memo (which will then be included as an appendix to the FS Report);

- b. identification and description of the preliminary media cleanup levels used during the FS. NOTE: if the preliminary media cleanup levels used during the FS are the same levels identified in approved FS Tech Memos, the FS Report may reference the respective FS Tech Memos (which will then be included as an appendix to the FS Report);
- c. a description and discussion of the standard and any conditional Point(s) of Compliance for soil, surface water, sediments, indoor air, and/or groundwater, proposed for the Site. If these Points of Compliance differ, depending on the cleanup action alternative evaluated, the FS Report shall note this and explain the basis for the differences;
- d. presentation of all Site data collected during the post-RI period. This shall include a description of all post-RI data gap collection efforts and treatability studies and a discussion of the outcomes of those efforts/studies;
- e. identification of the contaminants – per medium, pathway, and receptor – that exceed one or more of their respective pathway-specific preliminary cleanup levels. NOTE: if these contaminants are the same as those identified per medium, pathway, and receptor in approved FS Tech Memos, the FS Report may reference the respective FS Tech Memos (which will then be included as an appendix to the FS Report);

- f. identification of any remediation levels utilized during the FS, per contaminant, pathway, and media. If remediation levels were utilized in any alternative, the FS Report shall discuss why such levels were used, how they would be used during Site cleanup, and how the PLPs derived these levels;
- g. pathway- and media-specific figures identifying Site areas and media where unacceptable levels of contamination are, or may be, currently present. The figures will show where this contamination is presently located and will include measurements or estimates of current concentrations or concentration/cleanup-level ratios. All plan-view groundwater figures will depict lateral (horizontal) gradient contours; for zones and areas where gradients significantly change, either seasonally or because of river stage, multiple figures will be included, depicting the changes. If Site Units are employed during the FS, these figures should be Site Unit-specific, as applicable.

NOTE: if certain soil or surface water contamination figures contained in approved FS Tech Memos continue to depict current conditions, the FS Report may reference the respective FS Tech Memos, which will then be included as an appendix to the FS Report;

- h. a description of technology-screening activities conducted during the FS;
- i. a description of the cleanup action alternatives evaluated during the FS. A reasonable number and type of alternatives – taking into account the characteristics and complexity of the Site, including current Site conditions and physical constraints – shall be evaluated. Alternatives for each Site Unit will be included that incorporate the standard point of compliance for each environmental medium containing contaminants of concern unless such alternatives have been eliminated in accordance with WAC 173-340-350(8)(b).

The description of cleanup action alternatives will discuss how each alternative protects human health and the environment (including, as appropriate, ecological receptors) by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route. It will identify: (1) applicable local, state, and federal laws and regulations (ARARs) that the cleanup alternatives are either known to be subject to, or would likely need to be considered by the PLPs and Ecology during remedial design and implementation of the alternatives; and (2) respective restoration timeframes.

Cleanup action alternatives are not expected to include technologies whose primary purpose is to effectively remediate 1,4-dioxane-contaminated groundwater. The presence of 1,4-dioxane-contaminated groundwater at the Site is due to the migration of contaminated groundwater originating from areas east of 4th Avenue S. Remedial actions focused on the reduction of concentrations of this COC at both the Site and areas east of 4th Avenue S. will be planned and conducted under Burlington Environmental's Agreed Order #DE7347. However, the FS Report will discuss the likely effect of each cleanup alternative on 1,4-dioxane concentrations in groundwater

west of 4th Ave. S., and specifically whether implementation of the alternative is likely to affect either the attainment of 1,4-dioxane cleanup levels or the timeframe for cleanup level attainment;

- j. an evaluation of each alternative in accordance with the requirements and criteria specified in WAC 173-340-360. Except as otherwise provided in WAC 173-340-360, the FS shall include at least one permanent cleanup action alternative to serve as a baseline against which other alternatives shall be evaluated for the purpose of determining whether the preferred cleanup action is permanent to the maximum extent practicable. The most practicable permanent cleanup action alternative shall be included.

