

In the Matter of Remedial Action by:

Port of Vancouver

FIRST AMENDMENT
TO AGREED ORDER

No. DE 18152

TO: Patty Boyden
Director of Environmental
Services
Port of Vancouver
3103 NW Lower River Road
Vancouver, WA 98660

I. INTRODUCTION

Agreed Order No. DE 18152 (Order), entered into by the State of Washington, Department of Ecology (Ecology) and the Port of Vancouver (Port) on October 8, 2020, requires the Port to perform remedial actions in response to releases of hazardous substances at a portion of the Site referred to in the Ecology database as "Vancouver Port of NuStar Cadet Swan" (Site). The Order requires the Port to prepare a Feasibility Study and preliminary Cleanup Action Plan for hazardous substances on and in the vicinity of the Cadet and Swan portions of the Site.

Ecology and the Port hereby agree to a First Amendment of the Order, under which the Port will conduct an interim action at a stormwater treatment pond near the western boundary of the Site in accordance with the attached Interim Action Plan.

This Amendment does not attempt to recite all provisions of the Order. Provisions of the Order not specifically addressed in this Amendment remain in full force and effect. Nothing in this Order supersedes Agreed Order No. 07-TC-S DE5189, Agreed Order No. 07-TC-S DE3938, or Agreed Order No. DE15806. Format and section numbering of the Order have been maintained to the extent possible.

II. JURISDICTION

This First Amendment to Agreed Order No. DE 18152 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

III. AMENDMENT

Agreed Order No. DE 18152, Section VI, ECOLOGY DETERMINATIONS, is amended to add the following:

G. 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. The interim action will partially remove contaminated solids from a stormwater treatment pond (pond) located near the western boundary of the Site as defined by Agreed Order No. DE 18152 (and Agreed Order No. DE 15806). The drainage basin of the pond includes Terminal 3 and part of Terminals 2 and 4 including a portion of the Site. Due to stormwater runoff, solids containing the hazardous substances associated with the Site have accumulated in the pond. A partial removal of the contaminated stormwater solids from the pond will reduce the threat to human health and the environment. Based on these circumstances, Ecology has determined that an interim action is warranted under WAC 173-340-430.

Agreed Order No. DE 18152, Section VII, WORK TO BE PERFORMED, is amended to add the following:

I. The Port is required to implement the Interim Action Plan (Exhibit D) in accordance with the Schedule within the Plan.

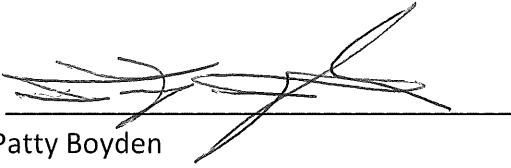
Agreed Order No. DE 18152, Section VIII, TERMS AND CONDITIONS OF ORDER, F. Public Participation, is amended to add the following:

RCW 70A.305.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing this 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.

Effective date of this Second Amendment to Agreed Order No. DE 18152:

JUNE 15, 2023

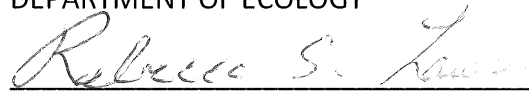
PORT OF VANCOUVER



Patty Boyden
Director of Environmental Services
Port of Vancouver, USA
360-823-5318

Dated: 5-23-2023

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Rebecca S. Lawson, PE, LHG
Section Manager
Toxics Cleanup Program
Southwest Region Office
360-407-6241

Dated: 6/5/2023