

State of Washington  
Department of Ecology

In the Matter of Remedial Action by:  
Puget Sound Energy & Public Utility District No. 1 of Chelan County  
Agreed Order  
No. DE 22971

To: Puget Sound Energy  
Public Utility District No. 1 of Chelan County

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## 1. Introduction

The mutual objective of the State of Washington, Department of Ecology (Ecology), Puget Sound Energy (PSE) and Public Utility District No. 1 of Chelan County (Chelan PUD) under this Agreed Order (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 PSE and Chelan PUD (the PLPs) to conduct a Remedial Investigation and Feasibility Study (RI/FS) and to prepare a preliminary draft Cleanup Action Plan (dCAP) at the Site in accordance with WAC 173-340-350, and with the attached Scope of Work and Schedule (Exhibit B), which contains the deliverables required by this Order. Ecology believes the actions required by this Order are in the public interest.

## 2. Jurisdiction

This Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

## 3. Parties Bound

This Agreed 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. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter 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.

## 4. Definitions

Unless otherwise specified herein, the definitions set forth in RCW 70A.305, WAC 173-204, and WAC 173-340 shall control the meanings of the terms in this Order.

### 4.1 Site

The Site is referred to as Chelan PUD Worthen Substation. The Site constitutes a facility under RCW 70A.305.020(8). Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 500 S. Worthen Street, Wenatchee, Washington, as shown in the Location Diagram (Exhibit A). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. The actual boundaries of the Site will be determined by the Remedial Investigation and Feasibility Study.

#### 4.2 Parties

Refers to the State of Washington, Department of Ecology, and the PLPs.

#### 4.3 Potentially Liable Persons (PLPs)

Refers to PSE and Chelan PUD, the PLPs subject to this Order.

#### 4.4 Agreed Order or Order

Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order.

#### 4.5 Nonaqueous Phase Liquid (NAPL)

Refers to a hazardous substance that is present in soil, bedrock, groundwater, or surface water as a liquid not dissolved in water. The term includes both light nonaqueous phase liquid (LNAPL) and dense nonaqueous phase liquid (DNAPL).

## 5. Findings of Fact

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

### 5.1

Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 500 S. Worthen Street in Wenatchee as shown in the Location Diagram (Exhibit A). The Site is generally located at geographic coordinates 47.41862, -120.30307.

Chelan County PUD is the current owner of the property, parcel no. 222010693001, as shown in records held by the Chelan County Assessor's Office. This parcel currently houses an electrical substation facility.

Puget Sound Power & Light, a predecessor of PSE, is a former owner of parcel no. 222010693001 and the electrical facility. Historically, this parcel was used for power generation and the production of lighting and cooking gas, including the use of petroleum products, as shown on Sanborn Fire Insurance maps.

The 1928 Sanborn map labels the property as Puget Sound Power & Light, and shows oil tanks, gas works, a steam plant and other infrastructure associated with gas production and power generation.

### 5.2

A release of petroleum hydrocarbons to subsurface soils and groundwater was identified during the drilling of a monitoring well, designated MW-22, located on the east side of Worthen Street on April 13, 2018. The monitoring well was installed as part of the

Remedial Investigation (RI) that was conducted on behalf of Coleman Oil Company, the owner of parcel no. 222011693005, which is located south of the substation across Chehalis Street. A photograph taken of the soil core collected from the sampling location shows that the soil is saturated with petroleum. Laboratory analysis of soil and groundwater samples resulted in concentrations of gasoline-range organics (GRO), diesel-range organics (DRO), heavy oil-range organics (HRO), and benzene above Model Toxics Control Act (MTCA) cleanup levels.

### 5.3

The presence of petroleum hydrocarbons in soil and groundwater above MTCA cleanup levels constitutes a threat to human health and the environment and further action is therefore required. The proximity of the Columbia River raises concerns about potential impacts to surface water and sediments.

## 6. Ecology Determinations

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by PLPs.

### 6.1

PSE is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). PSE is a successor-in-interest to Puget Sound Power & Light Company, who was an owner and operator of a “facility” at the time of a release of hazardous substances and operated a steam plant and manufactured gas plant at the Site.

### 6.2

Chelan County PUD is an “owner or operator” as defined in RCW 70A.305.020(22) of a portion of the “facility” as defined in RCW 70A.305.020(8). Chelan County PUD is the current owner and operator of a “facility” and operates an electrical substation on the Site.

### 6.3

Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32), (13), respectively, has occurred at the Site.

### 6.4

Based upon credible evidence, Ecology issued a PLP status letter to PSE dated March 15, 2019, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and

concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that PSE is a PLP under RCW 70A.305.040 and notified PSE of this determination by letter dated April 19, 2023.