Where sets of cleanup action alternatives are specific to the Site Unit being addressed, these sets of alternatives shall include at least one permanent cleanup action alternative (unless exempted per WAC 173-340-360) per Site Unit. Then, the FS shall identify the most practicable permanent cleanup action alternative for that Site Unit and describe how the preferred cleanup action for that Site Unit is permanent to the maximum extent practicable;

- k. an evaluation of any residual threats to human health or the environment that would accompany each alternative evaluated during the FS (were that action implemented) and a general description of any institutional control included as part of an evaluated remedial alternative. The description shall additionally explain how inclusion of the control in the alternative meets applicable requirements in WAC 173-340-360(2)(e);
- l. identification and description of a preferred cleanup action for the Site, which may include a number of remedial action components (i.e., a set of actions). This preferred Site remedy shall be shown to outperform other remedial alternatives when judged against the evaluation and other applicable criteria set-out in WAC 173-340-350(8), -360, and -370. The description of the preferred action shall include an estimate of Net Present Value costs to complete all future remediation, including design, implementation, monitoring, and closure. It shall also include the restoration timeframe associated with the action.

A preferred cleanup action shall be identified for each Site Unit. In describing the preferred cleanup action for the Site, then the FS Report shall identify all such Site Unit preferred alternatives and explain how they are incorporated into the preferred action for the Site.

The preferred cleanup action is not expected to include technologies whose primary purpose is to effectively remediate 1,4-dioxane-contaminated groundwater. The presence of 1,4-dioxane-contaminated groundwater at the Site is due to the migration of contaminated groundwater originating from areas east of 4th Avenue S. Remedial actions focused on the reduction of concentrations of this COC at both the Site and areas east of 4th Avenue S. will be planned and conducted under Burlington Environmental's Agreed Order #DE7347.

However, the FS Report will discuss the effect that implementation of the preferred cleanup action alternative is likely to have on 1,4-dioxane concentrations in groundwater at the Site, including any anticipated changes implementation will have on the expected timeframe for attainment of 1,4-dioxane groundwater cleanup levels. Discussions of the effect of implementation of the preferred cleanup action on 1,4-dioxane in groundwater at the Site shall, as appropriate, incorporate by reference information in required deliverables submitted under Agreed Order #DE7347, including attenuation projections, monitoring data, and other information related to 1,4-dioxane originating and migrating from areas east of 4th Avenue S.;

- m. an analysis of uncertainty. The FS Report shall discuss sources of uncertainty and the possible consequences of this uncertainty on: a) the development and evaluation of cleanup alternatives; b) the comparison of cleanup alternatives conducted; and c) the PLPs' selection of a preferred cleanup action; and,
- n. a proposed due date for submitting the Site's draft Cleanup Action Plan (Task II.1) to Ecology.

The PLPs shall submit the draft FS Report(s) to the Ecology project coordinator in accordance with the due date established in the approved Deliverable Management Plan FS Tech Memo. Ecology shall review the draft FS Report and approve it as Final, approve it as Final with modifications, or disapprove it with comments. If the FS Report is disapproved, the PLPs shall submit a revised FS Report to the Ecology project coordinator in accordance with the due date established in Exhibit C. The revised FS Report must satisfactorily address Ecology's comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments.

The above procedure will be followed whether the FS Report is a single document or a set of documents. In either case, failure to submit a Report revision which adequately addresses each of Ecology's comments shall constitute a violation of the Agreed Order.

II. Draft Cleanup Action Plan (CAP)

Task II.1: Draft CAP

In accordance with the schedule established in the Deliverable Management Plan, the PLPs shall submit a draft Cleanup Action Plan (CAP). The draft CAP shall be consistent with the preferred remedial alternative(s) contained in the approved FS Report and shall comply with requirements in WAC 173-340-380(1). It shall contain, at a minimum:

- a. a description of how the PLPs administered the site for the purposes of completing the FS and drafting a Cleanup Action Plan. This description will identify those Site Units the PLPs utilized during the FS. The description shall explain why these Site Units were selected, and how –through the selection of the Units – the site as a whole will be efficiently and comprehensively addressed;

