

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Rayonier A.M. Properties LLC
Port Angeles Mill Site
700 North Ennis Street
Port Angeles, WA 98362

**SECOND AMENDMENT TO
AGREED ORDER**

No. DE 6815

TO: Mr. R. Colby Slaughter
Senior Vice President
Rayonier A.M. Properties LLC
1301 Riverplace Blvd., Suite 2300
Jacksonville, FL 32207

I. BACKGROUND

On or about March 25, 2010, the Department of Ecology (Ecology) and Rayonier Properties LLC entered into Agreed Order No. DE 6815, which required Rayonier Properties LLC to complete the first four volumes of an Interim Action Report to assist Ecology in developing an Interim Action Plan to address groundwater, freshwater, and marine sediments, and the upland soils at a Study Area within the Port Angeles Rayonier Mill Site (Site). Ecology and Rayonier Properties LLC amended this Agreed Order on August 1, 2012. Rayonier A.M. Properties LLC (RAMP) subsequently succeeded to Rayonier Properties LLC's obligations under the Agreed Order, as amended. Ecology and RAMP hereby agree to this Second Amendment to Agreed Order No. DE 6815.

On November 29, 2023, the Department of Ecology (Ecology) transmitted a draft Interim Action Plan (draft IAP) for the Rayonier Mill Study Area. RAMP and Ecology are currently negotiating the final terms of the IAP with the shared objective of entering into an

agreed order or consent decree for the implementation of a final IAP in or around fourth quarter 2024 or first quarter 2025.

Ecology and RAMP have concluded that certain tasks identified in the draft IAP, specifically those set forth in the Under-dock and Nearshore Areas Pre-Remedial Design Analysis and Decision Framework (Decision Framework), can be incorporated into this Second Amendment and commenced upon it taking effect, while negotiations regarding a public review draft IAP and an implementing legal agreement continue. These tasks are a continuation of the investigative work already completed under Agreed Order DE 6815 and are necessary to fill pre-remedial design sediment data needs to determine the appropriate remedies for the area under the dock and the nearshore area, currently identified in the draft IAP as two Sediment Management Areas (SMAs) (SMA-3 (Under-dock) and SMA-4 (Nearshore area)). As such, these tasks can be added as specific deliverables under the Agreed Order by amendment pursuant to Section VIII(L), and do not represent a substantial change requiring additional public comment.

Ecology and RAMP agree that RAMP may continue to perform the requirements added to the Agreed Order by this Second Amendment until such time as a new order or consent decree is in effect requiring implementation of the final IAP for the Rayonier Mill Study Area. The new order or consent decree may require the same tasks, which would then become enforceable requirements of that new order or consent decree instead of the existing Agreed Order.

II. JURISDICTION

This Amendment to Agreed Order No. DE 6815 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

III. AMENDMENTS

Section VII (Work to be Performed) of the Agreed Order is hereby amended as follows:

1. The Decision Framework is hereby incorporated by reference and made a fully enforceable part of the Order as Exhibit F.
2. Under Section VII, Subsection F shall become Subsection G.
3. Under Section VII, a new Subsection F is added as follows:

F. Pre-Remedial Design Sediment Data Collection and Report

Task 1 – Prepare Draft Pre-Remedial Design Work Plan (PRDWP)

RAMP shall prepare a Draft PRDWP for Ecology review and comment. The Draft PRDWP will detail the hydrodynamic modeling and sampling approach to meet the sediment data needs identified in the Decision Framework (Exhibit F). The Draft PRDWP will include a Sampling and Analysis Plan (SAP), Quality Assurance Project Plan (QAPP), and Health and Safety Plan (HSP) that meet the requirements of the MTCA Cleanup Regulations (Chapter 173-340 WAC) and the Sediment Management Standards (SMS) (Chapter 173-204 WAC). All data collection and analyses will be in accordance with the requirements of Chapter 173-340 WAC, Chapter 173-204 WAC, and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. Laboratory data will be included in reports and must have met the quality assurance and quality control procedures outlined in the associated SAP and QAPP. The sediment sampling will take place in SMA-3 (Under-dock) and SMA-4 (Nearshore area).

Schedule: RAMP shall submit a Basis of Modeling Memo (Modeling Memo) within 60 calendar days of the effective date of this Amendment. The Modeling Memo will be incorporated in the Draft PRDWP. RAMP shall submit the Draft PRDWP for Ecology review and comment within 90 calendar days of the effective date of this Amendment.