## 6.5

Based upon credible evidence, Ecology issued a PLP status letter to Chelan County PUD dated October 26, 2018, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Chelan County PUD is a PLP under RCW 70A.305.040 and notified Chelan County PUD of this determination by letter dated October 18, 2023.

## 6.6

Pursuant to RCW 70A.305.030(1), .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## 7. Work to be Performed

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs take the following remedial actions at the Site. These remedial actions must be conducted in accordance with WAC 173-340 and 173-204:

### 7.1

The PLPs will complete a Remedial Investigation (RI), a Feasibility Study (FS), and submit an Ecology Review preliminary draft Cleanup Action Plan for the Site in accordance with WAC 173-340-350, and in accordance with the schedule and terms of the Scope of Work and Schedule (Exhibit B), and all other requirements of this Order.

### 7.2

If the PLPs learn of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in any media, the PLPs, within seven (7) days of learning of the change in condition, shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses and sampling results) relating to the change in conditions.

### 7.3

The PLPs shall submit to Ecology written monthly Progress Reports that describe the actions taken during the previous month to implement the requirements of this Order.

All Progress Reports shall be submitted by the tenth (10th) day of the month in which they are due after the effective date of this Order. Unless otherwise specified by Ecology, Progress Reports and any other documents submitted pursuant to this Order shall be sent by electronic mail to Ecology's project coordinator. If requested in writing by Ecology, PLPs shall send progress reports via certified U.S. mail, return receipt requested. The Progress Reports shall include the following:

7.3.1

A list of on-site activities that have taken place during the month.

7.3.2

Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests.

7.3.3

Description of all deviations from the Scope of Work and Schedule (Exhibit B) during the current month and any planned deviations in the upcoming month.

7.3.4

For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.

7.3.5

All raw data (including laboratory analyses) received during the previous month (if not previously submitted to Ecology), together with a detailed description of the underlying samples collected.

7.3.6

A list of deliverables for the upcoming month.

7.4

All plans or other deliverables submitted by the PLPs for Ecology's review and approval under the Scope of Work and Schedule (Exhibit B) shall, upon Ecology's approval, become integral and enforceable parts of this Order. The PLPs shall take any action required by such deliverable.

7.5

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. Any Party may propose an interim action under this Order. If the Parties are in agreement concerning the interim action, the PLPs shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). The PLPs shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and the PLPs are required to conduct the interim action in accordance with the approved Interim Action Work Plan. If the Parties are not in agreement, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70A.305, or to undertake the interim action itself.

## 7.6

If Ecology determines that the PLPs have failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to PLPs, perform any or all portions of the remedial action or at Ecology's discretion allow the PLPs opportunity to correct. In an emergency, Ecology is not required to provide notice to the PLPs, or an opportunity for dispute resolution. The PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.A (Payment of Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section 10 (Enforcement).

## 7.7

Except where necessary to abate an emergency situation or where required by law, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order to address the contamination that is the subject of this Order, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section 8.11 (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, the PLPs must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within twenty-four (24) hours of the discovery of the event.

# 8. Terms and Conditions

## 8.1 Payment of Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by

Ecology or its contractors for, or on, the Site under RCW 70A.305, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173 340 550(2). For all Ecology costs incurred, the PLPs shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred and corresponding tasks, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70A.305.060, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

## 8.2 Designated Project Coordinators

The project coordinator for Ecology is:

John Mefford, LHG  
Department of Ecology, Toxics Cleanup Program  
1250 W. Alder St., Union Gap, WA 98903  
(509) 731-9613  
John.Mefford@ecy.wa.gov

The project coordinator for the PLPs is:

Suzanne Dolberg, PE  
Puget Sound Energy  
PO Box 97034, BEL10W, Bellevue, WA 98009  
(425) 229-0172  
Suzanne.Dolberg@PSE.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in



writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any Party may change its respective project coordinator. Written notification shall be given to the other Party at least ten (10) calendar days prior to the change.

### 8.3 Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

The PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s), subcontractor(s), and other key personnel to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

### 8.4 Access

Except for the portions of the Site that fall within the secured electrical substation (Fenced Area), Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that the PLPs either own, control, or has access rights to at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLPs unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any

applicable health and safety plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access. Because of the inherent health and safety hazards associated with entering into the Fenced Area, Ecology authorized representatives must at all times be accompanied within the Fenced Area by Chelan PUD personnel, including where Ecology seeks access in case of emergency, unless Chelan PUD personnel give prior written permission to enter without Chelan PUD personnel.