- b. a general description of the proposed cleanup action described in the approved FS Report. If, as expected, the FS includes multiple Site Units, each preferred cleanup action per Unit shall be described. In describing the preferred cleanup action for the site, the CAP shall explain how individual preferred actions are incorporated into the preferred action for the site;
- c. a summary of the rationale for preferring the proposed cleanup action(s);
- d. a brief summary of other cleanup alternatives evaluated during the FS;
- e. cleanup standards per contaminant of concern for all unacceptably contaminated media. If any remediation levels will be utilized by the preferred cleanup action(s), these levels shall also be identified per contaminant and medium (and Site Unit, if applicable);
- f. a description of the post-CAP documents that are likely to be needed to design, implement, operate, maintain, and monitor the preferred cleanup action;
- g. a proposed schedule for implementing the CAP, including the estimated restoration timeframe associated with the preferred cleanup action;
- h. identification and description of any institutional controls required as part of the preferred cleanup action(s);
- i. identification and description of any known ARARs associated with the preferred cleanup action(s); and,
- j. a declaration, with rationale, that the proposed cleanup action will comply with all pertinent requirements contained in WAC 173-340-360.

III. Groundwater monitoring

Task III.1: West of 4th Groundwater Monitoring Program Plan.

The PLPs shall continue to monitor site groundwater contamination. Following approval of the Deliverable Management Plan FS Tech Memo (Task I.1.a above), and in accordance with the due date established in that Tech Memo, the PLPs shall submit a single West of 4th Groundwater Monitoring Program Plan to cover the post-2013 FS and draft CAP periods. The Plan shall propose the wells to be monitored, how frequently groundwater per well shall be sampled (and/or water levels measured), what measurements/analyses shall be performed per sample, and how and when data will be presented in progress reports. The Plan shall comply with requirements in WAC 173-340-410 and include:

- a. objectives of the monitoring program and associated site data needs (during the FS and draft CAP periods);
- b. a description of how the PLPs will administer and implement the monitoring program.

Monitoring wells in the area west of 4th Ave. S. are owned by (at least) four different companies. The companies have individual access agreements with the owners of properties where these wells are located. The Plan shall therefore describe who will be tasked to carry out which monitoring tasks. It shall also identify which laboratories will be used for sample analyses and describe how the PLPs will verify, validate, quality-assure, store, and report monitoring data;

- c. figures identifying the locations of all proposed monitoring wells/points;
- d. standard operating procedures (SOPs) for logging, purging, sampling, taking water level and quality measurements, well-decommissioning, etc.;
- e. descriptions of sample storage, transportation, and chain-of-custody procedures;
- f. descriptions of monitoring well construction and well logs;
- g. a description of how and when monitoring wells will be inspected and maintained;
- h. a discussion of field records associated with monitoring;
- i. a discussion of well surveying, and proposals, if needed, to re-survey any wells;
- j. a discussion of access considerations for the proposed monitoring network and identification of who, per well, owns the respective property;
- k. a description of actions that will be taken to secure all monitoring wells/points;
- l. a Quality Assurance Project Plan with QA/QC requirements identified for all routine groundwater monitoring;
- m. proposals for managing any solid or dangerous waste generated; and,
- n. a monitoring and reporting schedule per well/point.

Ecology shall review the Plan and approve it as Final, approve it as Final with modifications, or disapprove it with comments. If the Plan is disapproved, the PLPs shall submit a revised Plan to the Ecology project coordinator in accordance with the due date established in Exhibit C. The revised Plan shall satisfactorily address Ecology's comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments. Failure to submit a revised Plan that adequately addresses each of Ecology's comments shall constitute a violation of the order.

Upon final approval of the Groundwater Monitoring Program Plan, the PLPs shall implement the program by completing the tasks outlined in the Plan in accordance with its respective terms and schedules.

One written copy of all monitoring, testing, and analytical data collected per Task III.1 shall be provided to the Ecology project coordinator in a progress report, as noted in section IV below (i.e., data which have become available since the last progress reporting interval shall be included in the following progress report). In addition, all monitoring, testing, and analytical data obtained pursuant to this section shall be concurrently submitted to the Ecology project coordinator in digital data files on compact disc (or other mutually agreeable electronic media). These data files shall be formatted in accordance with instructions provided by Ecology.

Task III.2: New Groundwater Monitoring Wells.