Ecology shall endeavor to review and provide comments within 30 calendar days of receipt of the Draft PRDWP. Following receipt of Ecology's comments, Ecology and RAMP shall endeavor to meet within 14 calendar days of receipt to discuss Ecology's comments and to reach agreement on how those comments should be incorporated.

Task 2 – *Prepare Final PRDWP*

RAMP shall revise the Draft PRDWP incorporating Ecology's comments on the Draft PRDWP. RAMP shall submit the revised document as the Final PRDWP for Ecology review and approval. Unless otherwise approved by Ecology in writing, RAMP shall not commence the sediment data collection prior to Ecology's approval of the Final PRDWP.

Schedule: RAMP shall submit the revised Final PRDWP for Ecology review and approval within 30 calendar days of Ecology and RAMP meeting to discuss Ecology's comments and how those comments should be incorporated, but not more than 60 calendar days from receipt of Ecology's comments on the Draft PRDWP.

Task 3 – *Implement Final PRDWP*

Upon Ecology's approval of the Final PRDWP, unless Ecology has earlier approved RAMP to begin work in writing, RAMP shall conduct the hydrodynamic modeling and sediment data collection in accordance with the Final PRDWP.

Schedule: Upon Ecology approval of the Final PRDWP, unless Ecology has earlier approved in writing for RAMP to begin work, RAMP shall prepare and submit a Joint Aquatic Resources Permit Application (JARPA) for the sediment sampling field work within 30 calendar days and begin sediment data collection within 60 calendar days of permit issuance, unless the field work cannot be completed within the allowed in-water work window, typically July 15 to February 15. Subject to Section VIII(K) of the Agreed Order and when field work begins, RAMP will complete field work within 60 calendar days.

Task 4 – *Submit Validated Data to Environmental Information Management (EIM)*

System

RAMP shall submit the final validated data collected during PRDWP implementation to Ecology's Environmental Information Management (EIM) system.

Schedule: Within 60 calendar days of receipt of final data package.

Task 5 – *Prepare Draft Summary of Pre-Remedial Design Sediment & Hydrodynamic Modeling Results Report (Sediment Report)*

RAMP shall prepare the Draft Pre-Remedial Design Sediment & Hydrodynamic Modeling Results Report (Draft Sediment Report) for Ecology review and comment. The Draft Sediment Report will summarize the results of all pre-remedial design data, including sediment data collection and the hydrodynamic modeling. The results and modeling will be used with the decision matrix in the Decision Framework (Exhibit F) to select appropriate remedies for SMA-3 (Under-dock) and SMA-4 (Nearshore area). The Draft Sediment Report will document the selected remedies for SMA-3 and SMA-4.

Schedule: RAMP shall submit the Draft Sediment Report for Ecology review and comment within 60 calendar days of receipt of final validated data package. Ecology shall endeavor to review and provide comments within 30 calendar days of receipt of the Draft Sediment Report. Following receipt of Ecology's comments, Ecology and RAMP shall endeavor to meet within 14 calendar days of receipt to discuss Ecology's comments and to reach agreement on how those comments should be incorporated.

Task 6 – *Prepare Final Sediment Report*

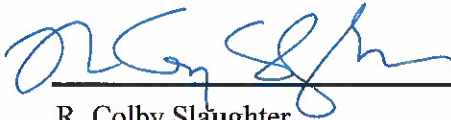
RAMP shall revise the Draft Sediment Report incorporating Ecology's comments on the Draft Sediment Report. RAMP shall submit the revised document as the Final Sediment Report for Ecology review and approval.

Schedule: RAMP shall submit the Final Sediment Report for Ecology review and approval within 30 calendar days of Ecology and RAMP meeting to discuss Ecology's comments on the Draft Sediment Report and how those comments should be incorporated, but not more than 60 calendar days from receipt of Ecology's comments on the Draft Sediment Report.

EFFECTIVE DATE OF THIS AMENDMENT: _____

RAYONIER A.M. PROPERTIES LLC

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DEPARTMENT OF ECOLOGY



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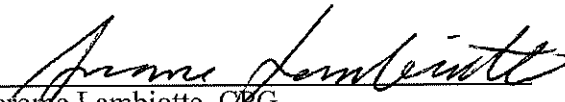
Schedule: RAMP shall submit the Final Sediment Report for Ecology review and approval within 30 calendar days of Ecology and RAMP meeting to discuss Ecology's comments on the Draft Sediment Report and how those comments should be incorporated, but not more than 60 calendar days from receipt of Ecology's comments on the Draft Sediment Report.

EFFECTIVE DATE OF THIS AMENDMENT: June 3, 2024

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