The PLPs shall make best efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. As used in this Section, "best efforts" means the efforts that a reasonable person in the position of the PLPs would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, as required by this Section. If, within 30 days after the effective date of this Order, the PLPs is unable to accomplish what is required through "best efforts," they shall notify Ecology, include a description of the steps taken to comply with the requirements, and, if needed, request an extension pursuant to Section 8.10. If Ecology deems it appropriate, it may grant the extension, assist the PLPs, or take independent action, in obtaining such access and/or use restrictions. Ecology reserves the right to seek payment from the PLPs for all costs, including cost of attorneys' time, incurred by Ecology in obtaining such access or agreements to restrict land, water, or other resource use.

#### 8.5 Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, the PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLPs and/or its their authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's

rights under Section 8.4 (Access), Ecology shall notify the PLPs prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(5), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

## 8.6 Public Participation

Ecology shall maintain the responsibility for public participation at the Site. However, the PLPs shall cooperate with Ecology, and shall:

### 8.6.1

If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

### 8.6.2

Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs shall clearly indicate to their audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

### 8.6.3

When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

### 8.6.4

When requested by Ecology, arrange and maintain a repository to be located at:

- a. Wenatchee Public Library  
310 Douglas St,**

**Wenatchee, WA 98801**

**b. Department of Ecology  
Central Region Office  
1250 W. Alder St,  
Union Gap, WA 98903**

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Central Regional Office in Union Gap, Washington.

### **8.7 Access to Information**

The PLPs shall provide to Ecology, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within the PLPs' possession or control or that of their contractors or agents relating to investigative or remedial activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the work. The PLPs shall also make available to Ecology, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the work.

Nothing in this Order is intended to waive any right the PLPs may have under applicable law to limit disclosure of Records protected by the attorney work-product privilege and/or the attorney-client privilege. If the PLPs withhold any requested Records based on an assertion of privilege, the PLPs shall provide Ecology with a privilege log(s) specifying the Records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged, including: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, biological, or engineering data, or the portion of any other record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

Notwithstanding any provision of this Order, Ecology retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under any other applicable statutes or regulations.

## 8.8 Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of the work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors.

## 8.9 Resolution of Disputes

### 8.9.1

In the event that the PLPs elect to invoke dispute resolution the PLPs must utilize the procedure set forth below.

8.9.1.1 Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the PLPs have fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

8.9.1.2 The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The Parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those fourteen (14) calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; the PLPs' position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

8.9.1.3 The PLPs may then request regional management review of the dispute. The PLPs must submit this request (Formal Dispute Notice) in writing to the Central Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the PLPs' position with respect to the dispute; and the information relied upon to support its position.

8.9.1.4 The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

#### 8.9.2

The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

#### 8.9.3

Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

#### 8.9.4

In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section 7 (Work to be Performed) or initiating enforcement under Section 10 (Enforcement).

### 8.10 Extension of Schedule

#### 8.10.1

The PLPs' request for an extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

8.10.1.1 The deadline that is sought to be extended.

8.10.1.2 The length of the extension sought.

8.10.1.3 The reason(s) for the extension.

8.10.1.4 Any related deadline or schedule that would be affected if the extension were granted.

#### 8.10.2

The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

8.10.2.1 Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties

or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs.

8.10.2.2 A shelter in place or work stoppage mandated by state or local government order due to public health and safety emergencies.

8.10.2.3 Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.

8.10.2.4 Endangerment as described in Section 8.12 (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

### 8.10.3

Ecology shall act upon the PLPs' written request for extension in a timely fashion. Ecology shall give PLPs written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section 8.11 (Amendment of Order) when a schedule extension is granted.

### 8.10.4

At the PLPs' request, an extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of one of the following:

8.10.4.1 Delays in the issuance of a necessary permit which was applied for in a timely manner.

8.10.4.2 Other circumstances deemed exceptional or extraordinary by Ecology.

8.10.4.3 Endangerment as described in Section 8.12 (Endangerment).

## 8.11 Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section 8.13 (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may

only be formally amended by the written consent of both Ecology and the PLPs. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, the PLPs shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section 8.9 (Resolution of Disputes).

### 8.12 Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, The PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities unless the hazard cited by the PLPs relates to safe operation of the electrical substation. However, if the hazard cited by the PLPs relates to safe operation of the electrical substation, the PLPs shall notify Ecology in writing within 20 working days of the continued hazard and an expected timeframe of resuming investigation and/or remediation work under this Order. If the Parties are in disagreement regarding the need to resume activities, this matter will be addressed pursuant to Section 8.9, Dispute Resolution.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section 8.10 (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.



Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

### 8.13 Reservation of Rights

This Order is not a settlement under RCW 70A.305. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under RCW70A.305, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, the PLPs do not admit to any liability for the Site. Although the PLPs are committing to conducting the work required by this Order under the terms of this Order, the PLPs expressly reserve all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

### 8.14 Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to a PLP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLPs shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, PLPs shall notify Ecology of said transfer. Upon transfer of any interest, the PLPs shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

## 8.15 Compliance with Applicable Laws

### 8.15.1 Applicable Laws

All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70A.305.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order. The PLPs have a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and the PLPs must implement those requirements.