The PLPs and/or Ecology may identify the need for one or more new monitoring wells. Should this occur the PLPs shall prepare and submit a draft "Monitoring Well Installation Plan." Ecology shall review the Plan and approve it as Final, approve it as Final with modifications, or disapprove it with comments. If the Plan is disapproved, the PLPs shall submit a revised Plan to the Ecology project coordinator in accordance with the due date established in Ecology's letter. The revised Plan shall satisfactorily address Ecology's comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments. Failure to submit a revised Plan which adequately addresses each of Ecology's comments shall constitute a violation of the order.

Upon final approval of any Monitoring Well Installation Plan, the PLPs shall complete the tasks described in the Plan in accordance with its respective terms and schedules.

IV. Progress Reports

The PLPs shall continue to prepare and submit progress reports to Ecology.

Task IV.1: Progress Reports

West of 4th progress reports shall be submitted to the Ecology project coordinator. These reports shall be submitted per the schedule in Exhibit C, unless Site Unit-specific reports are proposed by the PLPs and approved by Ecology. In that event the schedule for submitting Site Unit-specific reports will also be proposed by the PLPs and approved by Ecology, and then supersede Exhibit C's due dates. If Ecology discovers errors or notes deficiencies in any given Report, Ecology shall either direct the PLPs to submit a revised report, or to correct these errors/deficiencies in the next required Report.

Progress Reports shall contain the following information:

- a. a description of all Agreed Order-related work completed since the last progress report;
- b. quality-assured results of all monitoring analyses which have become available since the last progress reporting interval, including laboratory reporting limits achieved for each constituent (in accordance with the approved Monitoring Plans identified in Section III). For each monitoring analyte/parameter, the progress report shall contain tables with the resulting data per well, together with an identification of pertinent cleanup level(s) per analyte;
- c. data validation information associated with the groundwater monitoring results being reported;
- d. figures depicting groundwater contaminant concentrations and other measured analytes/parameters associated with the monitoring data described in b) above;
- e. figures depicting groundwater elevation measurements associated with the monitoring data described in b) above, and showing contours for all saturated zones with new measurement data;
- f. all recently-obtained vapor intrusion assessment, mitigation, inspection, and monitoring information, as specified in the approved Vapor Intrusion Plan (see Task V.1 below);
- g. Art Brass Plating Interim Action Status Report information (see Task VI.1 below).
NOTE: inclusion of this information is only required in every other progress report;
- h. summaries of all site-related problems encountered during the reporting period and actions taken to rectify those problems;
- i. a summary of communications with any public interest groups, affected area property owners/tenants, governmental agencies, environmental interest groups, etc., related to implementation of the Agreed Order and Scope of Work; and,
- j. a status update on current FS and draft CAP progress and projected work for the next reporting period.

If Site Unit-specific progress reports are proposed by the PLPs and approved by Ecology, these reports shall – together, as a group – contain the Site information required in a though j above.

V. Vapor Intrusion

The PLPs shall continue to prevent the unacceptable exposure of residents, workers, and other human receptors to contaminated indoor air caused by vapor intrusion within the site

area. Based on assessments of the potential for vapor intrusion to adversely affect indoor air quality, interim measures (mitigation measures) have already been installed at several buildings within the site.

Task V.1: VIAMM Implementation Plans

Post-2013 VI-related work shall be governed by previously approved PLP-specific VI Plans,¹ until superseded by approved Site Unit-specific VI Plans, as discussed below. These previously-approved plans describe how the PLPs will assess the potential for VI at the Site, inspect and maintain existing VI mitigation systems, and monitor mitigation performance. Following approval of the Deliverable Management Plan FS Tech Memo and VIAMM Tech Memo (Task I.1.e above), and in accordance with the due date established in the VIAMM Tech Memo, the PLPs shall submit Site Unit-specific VI Plans to cover the remaining FS and draft CAP periods. Each Plan shall be consistent with the framework established in the VIAMM Tech Memo and will include:

- a. the objectives of the West of 4th VI program and associated site data needs (during the FS and draft CAP periods);
- b. a description of how the PLPs will administer and implement the VI program within the Site Unit;
- c. a description of how the potential for VI will continue to be assessed at the Site Unit during the FS and draft CAP periods. In site areas where subsurface media contamination poses a potential source for contaminating indoor air via VI, the Plan will describe how this potential will continue to be assessed;
- d. identification of VI-specific groundwater and indoor air action levels;
- e. a description of how the PLPs will inspect and maintain existing VI mitigation systems, and monitor their performance within the Site Unit;

