



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Northwest Region Office**  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

February 21, 2024

Laura Maffei  
1455 SW Broadway, Suite 1500  
Portland, OR 97201-3412  
(971) 276-7306  
([lmaffei@cablehuston.com](mailto:lmaffei@cablehuston.com))

**RE: Minor Change to Agreed Order No. DE 21418**

Dear Laura Maffei:

The Washington State Department of Ecology (Ecology), and Silver Bay Logging, Inc. and RJ & BA LLC (the PLPs) have agreed to a minor change to Agreed Order No. DE 21418 under the terms of the Order, Section VIII. J. (Amendments). This minor change is to revise the existing schedule in Agreed Order No. DE 21418, Exhibit C. Ecology has determined that the proposed change is not a substantial change to the Order and therefore additional public comment is not required.

The Order schedule is revised as detailed in Attachment A. The parties shall meet every 180 days from the date of this letter to discuss the status of the Site and the need, if any, for further schedule modification.

This schedule modification and minor change to the Order does not change the PLP's underlying MTCA liability, or the PLP's obligation to meet all of the requirements of the Order.

Effective date of this minor change: February 21, 2024

Sincerely,

David Butler  
Cleanup Project Manager  
Toxics Cleanup Program, NWRO

Attachment (1): Attachment A – Amended Schedule of Deliverables

cc: Kathryn Wyatt, Office of the Attorney General ([kathryn.wyatt@atg.wa.gov](mailto:kathryn.wyatt@atg.wa.gov))

Kim Wooten, Ecology ([kim.wooten@ecy.wa.gov](mailto:kim.wooten@ecy.wa.gov))  
Brett Carp, Ecology ([brett.carp@ecy.wa.gov](mailto:brett.carp@ecy.wa.gov))

## Exhibit C – Amended Schedule of Deliverables

The schedule for deliverables described in 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. Nothing shall limit the PLP's ability to submit documents prior to the completion times listed below.

Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the PLPs received such notification, comments or approval by 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 certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

RI/FS Deliverables	Completion Times
Quarterly Progress Reports	Due the 15th of every third month, beginning after the first full month following the effective date of the Agreed Order
Agency Review Draft Remedial Investigation Work Plan (Work Plan)	45 calendar days following effective date of the Agreed Order
Final RI Work Plan	45 calendar days following receipt of Ecology comments on the Agency Review Draft RI Work Plan
Agency Review Draft RI Report Sections <sup>1</sup>	90 days from receiving final, validated lab data
Agency Review Draft Revised RI Report Sections	90 calendar days following receipt of Ecology comments on Agency Review Draft RI Report Sections
Agency Review Draft FS Report Sections	90 calendar days following completion of Agency Review Draft Revised RI Report Sections
Agency Review Draft Revised FS Report Sections	45 calendar days following receipt of Ecology comments on Agency Review Draft FS Report Sections

<sup>1</sup> Includes data from initial rounds of groundwater monitoring only

Public Review Draft RI/FS Report <sup>2</sup>	45 calendar days following receipt of Ecology comments on Agency Review Draft Revised FS Report Sections
Public Review for Draft RI/FS Report	Scheduled by Ecology following submittal of Public Review Draft RI/FS Report
Agency Review Draft Responsiveness Summary (RI/FS Report)	30 calendar days following close of public comment period
Final RI/FS Report and Final Responsiveness Summary (RI/FS Report)	45 calendar days following receipt of Ecology's comments on the Agency Review Draft Responsiveness Summary (RI/FS Report)
Agency Review Draft Preliminary DCAP	90 calendar days following receipt of Ecology's comments on the Agency Review Draft Revised FS Report Sections
Agency Review Draft Revised Preliminary DCAP	45 calendar days following completion of Final RI/FS Report or 30 days following Ecology's comments on the Agency Review Draft Preliminary DCAP, whichever is later.
Agency Review Draft SEPA	Concurrent with Agency Review Draft Revised Preliminary DCAP
Public Review Draft DCAP and SEPA	45 calendar days following receipt of Ecology's comments on the Agency Review Revised Preliminary DCAP and Agency Review Draft SEPA
Public Review for Draft DCAP and SEPA	Scheduled by Ecology following submittal of Public Review Draft DCAP and SEPA
Agency Review Draft Responsiveness Summary (DCAP and SEPA)	30 calendar days following close of public comment period
Final DCAP, SEPA and Responsiveness Summary (DCAP and SEPA)	45 calendar days following receipt of Ecology's comments on the Agency Review Draft Responsiveness Summary (DCAP and SEPA)

<sup>2</sup> Includes data from all required quarters of groundwater monitoring