### 8.15.2 Relevant and Appropriate Requirements.

All actions carried out by the PLPs pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLPs must implement those requirements.

### 8.15.3

Pursuant to RCW 70A.305.090(1), the PLPs may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70A.305.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

### 8.15.4

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determines that additional permits or approvals addressed in RCW

70A.305.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other Party of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Pursuant to RCW 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70A.305.090(1), including any requirements to obtain permits or approvals.

#### 8.16 Indemnification

The PLPs agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of the PLPs, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

### 9. Satisfaction of Order

The provisions of this Order shall be deemed satisfied upon the PLP's receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have complied with all other provisions of this Agreed Order.

## 10. Enforcement

Pursuant to RCW 70A.305.050, this Order may be enforced as follows:

### 10.1

The Attorney General may bring an action to enforce this Order in a state or federal court.

### 10.2

The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

### 10.3

A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

#### 10.3.1

Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

#### 10.3.2

Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

### 10.4

This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70A.305.070.

Effective date of this Order: August 2, 2024

Puget Sound Energy



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Sara Leverette  
Assistant General Counsel/Director  
Environmental Services  
Bellevue, Washington  
503.381.0281

Public Utility District No. 1 of Chelan County

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Kirk Hudson  
General Manager  
Wenatchee, Washington  
509.661.4265

State of Washington  
Department of Ecology

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Valerie Bound  
Section Manager  
Toxics Cleanup Program  
Central Regional Office, Union Gap,  
Washington  
509.901.7107


Effective date of this Order: August 2, 2024

Puget Sound Energy

Public Utility District No. 1 of Chelan County

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Sara Leverette  
Assistant General Counsel/Director  
Environmental Services  
Bellevue, Washington  
503.381.0281



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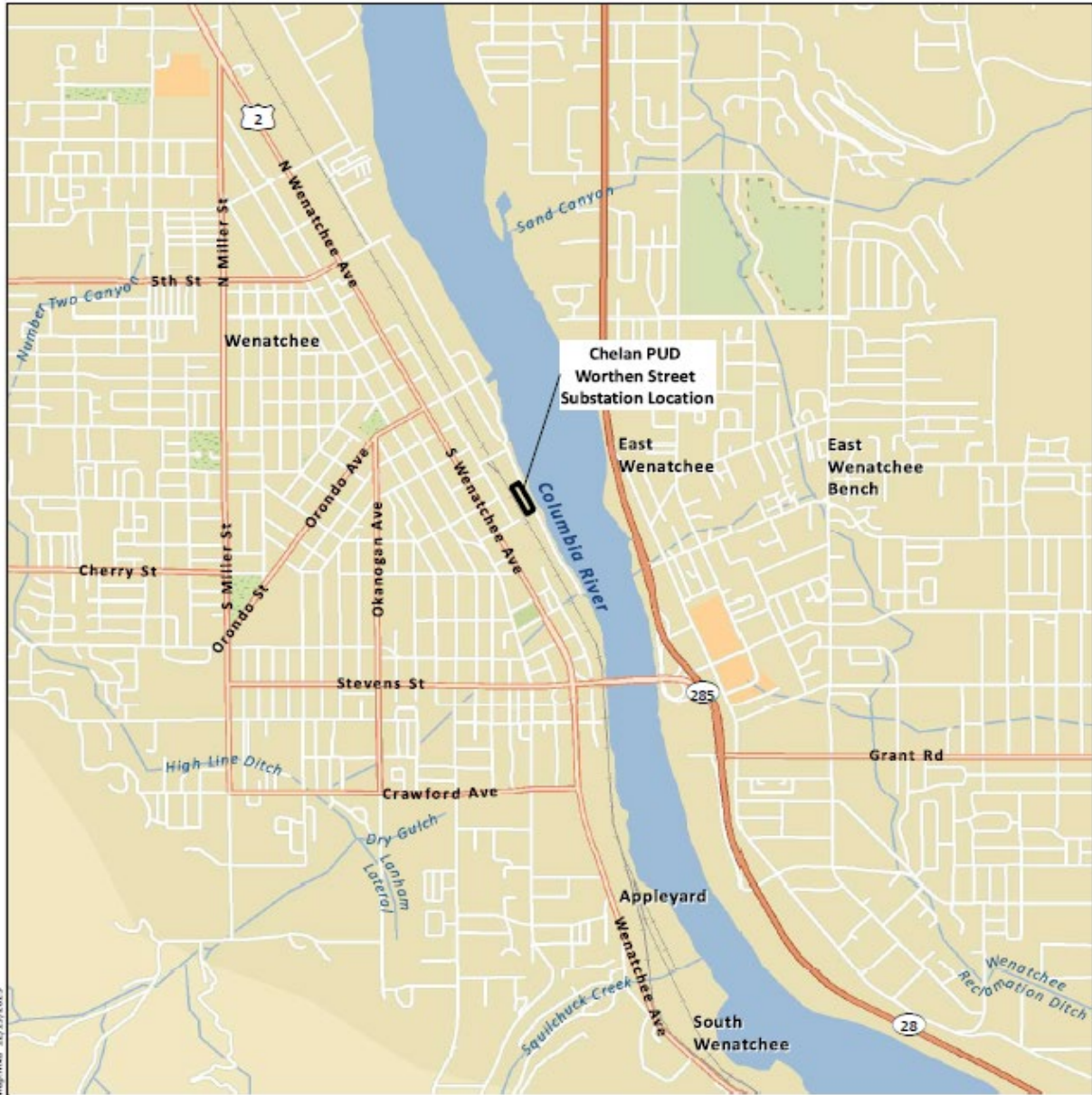
Kirk Hudson  
General Manager  
Wenatchee, Washington  
509.661.4265