¹ The primary documents include the following:

- Art Brass Plating prepared a September 2, 2008, “Vapor Intrusion Assessment” Work Plan. This Plan was approved by Ecology’s letter of September 4, 2008. During the Remedial Investigation (June 12, 2008) Art Brass also prepared an approved “Vapor Intrusion Inspection, Monitoring, and Maintenance” Work Plan.
- Blaser Die Casting prepared an October 10, 2008, “Vapor Intrusion Assessment” Work Plan. This Plan was approved by Ecology’s letter of October 20, 2008 (and subsequently revised by Ecology letters of December 4, 2009, and June 1, 2010). Blaser also prepared an approved “Vapor Intrusion Inspection, Monitoring, and Maintenance” Work Plan (subsequently revised by Ecology letters of December 4, 2009, and June 1, 2010).
- Burlington Environmental’s “Revised Vapor Intrusion Assessment and Mitigation Plan” (Appendix D of the Engineering Design Report for the PSC Georgetown Facility).
- Capital Industries prepared a September 17, 2008, “Vapor Intrusion Assessment” Work Plan. This Work Plan was approved by Ecology’s letter of October 14, 2008. The document was later followed (November 5, 2009) by an approved “Vapor Intrusion Inspection, Monitoring, and Maintenance” Work Plan.
- The PLPs’ “Tier 5 Vapor Intrusion Mitigation Shutdown” Plan, approved by Ecology’s letter of June 10, 2011.

- f. post-mitigation inspection checklists;
- g. standard operating procedures (SOPs) for Tier 1 through 5 (including post-mitigation operation, maintenance, inspection, and monitoring) VI work;
- h. a discussion of VI-related access considerations within the Site Unit;
- i. a description of how the PLPs will identify mitigated buildings within the Site Unit which are candidates for system shutdown (Tier 5), and the procedure for shutting down systems following Ecology approval;
- j. a description of how the PLPs shall report VI-related data and other findings; and,
- k. a schedule for VI-related tasks to be completed during the FS and draft CAP periods.

Ecology shall review the Site Unit-specific VIAMM Implementation Plans. Each Plan shall be approved as Final, approved as Final with modifications, or disapproved with comments. If the Plan is disapproved, the PLPs shall submit a revised Plan to the Ecology project coordinator in accordance with the due date established in Exhibit C. The revised Plan shall satisfactorily address Ecology's comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments. Failure to submit a revised Plan which adequately addresses each of Ecology's comments shall constitute a violation of the order.

Upon final approval of the VIAMM Implementation Plans, the PLPs shall implement the Site's VI program by completing the tasks outlined in those Plans in accordance with their respective terms and schedules.

VI. Art Brass Plating Interim Action

Art Brass Plating has implemented a groundwater contamination source-control interim action (an air sparging and soil vapor extraction system). The PLPs shall continue to operate and monitor the system according to the approved May 21, 2010, Art Brass Plating Operations and Maintenance Plan, and those modifications contained in the approved Art Brass Plating Revised Remedial Investigation Report.

Task VI.1: Art Brass Plating Interim Action Status Reports

In accordance with the due date established in Exhibit C, the PLPs shall submit Art Brass Plating Interim Action Status Reports during the FS and draft CAP periods. The Reports shall be submitted semi-annually on a date to coincide with submittal of West of 4th Progress Reports (see section IV. above). Each report shall include a description of the work performed in accordance with approved interim measure work plans, and the environmental results attributed to the measures, since the last reporting interval. It shall also: (1) describe any problems associated with interim measure operations and maintenance (O&M) and

corrective actions taken, or proposed for being taken, to resolve the problems; (2) provide recently collected interim measure/action performance and inspection data; and, (3) discuss interim measure-related work planned during the next upcoming reporting period.

Ecology shall review these Status Reports. If a Report contains proposals for interim action system operation, maintenance, or performance-monitoring changes, Ecology shall approve such changes as Final, approve the proposed changes with modifications, or disapprove the proposed changes. If the proposed changes are disapproved, Ecology may request that the PLPs submit additional information to better support a future decision concerning system changes.

