

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

P&GE, LLC and Century Communities of  
Washington, LLC

FIRST AMENDMENT OF  
AGREED ORDER

No. DE 18121

TO:

Holly Cordova  
Regional Legal Counsel, Western Region  
Century Communities of Washington, LLC  
4695 MacArthur Court, Suite 300  
Newport Beach, CA 92660

Martin Penhallegon  
Manager of P&GE, LLC  
11255 Kirkland Way, Suite 300  
Kirkland, WA 98033-6715

Pursuant to Chapter 70A.305 RCW, Ecology has determined that Century Communities of Washington, LLC (Century Communities) is a Potentially Liable Party and is jointly and severally liable for the Go East Corp. Landfill in Everett, WA (Site). Century Communities is therefore added as a party to this Agreed Order as an “owner or operator” of the Site in the same manner as P&GE, LLC. The Parties hereby agree to modify Agreed Order No. DE 18121, in accordance with Section VIII.J, as follows:

A. All references to Revised Code of Washington (RCW) 70.105D shall be amended to RCW 70A.305.

B. Section I (Introduction) is modified to to read as follows: “The mutual objective of the State of Washington, Department of Ecology (Ecology), Century Communities of Washington, LLC (Century Communities), and P&GE, LLC (P&GE) under this Agreed 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 Century Communities and P&GE to complete the interim action set forth in the Interim Action Work Plan (IAWP), to complete a remedial investigation/feasibility

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study (RI/FS), and to prepare a draft cleanup action plan (DCAP). Century Communities has elected to take the lead in performing the work required under this Order. However, the PLPs remain strictly, jointly, and severally liable for the performance of any and all obligations under this Order. Ecology believes the actions required by this Order are in the public interest.

C. Section III (Parties Bound) is hereby modified to read as follows: “This 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. Century Communities and P&GE agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the potentially liable persons’ (PLPs’) responsibility 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.”

D. Section IV.B (Definitions) is modified to read: “Parties as: Refers to the State of Washington, Department of Ecology, Century Communities of Washington, LLC, and P&GE, LLC.”

E. Section IV.C (Definitions) is modified to read: “Potentially Liable Persons (PLPs): Refers to Century Communities and P&GE.”

F. Section V (Findings of Fact) is modified with new Section V.U which reads as follows: “Century Communities purchased Snohomish County Parcel 280521-004-002-00, on which the landfill is located, from P&GE on May 24, 2022 (Snohomish County Recording Nos. 202205247006, May 24, 2022 and 202205240020, May 24, 2022).”

G. Section VI (Ecology Determinations) is modified as follows:

1. New Section VI.D reads as follows: “Based upon credible evidence, Ecology issued a PLP status letter to Century Communities on November 15, 2022, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. On November 22, 2022, Century Communities voluntarily waived its rights to

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notice and comment and accepted Ecology's determination that Century Communities is a PLP under RCW 70A.305.040. Ecology issued a final determination of liability letter to Century Communities on November 29, 2022."

2. Old Section VI.D is renumbered to become Section VI.E.
3. Old Section VI.E is renumbered to become Section VI.F
4. Old Section VI.F is renumbered to become Section VI.G

H. In Sections VII through X, including all exhibits, all references to "PLP" shall be replaced with "PLPs."

I. Section VIII.B (Designated Project Coordinators) is modified as follows:

The project coordinator for Ecology is:

Alan Noell  
Department of Ecology, Northwest Regional Office  
P.O. Box 330316  
Shoreline, WA 98133-9716  
425-213-4803  
ano461@ecy.wa.gov

The project coordinator for Century Communities is:

Stacia Bloom  
Land Development Manager, Washington Division  
16108 Ash Way, Suite 201  
Lynnwood, WA 98087  
949-838-6057  
Stacia.Bloom@centurycommunities.com

The project coordinator for P&GE is:

Martin Penhallegon, P.E.  
11255 Kirkland Way, Suite 300  
Kirkland, WA 98033-6715  
425-827-2014  
martyp@paceengrs.com

With the exception of these modifications, Section VIII.B remains otherwise unchanged.

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J. Section VIII.F (Public Participation) is modified as follows: Ecology's office location in Section VIII.F.4.b. is modified as follows:

Ecology's Northwest Regional Office  
15700 Dayton Avenue North  
Shoreline, WA 98133-9716

With the exception of this modification, Section VIII.F remains otherwise unchanged.

K. Except as provided in this First Amendment, all provisions of Order No. DE 18121 remain unmodified and in effect.

L. The undersigned representative of each Party hereby certifies that he or she is fully authorized to enter into this First Amendment of Agreed Order and to execute and legally bind such Party to this Amendment.

M. This First Amendment shall be effective on the date it is signed by the authorized representative of the Department of Ecology.

Effective date of this Order: 10 Jan 2023

**STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY**



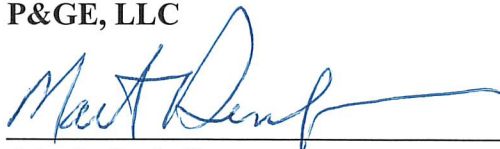
Steven Williams  
Section Manager  
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**CENTURY COMMUNITIES OF  
WASHINGTON, LLC**

DocuSigned by:  


Christian Cermak  
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425-275-5110

**P&GE, LLC**



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