

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

JELD-WEN, Inc.

SECOND AMENDMENT TO AGREED
ORDER for

Remedial Investigation/Feasibility Study
And Draft Cleanup Action Plan – JELD-WEN

No. DE 5095

TO: Eric Rapp
Director Environmental Compliance – Global Environmental, Health & Safety
JELD-WEN, Inc.
500 JELD-WEN Rd.
Craigsville, WV 262056

EXHIBIT G Scope of Work and Schedule

EXHIBIT H Draft Cleanup Action Plan

INTRODUCTION

Agreed Order No. DE 5095 (Order) entered by the State of Washington, Department of Ecology (Ecology) and JELD-WEN Inc. on January 02, 2008, required JELD-WEN Inc. to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and WAC 173-204-560, and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 addressing both potential upland and in-water (i.e., nearby marine sediment) contamination for the Site. On March 29, 2021, Ecology, pursuant to Section VIII.L of the Order, amended the Order that included a minor change in the schedule.

Pursuant to Section VIII.L of the Order, Ecology and JELD-WEN Inc. hereby stipulate to amend the Order. By this second amendment to the 2008 Order, JELD-WEN Inc. will prepare and submit for Ecology review and approval all documents necessary to complete the design and permitting of the cleanup action per WAC 173-340-400 described in the Cleanup Action Plan (CAP).

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

VII. WORK TO BE PERFORMED

E. JELD-WEN Inc. shall prepare and submit for Ecology review and approval all documents necessary to complete the design and permitting of the cleanup action described in the final CAP. The Scope of Work and Schedule (Exhibit G) specifies the required deliverables for this task and the schedule by which they must be submitted. The work to be performed for this task includes the following:

1. Preparation of draft Pre-Remedial Design Investigation (PRDI) Project Plans for Ecology review, followed by preparation of final documents addressing Ecology's review comments. The Project Plans include a Work Plan, Sampling and Analysis Plan, Quality Assurance Project Plan, Inadvertent Discovery Plan and a Health and Safety Plan. Plans for pilot testing should be included as part of the PRDI Project Plans.

2. Completion of the work described in the PRDI Project Plans.

3. Preparation of a draft Pre-Remedial Design Investigation Data Report (PRDI Data Report) for Ecology review, followed by preparation of a final document addressing Ecology's review comments. The PRDI Data Report shall present the results of implementing the PRDI Project Plans.

4. Preparation of an Ecology review draft and final Engineering Design Report (EDR) that address Ecology's review comments and the requirements imposed by permitting agencies, to the extent those requirements are available. The EDR shall incorporate the PRDI findings and the results of engineering evaluations required to complete the design.

5. Preparation of 60% complete Construction Plans and Specifications (Plans and Specs) for Ecology review, followed by preparation of 90% and 100% complete documents addressing Ecology's review comments. The Plans and Specs shall be based on the EDR.

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Effective date of this Order: July 28, 2023

JELD-WEN, INC.



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STATE OF WASHINGTON
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EXHIBIT G – SCOPE OF WORK AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work under this Second Amendment to Agreed Order No. 5095 (AO) requires JELD-WEN Inc. (JELD-WEN) prepare and submit to Ecology, for its review and approval, all documents necessary to complete the design and permitting of the cleanup action described in the final Cleanup Action Plan (CAP) for the Jeld Wen Site (Site).

JELD-WEN shall coordinate with Ecology throughout the development of the Pre-Remedial Design Investigation (PRDI), Engineering Design Report (EDR), and Construction Plans and Specifications (CPS), and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

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

- Task 1. Development of PRDI project plan and implementation
- Task 2. PRDI Data Report
- Task 3. Preparation of EDR
- Task 4. Development of CPS and preparation of permitting documents

TASK 1. PRE-REMEDIAL DESIGN INVESTIGATION

JELD-WEN shall prepare PRDI Project Plans.

JELD-WEN shall prepare two (2) copies of the Agency Review draft PRDI Project Plans and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. Per JELD-WEN's request, Ecology agrees to review step 1 of the work plan while this AO amendment is going through public review and being finalized. Ecology will approve step 1 of the PRDI work plan when JELD-WEN has addressed Ecology's comments. This timing arrangement for Ecology's review will allow for the proposed surface sediment sampling at the Site in July/August 2023 during daytime low tides.