VII. Document and Data Maintenance

Task VII.1: Documents and Data to be Maintained in a Joint PLP Repository

Each of the PLPs has established its own document repository. These repositories shall be maintained until replaced by a joint PLP repository, and, at a minimum, shall continue to contain all monitoring, testing, and analytical data obtained to date by the four PLPs. By the due date established in Exhibit C a joint PLP repository will be created. At a minimum, the following documents (as well as amendments, revisions, and modifications to these documents) shall be retained in this site repository:

- a. Agreed and Enforcement Orders, order amendments, and all attachments;
- b. all documents, reports, plans, and data collected to support activities conducted pursuant to this Scope of Work;
- c. records and results of all laboratory analyses performed pursuant to this Scope of Work and/or cited in Scope of Work deliverables;
- d. records, or the summaries of records, to include: logs of all soil borings; any recovery well pumping rates and injection well rates; any industrial pumping well rates; and any data collected to monitor interim actions;
- e. records of inspections associated with monitoring and interim actions;
- f. records of any spills and releases;
- g. copies of all environmental permits relevant to Scope of Work, interim action, and other cleanup-related activities;
- h. training records of facility personnel conducting activities pursuant to this Scope of Work; and,
- i. well construction, maintenance and replacement records.

The Repository will continue to contain all monitoring, testing, and analytical data associated with the Remedial Investigation phase, as well as Remedial Investigation phase documents – if those documents meet the criteria described in the bullets above.

VIII. Public Participation Plan (PPP) and Notification of Property Owners, Tenants, and Utilities

Task VIII.1: Site PPP

Following approval of the Deliverable Management Plan FS Tech Memo (Task I.1.a above), and in accordance with the due date established in that Tech Memo, the PLPs shall prepare and submit a draft Site PPP. The draft PPP shall focus on the FS and draft CAP periods and be submitted in an easily-revisable format (WORD, e.g.). It shall emphasize those opportunities for interaction with the public likely to be associated with activities described in this SOW. Ecology shall finalize the PPP, modifying the draft PPP as needed. Once finalized the PPP shall be retained in the joint-PLP site repository.

Task VIII.2: Notification

By the due date established in Exhibit C, and annually thereafter (during the FS and draft CAP periods), the PLPs shall mail notifications to Site property owners, their tenants, and utility entities, informing them of the nature of Site contamination. Burlington Environmental presently provides such an annual notification as required by its approved Engineering Design Report, prepared pursuant to Agreed Order #DE7347 (the “Annual BE Notification”). The PLPs’ performance of Task VIII.2 shall be satisfied by issuance of the Annual BE Notification as long as such notifications include reference to the Site and provide PLP and Ecology points of contact for those wishing to ask questions or obtain additional information.

IX. New Information

New information (including re-assessment of site conditions) may come to the attention of the PLPs and/or Ecology during the time period covered by the Agreed Order. This new information may, for example, concern the existence of contamination associated with a previously un-identified “unit.” The discovery of new information may also necessitate the performance of additional work. Additional work, in this context, refers to work not anticipated in SOW sections I through VIII above. If the new work to be performed constitutes a substantial change to the work anticipated under the Order, a formal amendment is required, consistent with the terms of Section VIII.L of the Agreed Order.

Based on new information, Ecology and/or the PLPs may determine that site conditions present a potential imminent and/or substantial threat. A cleanup action may therefore need to be implemented to protect human health and the environment. Under this scenario, FS Tech Memos, the FS Report, and/or the draft Cleanup Action may need to be revised

(depending on the stage at which the new information becomes available). It is also possible that an interim cleanup action will need to be implemented if the new information is such that Ecology determines that an immediate response is required.