State of Washington  
Department of Ecology

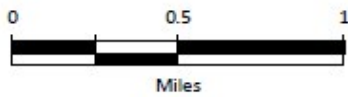
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Valerie Bound  
Section Manager  
Toxics Cleanup Program  
Central Regional Office, Union Gap,  
Washington  
509.901.7107

# EXHIBIT A – Location Diagrams



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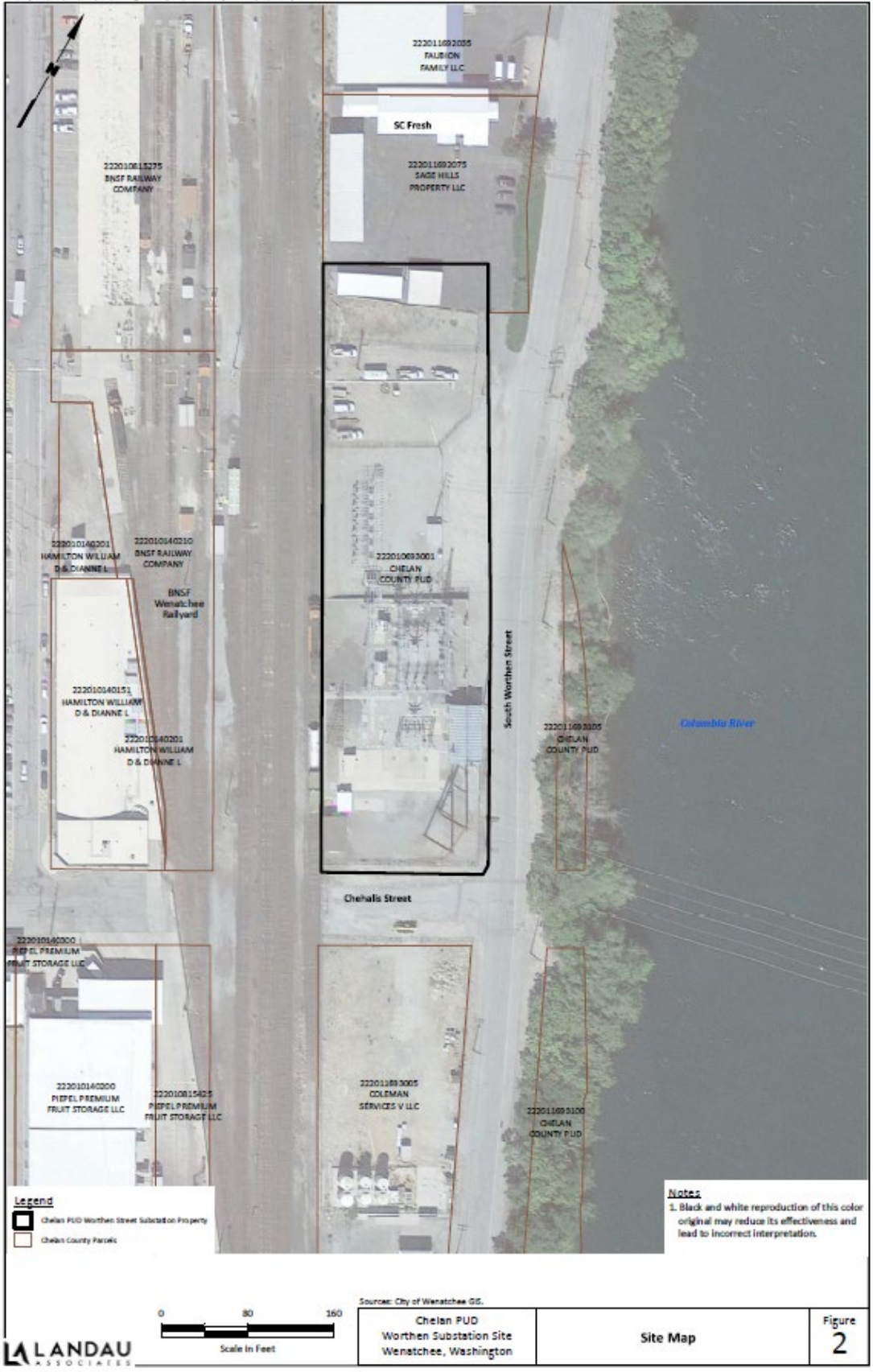


