

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

ExxonMobil Oil Corporation and
American Distributing Company

AMENDMENT TO AGREED ORDER for

Interim Action at
ExxonMobil/American Distributing Site

No. DE 6184

TO: ExxonMobil Oil Corporation
c/o Maria Quezada
U.S. West-Americas Americas South Business Manager
W3.2A E&PS Environmental Solutions
Springwood, TX 77389

and

American Distributing Company
13618 45th Avenue NE
Marysville, WA 98271

EXHIBITS

Exhibit A: Interim Action Work Plan and Schedule

I. INTRODUCTION

Agreed Order No. DE 6184 (2010 Order) entered into by the State of Washington, Department of Ecology (Ecology), ExxonMobil Oil Corporation (ExxonMobil) and American Distributing Company (American Distributing) (collectively the Parties) on March 16, 2010, requires ExxonMobil and American Distributing to conduct a supplemental Remedial Investigation and Feasibility Study, referred to as a Focused Feasibility Study, and develop a draft Cleanup Action Plan (DCAP) for the ExxonMobil/American Distributing Site (Site) in Everett, Washington.

ExxonMobil and American Distributing prepared a Site Characterization/Focused Feasibility Study (SC/FFS) dated June 11, 2021, for review and comment by the Department of Ecology (Ecology). ExxonMobil and American Distributing initially submitted a DCAP for Ecology review and comment on October 26, 2021. At the request of ExxonMobil and

American Distributing, Ecology has deferred approval of the DCAP to allow performance of the Interim Action required by this Amendment and a re-evaluation of the safety, engineering, and design for the proposed cleanup of the ExxonMobil/American Distributing properties.

Pursuant to Section VIII.L of the 2010 Order, the Parties hereby stipulate to an Amendment to the 2010 Order. By this Amendment, ExxonMobil and American Distributing will perform an interim remedial action at a facility where there has been a release or threatened release of hazardous substances.

This Amendment does not attempt to recite all of the provisions of the 2010 Order. Provisions of the 2010 Order not specifically changed in this Amendment remain in full force and effect.

VI. ECOLOGY DETERMINATIONS

F. 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, RI/FS study or design of a cleanup action. The Port of Everett's (Port) property that is part of the ExxonMobil ADC Site (Site) is impacted with releases of hazardous substances above residual soil saturation levels which pose a risk to human health and the environment. Based on these circumstances, Ecology has determined that an interim action is permissible under WAC 173-340-430. ExxonMobil and American Distributing have proposed to perform an interim action as described in an Interim Action Work Plan and per the Schedule (Exhibit A). If Ecology approves the Interim Action Work Plan, the Parties are in agreement concerning the interim action and the Parties will follow the process in Section VII.E. If the Parties are not in agreement, Ecology reserves its authority to require additional interim action(s) under a separate order or other enforcement action under RCW 70A.305, or to undertake the interim action(s) itself.

VII. WORK TO BE PERFORMED

E. ExxonMobil and American Distributing have submitted to Ecology an Interim Action Work Plan, including a scope of work and schedule (Exhibit A). ExxonMobil and American Distributing 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 ExxonMobil and American Distributing are required to conduct the interim action in accordance with the approved Interim Action Work Plan.

Scope of Interim Action. In general, the interim action work will involve excavation of soil on the Port's property at the Site containing Light Non-Aqueous Phase Liquid (LNAPL) or residual LNAPL saturation determined in advance as shown on Figure 12 in the Interim Action Work Plan. The excavated soil will be transported and disposed at a licensed disposal facility authorized to accept such waste. Clean soil will be used to backfill the excavation area and an asphalt cap will be placed on top of the backfilled soil. A permanent barrier wall will be installed along Federal Avenue to limit LNAPL migration following the remedial excavation on the Port's property.

Effective date of this Amendment: June 21, 2022

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DEPARTMENT OF ECOLOGY**



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