Task IX.1: New “Unit” Notification

The PLPs shall notify the Ecology project coordinator within thirty (30) days if any PLP becomes aware of the existence of contamination associated with a previously un-identified “unit.” A typical unit would be a previously un-identified area within the site where a release of hazardous substances likely occurred (i.e., a source area). The PLPs shall include in the notification:

- a. dates of operation and/or existence of the unit, if this can be reasonably determined;
- b. the nature of any wastes and/or hazardous substances managed or released – and if applicable, currently being managed or released – at the unit;
- c. the potential for past, current, and future releases of any hazardous substances from the unit to the environment, and the likely “mechanism(s)” for creating such releases;
- d. the dates of any known releases, if this can be reasonably determined;
- e. a description of the material, and an estimate of the volume, of any known releases, if this can be reasonably determined;
- f. any known actions that have been taken to control or remediate past, current, or future releases;
- g. any environmental data associated with the unit and/or the media potentially affected by releases; and,
- h. if applicable, any future plans for investigating the contamination associated with the unit.

Exhibit C

**SCHEDULE
of
Deliverables/Actions**

The Schedule for conducting Scope of Work tasks is attached hereto and incorporated by reference.

SOW Task	SOW Deliverable	Due Date
I.1.a	Draft Deliverable Management Plan FS Tech Memo	60 days following the effective date of the Agreed Order
	Revised Deliverable Management Plan Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Deliverable Management Plan FS Tech Memo
I.1.b	Draft Preliminary Site Cleanup Standards FS Tech Memo	60 days following the effective date of the Agreed Order
	Revised Site Cleanup Standards Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Preliminary Site Cleanup Standards FS Tech Memo
I.1.c	Draft Site Conceptual Model/Contaminant Distribution Maps FS Tech Memo	45 days after receipt of Ecology comments on the Draft Preliminary Site Cleanup Standards FS Tech Memo
	Revised Site Conceptual Model/Contaminant Distribution Maps Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Site Conceptual Model/Contaminant Distribution Maps Tech Memo
I.1.d	Draft Fate and Transport Modeling Plan FS Tech Memo	45 days after receipt of Ecology comments on the Draft Site Conceptual Model/Contaminant Distribution Maps Tech Memo
	Revised Fate and Transport Modeling Plan Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Fate and Transport Modeling Plan Tech Memo
I.1.e	Draft VIAMM Tech Memo	45 days after receipt of Ecology comments on the Draft Site Conceptual Model/Contaminant Distribution Maps Tech Memo
	Revised VIAMM Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Fate and Transport Modeling Plan Tech Memo
I.1.f	Draft Technology Screening FS Tech Memo	45 days after receipt of Ecology comments on the Draft Fate and

		Transport Modeling Plan Tech Memo
	Revised Technology Screening Tech Memo (if required)	45 days after receipt of Ecology comments on the Draft Technology Screening FS Tech Memo
I.1.g	Draft Data Gaps and Supplemental Assessment FS Tech Memo(s)	Per the due date(s) established in the approved Deliverable Management Plan FS Tech Memo
	Revised Data Gaps and Supplemental Assessment Tech Memos (if required)	45 days after receipt of Ecology comments on the Draft Data Gaps and Supplemental Assessment Tech Memo(s)
I.2	Draft FS Report	Per the due date established in the approved Deliverable Management Plan FS Tech Memo
	Revised FS Report (if required)	90 days after receipt of Ecology comments on the Draft FS Report
II.1	Draft Cleanup Action Plan (CAP)	Per the due date established in the approved Deliverable Management Plan FS Tech Memo
III.1	Draft Groundwater Monitoring Program Plan	Per the due date established in the approved Deliverable Management Plan FS Tech Memo
	Revised Groundwater Monitoring Program Plan (if required)	45 days after receipt of Ecology comments on the Draft Plan
IV.1	Progress Reports	Every 3 months, beginning 2 months following the effective date of the Agreed Order
V.1	Draft Site Unit-specific Vapor Intrusion Plans	Per the due date established in the approved Deliverable Management Plan FS Tech Memo
	Revised Vapor Intrusion Plans (if required)	45 days after receipt of Ecology comments on the Draft Site Unit-specific Plan
VI.1	Art Brass Plating IA Status Report	Every 6 months, beginning 5 months following the effective date of the Agreed Order
VII.1	Establishment of a joint-PLP repository	3 months following the effective date of the Agreed Order
VIII.1	PPP	Per the due date established in the approved Deliverable Management Plan FS Tech Memo
VIII.2	Notifications to Affected Area	Annually, in accordance with the Annual BE Notification schedule established under Agreed Order # DE7347