Data Source: Esri 2012.



<p>Chelan PUD Worthen Substation Site Wenatchee, Washington</p>	<p>Vicinity Map</p>	<p>Figure <b>1</b></p>
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# EXHIBIT B – SCOPE OF WORK (SOW) AND SCHEDULE

## SCOPE OF WORK

### PURPOSE

The work under this Agreed Order (AO) involves conducting a Remedial Investigation (RI), completing a Feasibility Study (FS), conducting interim actions if required or agreed to by Ecology, and preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative. The purpose of the RI, FS, and preliminary DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The PLPs shall coordinate with Ecology throughout the development of work and shall keep Ecology informed of changes to any Work Plan or other project plans, and of issues or problems associated with the implementation of this SOW as they develop.

The SOW is divided into eight major tasks as follows:

- Task 1. Remedial Investigation Work Plan
- Task 2. Remedial Investigation
- Task 3. Interim Action(s) (if required)
- Task 4. Feasibility Study
- Task 5. State Environmental Policy Act Compliance
- Task 6. Public Participation
- Task 7. Draft Cleanup Action Plan

### TASK 1. REMEDIAL INVESTIGATION WORK PLAN

The PLPs shall prepare a RI Work Plan (RIWP). The RIWP shall include an overall description and schedule of all RI activities. The RIWP shall clearly describe the project management strategy for implementing and reporting on RI activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.

A key project meeting will be held prior to submittal of the RIWP. The purpose of the Remedial Investigation planning meeting is to review requirements for the RIWP and plan Remedial Investigation fieldwork, discuss the preliminary conceptual Site model (CSM), and identify project data needs and possible interim actions.

The RIWP shall describe general facility information; site history and conditions (including previous operations); past field investigations, including any data collection and analysis of applicable environmental media; a conceptual site model showing contaminants, migration

pathways in all environmental media, and potential receptors; geology and groundwater system characteristics; past, current, and future land use; identification of natural resources and ecological receptors; hazardous substances and their sources, and other relevant information, in compliance with WAC 173-340-350<sup>1</sup> and WAC 173-204-550.<sup>2</sup>

As part of the project background, existing environmental data for applicable environmental media will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, if necessary. The RIWP will also include specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) in compliance with WAC 173-340-820<sup>3</sup> and WAC 173-204<sup>4</sup> for defining the nature and extent of contamination. The Subject PLP will also submit a copy of the Health and Safety Plan (HASP) for the project.

The SAP will identify the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, seep, and surface water samples. The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, location and approximate depths of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection and handling; data and records management; and schedule.

The QAPP will be prepared in accordance with the Guidance for Quality Assurance Project Plans, EPA Quality Program, QA/G-5<sup>5</sup> and the requirements of the EPA Contract Laboratory Program as outlined in their Quality Assurance Project Plan (QAPP) Standard<sup>6</sup>. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (Revised 2016)<sup>7</sup> and Sediment Cleanup User's Manual (December 2021).<sup>8</sup> Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

The SAP and QAPP will be submitted to Ecology for review and approval. As with all environmental work at the site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

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<sup>1</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-350>

<sup>2</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-204-550>

<sup>3</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-820>

<sup>4</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-204>

<sup>5</sup> <https://www.epa.gov/quality/guidance-quality-assurance-project-plans-epa-qag-5>

<sup>6</sup> [https://www.epa.gov/system/files/documents/2024-04/quality\\_assurance\\_project\\_plan\\_standard.pdf](https://www.epa.gov/system/files/documents/2024-04/quality_assurance_project_plan_standard.pdf)

<sup>7</sup> <https://apps.ecology.wa.gov/publications/summarypages/0403030.html>

<sup>8</sup> <https://apps.ecology.wa.gov/publications/documents/1209057.pdf>

The PLPs or their contractors shall submit all new sampling data generated under the SAP and any other recently collected data to Ecology for entry into the Environmental Information Management System (EIM)<sup>9</sup> in accordance with WAC 173-340-840(5)<sup>10</sup> and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements.<sup>11</sup> Only validated data will be entered into the EIM database within 30 days of submittal.

