

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Port of Tacoma
Arkema 2901 Taylor Way Site
Tacoma, WA 98421

FIRST AMENDMENT TO AGREED
ORDER

No. DE 5668

TO: Port of Tacoma
P.O. Box 1837
Tacoma, WA 98401-1837

I. INTRODUCTION

The State of Washington, Department of Ecology (Ecology) and Port of Tacoma (the Port) entered into Agreed Order No. DE 5668 (the Order) on July 25, 2011. The Order provides for remedial actions to address a release of hazardous substances at the Arkema 2901 Taylor Way Site (the Site). To remediate contamination at the Site, the Order requires the Port to complete a Remedial Investigation, Feasibility Study, Cleanup Action Plan, and Interim Action Work Plan. Cleanup of hazardous substances at the Site is currently underway and the Port is implementing remedial actions required under the Order.

Pursuant to Section VIII.L of the Order, the Parties hereby stipulate to amend the Order to modify Deliverables 14 (Draft Interim Action Work Plan) and 15 (Final Interim Action Work Plan) of the Order's Exhibit B (Scope of Work) and to add a new Exhibit E (Interim Action Schedule of Deliverables) to the Order. Consistent with the provisions of Deliverable 14, Ecology and the Port agree that an interim action to decrease arsenic transport towards surface water and sediments in the Hylebos Waterway is warranted prior to the selection of a final cleanup action.

Deliverable 14 of Exhibit B to the Order is hereby amended to include the following language as an additional, new sentence at the end of the Deliverable:

- The draft interim action work plan shall be consistent with the Interim Action Schedule of Deliverables in Exhibit E of this Order.

Deliverable 15 of Exhibit B to the Order is hereby amended to include the following sentence at the end of the deliverable:

- The final interim action work plan shall be consistent with the Interim Action Schedule of Deliverables in Exhibit E of this Order.

Ecology and the Port also agree to amend the Order to include the following Interim Action Schedule of Deliverables as Exhibit E to the Order:

Exhibit E: Interim Action Schedule of Deliverables

The schedule of deliverables for the interim action described in the Agreed Order Amendment 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 party responsible for the deliverable received such notification, comments or approval by certified mail, return receipt requested, or by email. 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 Ecology receipt by email. All final documents shall address Ecology’s comments on the draft documents.

1. Tasks	2. Completion Times
Submit 90% construction plans and specifications for barrier wall	Within 120 days after the agreed order amendment effective date
Submit 100% (final) construction plans and specifications for barrier wall	Within 90 days after receipt of Ecology comments on the 90% construction plans and specifications
Begin Contractor procurement for barrier wall	Within 90 days after receiving Ecology approval of the 100% (final) construction plans and specifications
Complete barrier wall construction	Within two dry weather construction seasons following Ecology’s approval of the 100% (final) construction plans and specifications

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Submit draft barrier wall construction completion report	Within 150 days after completion of barrier wall construction
Submit final barrier wall construction completion report	Within 60 days after receipt of Ecology comments on the draft barrier wall construction completion report
Submit 90% construction plans and specifications for 24-acre asphalt cap	Within 180 days after approval of the final barrier wall construction completion report
Submit 100% (final) construction plans and specifications for 24-acre asphalt cap	Within 120 days after receipt of Ecology comments on the 90% construction plans and specifications
Begin Contractor procurement for 24-acre asphalt cap	Within 90 after receiving Ecology approval of the 100% (final) construction plans and specifications.
Complete 24-acre asphalt cap construction	Within two dry weather construction seasons following completion of the Contractor procurement for 24-acre cap
Submit draft 24-acre asphalt cap construction completion report	Within 150 days after completion of 24-acre asphalt cap construction
Submit final 24-acre asphalt cap construction completion report	Within 60 days after receipt of Ecology comments on the draft 24-acre asphalt cap construction completion report

Finally, Ecology and the Port agree to a minor amendment of Exhibit C of the Order that would provide a more detailed breakdown of the existing schedule of deliverables. Pursuant to Section L of the Order, “project coordinators may verbally agree to minor changes” and “minor changes will be documented in writing by Ecology within seven days of verbal agreement.” This amendment to Exhibit C of the Order is a minor change because it does not modify any existing deadlines or deliverables and, instead, merely provides more detail about the steps involved for each deliverable. Therefore, Ecology and the Port agree to amend Exhibit C of the Order to replace the existing schedule of deliverables with the following:

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Deliverables/Action	Schedule for Completion
11. PLPs to submit Agency Review Draft FS Report	90 days after receipt of Ecology's approval of asphalt cap construction completion report
12. PLPs to submit Public Review Draft FS Report	30 days after PLPs receive Ecology's comments on Agency Review Draft FS Report
13. PLPs to submit Agency Review Draft Cleanup Action Plan	60 days after PLPs receive Ecology's approval of Public Review Draft FS Report
16. PLPs to submit Final FS Report	30 days after receipt of any final Ecology comments and/or Ecology's approval of Public Review Draft FS Report

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This Amendment does not attempt to recite all of the provisions of the Order and any provisions of the Order not specifically changed in this Amendment shall remain in full force and effect. The described in this First Amendment shall take effect after both parties have signed below and upon the effective date provided below.

Effective date of this Amendment: 4/14/2026

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Marian L. Abbett, PE
Section Manager
Toxics Cleanup Program
Southwest Region Office
Department of Ecology
(360) 489-4569

PORT OF TACOMA



Eric Johnson
Executive Director
Port of Tacoma
(253) 428-8633