After receiving Ecology's comments on the Agency Review draft PRDI Project Plans, if any, JELD-WEN shall revise the Agency Review draft PRDI Project Plans to address Ecology's comments and submit two (2) copies of the final PRDI Project Plans including one electronic copy in Adobe (.pdf) format.

TASK 2. PRE-REMEDIAL DESIGN INVESTIGATION DATA REPORT

Following completion of the PRDI field work in accordance with the schedule of deliverables, JELD-WEN shall prepare a draft PRDI Data Report.

JELD-WEN shall prepare two (2) copies of the Agency Review draft PRDI Data Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. JELD-WEN shall submit all data to Ecology's Environmental Information Management (EIM) database and provide all data in spreadsheet format. If requested by Ecology, JELD-WEN shall provide native GIS files.

After receiving Ecology's comments on the Agency Review draft PRDI Data Report, if any, JELD-WEN shall revise the Agency Review draft PRDI Data Report to address Ecology's comments and submit two (2) copies of the final PRDI Data Report including one electronic copy in Adobe (.pdf) format.

TASK 3. ENGINEERING DESIGN REPORT

JELD-WEN shall prepare an Agency Review draft EDR in accordance with WAC 173-340-380 and -340-400(4)(a) that provides sufficient information for the development and review of construction plans and specifications.

JELD-WEN shall prepare two (2) copies of the Agency Review draft EDR and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review draft EDR, if any, JELD-WEN shall revise the Agency Review draft EDR to address Ecology's comments and submit two (2) copies of the final EDR including one electronic copy in Adobe (.pdf) format.

TASK 4. CONSTRUCTION PLANS AND SPECIFICATIONS

JELD-WEN shall prepare a 60% completion CPS based on the EDR and in accordance with WAC 173-340-400(4)(b) for Ecology review, followed by preparation of 90% and 100% completion documents addressing Ecology's comments, if any.

JELD-WEN shall prepare two (2) copies of each version of the CPS and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

JELD-WEN shall prepare permitting documents for cleanup constructions, as necessary, for Ecology review, followed by preparation of the final documents addressing Ecology's comments. These documents may be prepared concurrently while developing the construction plans and specifications. For in-water construction work, permitting documents should be submitted to appropriate authorities ahead of time to commence construction on schedule.

SCHEDULE OF DELIVERABLES

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

	Deliverables	Schedule
A. Administrative		
A.1	Overall Progress Reports	Quarterly on the 15th of the third month of each calendar quarter beginning after the effective date of the Second Amendment to Agreed Order
B. Pre-Remedial Design Investigation		
B.1	Draft Pre-Remedial Design Investigation (PRDI) Project Plans (Step 2)	120 calendar days after the effective date of the Second Amendment to Agreed Order
B.2	Final PRDI Project Plans (Step 2)	45 calendar days following receipt of Ecology’s final comments on draft PRDI Project Plans (B.1)
B.3	PRDI Field Work, Laboratory Analyses and Data Validation	PRDI work to begin within 60 days of Ecology approval of Final PRDI Project Plans (B.2)1. Field work and pilot testing is expected to be complete in one year and will be detailed in the Final PRDI Project Plans (B.2)
B.4	Field Work Progress Reports	Monthly on the 15th of the month throughout the PRDI field work (B.3)
C. PRDI Data Report		

Exhibit G – Scope of Work and Schedule Jeld Wen Site

C.1	Draft PRDI Data Report	90 days following availability of validated investigation data (B.3)
C.2	Final PRDI Data Report	30 calendar days following receipt of Ecology’s final comments on Draft PRDI (C.1)
D. Engineering Design Report		
D.1	Agency Review Draft EDR	180 calendar days following availability of validated investigation data (B3)
D.2	Final EDR	45 calendar days following receipt of Ecology’s final comments on Agency Review Draft EDR (D.1)
E. Plans and Specifications		
E.1	60% Construction Plans and Specifications (CPS)	120 calendar days following completion of Final EDR (D.2)
E.2	90% CPS	90 calendar days following receipt of Ecology’s final comments on 60% CPS (E.1)
E.3	100% CPS	30 calendar days following receipt of Ecology’s final comments on 90% CPS (E.2)

1. The schedule for completing PRDI field work and surveys may be subject to regulatory constraints (e.g., fish window), access agreements, and other reasonable constraints.