RIWP tasks and subtasks will include the following:

- Sampling and analysis of applicable environmental media at the Site (e.g., may include soil, groundwater, surface water/seeps, pore water, and sediment).

The PLPs will provide Ecology with an Agency Review Draft RIWP. Once Ecology reviews and approves the RIWP, it will be considered the Final RIWP. The RIWP shall not be implemented until approved by Ecology. Once approved by Ecology, the Subject PLP will implement the Final RIWP according to the schedule contained in this Exhibit.

The PLPs shall prepare an electronic copy of the Agency Review Draft RIWP and submit it, to Ecology for review and comment. The electronic copy will be submitted in both Word (.doc) and Adobe (.pdf) formats. After incorporating Ecology's comments on the Agency Review Draft RIWP and after Ecology approval, the Subject PLP shall prepare two (2) copies of the Final RIWP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

## **TASK 2. REMEDIAL INVESTIGATION**

The PLPs shall conduct a RI that meets the requirements of WAC 173-340-350 and WAC 173-204-550 according to the Final RIWP as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

Field sampling and analysis will be completed in general accordance with the SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology and documented as required by Ecology.

The PLPs shall provide updates to Ecology in monthly progress reports as pertinent new site data and information become available. Laboratory analysis data that has been validated shall also be provided in electronic format with the monthly progress report. Raw laboratory data will be provided to Ecology upon request.

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<sup>9</sup> <https://ecology.wa.gov/research-data/data-resources/environmental-information-management-database/using-myeim>

<sup>10</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-840>

<sup>11</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1609050.html>

Prior to submittal of the Agency Review Draft RI Report, a key project meeting will be held. During the RI pre-report check-in, Ecology and the PLPs will review available data and an updated draft CSM and discuss the content and organization of the Draft RI Report.

The Subject PLP shall compile the results of the RI into an Agency Review Draft RI Report. The PLPs shall prepare an electronic copy of the Agency Review Draft RI Report and submit them in Word (.doc) and Adobe (.pdf) formats to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft RI Report, the PLPs shall prepare two (2) copies of a Public Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports either in the report or as attachments. The RI Report will not be considered Final until after a public review and comment period.

If the data collected during this investigation is insufficient to define the nature and extent of contamination and/or to select a cleanup action, an additional phase of investigation shall be conducted to define the extent of contamination.

### **TASK 3. INTERIM ACTIONS (if required)**

Remedial actions implemented prior to completion of the RI/FS, including those that:

- are 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;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action

will be considered interim actions, will be implemented in accordance with WAC 173-340-430<sup>12</sup> and the AO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required. Remedial actions for contaminated sediments will be designated partial cleanup actions and will be implemented pursuant to WAC 173-204-550(3)(d).

As detailed in the AO, if required by Ecology, or if proposed by the PLPs and approved by Ecology, the PLPs will implement an interim action. Based upon information in the Agency Review Draft

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<sup>12</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-430>

RI Report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

The scope of the interim actions may include, but not be limited to, typical source control or containment elements such as:

- Soil or sediment removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduit, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes
- Removal of old drain fields or former surface impoundments
- Proper abandonment of old wells
- Removal of contaminated building or other structural material
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing.

If an interim action is to be performed, the PLPs will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- Description of the evaluation and analysis of technologies/processes selected for the interim action;
- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant RI/FS information, including at a minimum existing site conditions and alternative interim actions considered;
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- Updated SAP/QAPP, if necessary
- Permits required.

The PLPs will also submit a copy of the Health and Safety Plan for the project. The PLPs will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the interim action and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

The PLPs shall prepare an electronic copy of the Agency Review Draft Interim Action Work Plan and submit them in Word (.doc) and Adobe (.pdf) formats to Ecology for review. The PLPs shall incorporate Ecology's comments and then prepare two (2) copies of the Public Review Draft

Interim Action Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology. After a public notice and comment period for the Public Review Draft IAWP (and SEPA determination), Ecology will approve the IAWP (if appropriate) and the document will be considered Final. The PLPs shall prepare two (2) copies of the Final IAWP submit it, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats. Once approved by Ecology, the PLPs will implement the interim action according with the approved schedule.

Upon successful completion of the work, an Agency Review Draft Interim Action Report will be prepared as a separate deliverable. The PLPs shall prepare an electronic copy of the Agency Review Draft Interim Action Report and submit it in Word (.doc) and Adobe (.pdf) formats to Ecology for review and approval. After incorporating Ecology's comments on the Agency Review Draft Interim Action Report and after Ecology approval, the PLPs shall prepare two (2) copies of the Final Interim Action Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

#### **TASK 4. FEASIBILITY STUDY**

The PLPs shall use the information obtained in the RI to prepare an Agency Review Draft Feasibility Study (FS) that meets the applicable requirements of WAC 173-340-351 and, if applicable, WAC 173-204-550 according to the Schedule in this exhibit. The Agency Review Draft FS will include proposed cleanup levels and points of compliance, and will evaluate remedial alternatives for site cleanup, consistent with MTCA requirements to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

Prior to beginning the FS, a key project meeting will be held to review ARARs, potential remedial alternatives, proposed cleanup levels, and establish points of compliance.

The Agency Review Draft FS will provide a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-351,<sup>13</sup> Feasibility Study. The remedial alternatives will be evaluated for compliance with the applicable requirements of subsections 3 through 5 of WAC 173-340-360,<sup>14</sup> (Cleanup Action Requirements) and if applicable, WAC 173-204-570,<sup>15</sup> Selection of cleanup actions.

The remedial alternative that is judged to best satisfy the evaluation criteria will be identified. Justification for the selection will be provided, and the recommended remedial alternative further developed, in the FS Report.

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<sup>13</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-351>

<sup>14</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-360>

<sup>15</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204-570>

The PLPs shall prepare an electronic copy of the Agency Review Draft FS and submit it in Word (.doc) and Adobe (.pdf) formats to Ecology for review. After addressing Ecology's comments on the Agency Review Draft FS, the PLPs shall prepare two (2) copies of the Public Review Draft FS and submit it, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. The FS will not be considered Final until after a public review and comment period.

**TASK 5. STATE ENVIRONMENTAL POLICY ACT COMPLIANCE**

The PLPs shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist. If the result of the threshold determination is a determination of significance (DS), the PLPs shall be responsible for the preparation of Draft and final environmental impact statements. The PLPs shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

**TASK 6. PUBLIC PARTICIPATION**

The PLPs shall support Ecology in presenting the Public Review Draft RI Report and the Public Review Draft FS Reports and SEPA evaluations at one public meeting or hearing. The PLPs will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

After the public comment periods are completed, Ecology shall prepare a Draft Responsiveness Summary that addresses public comments. The PLPs will assist Ecology with input and review of the Draft Responsiveness Summary, as needed.

**TASK 7. PRELIMINARY DRAFT CLEANUP ACTION PLAN**

Upon Ecology approval of the Public Review Draft RI Report and Public Review Draft FS, a Key Project Meeting will be held regarding the Cleanup Action Plan (CAP). The CAP meeting will be used to review plans for developing the Agency Review preliminary Draft Cleanup Action Plan (DCAP).

The PLPs shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380<sup>16</sup> that provides a proposed remedial action to address the contamination present on the Site. Where contaminated sediments are included in the remedial action, the cleanup plan will comply with WAC 173-204-570,<sup>17</sup> in addition to the MTCA requirements cited above. The preliminary DCAP shall include a general description of the proposed remedial actions, cleanup standards

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<sup>16</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-380>

<sup>17</sup> <https://apps.leg.wa.gov/wac/default.aspx?dispo=true&cite=173-204>

developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The PLPs will submit an Agency Review preliminary DCAP for Ecology's review and approval. The Agency Review preliminary DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The PLPs shall prepare two (2) copies of the Agency Review preliminary DCAP 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 preliminary DCAP, if any, the PLPs shall revise the preliminary DCAP to address Ecology's comments and submit two (2) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.



## 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. 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 electronic mail, and receipt confirmation, 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 electronic mail and confirms receipt of the deliverable by electronic mail.

<b>Deliverables</b>	<b>Completion Times/Timeframe</b>
Agency Review Draft RI Work Plan	60 calendar days following effective date of the Agreed Order
Final RI Work Plan	45 calendar days after receipt of Ecology comments on Agency Review Draft RI Work Plan
Completion of RI Field Work	Within 12 months following Ecology approval of the Final SAP, QAPP and HASP or other date approved by Ecology.
Agency Review Draft RI Report	60 calendar days following receipt and validation of all laboratory data
Public Review Draft RI Report	60 calendar days following receipt of Ecology comments on Agency Review Draft RI Report
Agency Review Draft FS	60 days following completion of Public Review Draft RI Report
Public Review Draft FS	45 calendar days following receipt of Ecology's comments on the Agency Review draft FS
Agency Review preliminary Draft Cleanup Action Plan (DCAP)	60 calendar days following completion of the Public Review Draft FS
Submit Progress Reports	Monthly, due by the 10 <sup>th</sup> day of each month following effective date of the Agreed Order