

State of Washington
Department of Ecology

In the Matter of Remedial Action by:
TransAlta Centralia Generation LLC for: TransAlta Centralia
Agreed Order
No. DE 24235

To: Mickey Dreher, Vice President, Centralia
913 Big Hanaford Rd, Centralia, WA 98531-9101

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Exhibit A Location Diagram

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1. Introduction

The mutual objective of the State of Washington, Department of Ecology (Ecology) and TransAlta Centralia Generation LLC (TransAlta) 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 TransAlta to conduct a remedial investigation and feasibility study, develop a draft cleanup action plan, and implement the final cleanup plan for the Site. 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. TransAlta agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter TransAlta's responsibility under this Order. TransAlta 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 TransAlta Centralia. The Site constitutes a facility under RCW 70A.305.020(8). 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. Based upon factors currently known to Ecology, the

Site is generally located in the vicinity of 913 Big Hanaford Rd, Centralia, WA as shown in the Location Diagram (Exhibit A).

- 4.2 **Parties:** Refers to the State of Washington, Department of Ecology and TransAlta.
- 4.3 **Potentially Liable Persons (PLP(s)):** Refers to TransAlta.
- 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.

5. Findings of Fact

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

- 5.1 Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 913 Big Hanaford Rd, Centralia, WA and includes at a minimum, Lewis County parcels 23340001000, 23340002002, 23340003000, 23340004000, 23340005001, 23340005002, 23340005003, 23340005004, 23436000000, 23345000000, 23355001006, 23355001007, 23355001008, 23355002002 as shown in the Location Diagram (Exhibit A).
- 5.2 The property has been developed for use as a coal-fired power generation facility since 1968, with the first boiler commissioned in 1971 and the second coming online in 1972. Containment ponds at the facility were constructed in the 1970s. Multiple utility companies owned and operated the facility until TransAlta purchased it in 2000. Prior to its use as a coal-fired power generation facility, the land was primarily agricultural or forested/undeveloped.
- 5.3 TransAlta is obligated to cease operation of its coal-fired boilers by December 31, 2025, per Revised Code of Washington (RCW) 80.80.040(3)(c), RCW 80.80.100, RCW 80.82.010, and the Memorandum of Understanding executed between TransAlta and the State of Washington on December 23rd, 2011, as further amended on July 13, 2017(2011 MOA). TransAlta retired the first coal-fired boiler in 2020 and plans to retire the second coal-fired boiler in December 2025. TransAlta is actively exploring opportunities to convert the unit to a natural gas peaking facility to support reliability and regional resource adequacy.
- 5.4 As part of the closure requirements for the facility, RCW 80.82.010(1)(d) requires TransAlta to provide among other things “decommissioning and site restoration plan

that addresses restoring physical topography, cleanup of all hazardous substances on the site, potential future uses of site following restoration, and coordination with local and community plans for economic development in the vicinity of the site”.

5.5 As part of the transfer of the facility from PacificCorp to TransAlta, PacificCorp disclosed the following environmental issues related to hazardous substances at the facility:

- In 1987, a leak in the start-up fuel oil supply line was identified. The leak was near the northwest corner of Unit #1 Lodge-Cottrell precipitator. An investigation in 1998 documented diesel contamination ranging up to 845 parts per million (ppm) at a depth of 5 feet below ground surface (bgs). A subsequent report on the extent of the contamination was produced by Dames & Moore in July 2000 (D&M 2000).
- In 1989, a leak in the fuel oil supply line was identified in the area north of the #1 ID fans.
- In 1994, the reservoir for the hydraulic hoist in the heavy equipment shop was discovered to have a leak. A report was reportedly produced titled, *Heavy Equipment Rebuild Shop Subsurface Soil Investigation* report, dated June 15, 2001.
- In 1994, there was a leak in the startup fuel oil return line in the area south of the main fuel oil tanks.
- On November 23, 1999, there was a release of approximately 2,500 gallons of fuel oil from the warm-up oil supply line. This release was reported to the EPA and Ecology. A site investigator from Ecology visited the plant.
- A memo dated December 2, 2003, by PacificCorp noted a “tarry substance” consistent with petroleum-based paints and solvents was discovered during pipe repair activities of underground pipes located to the north of the coal and ash shop west of the sewage treatment pond. The memo states:

“All of the tarry substance visible was excavated and disposed of with the contaminated soil from the scrubber construction area. Based on the results from the soil samples obtained prior to the excavation activities it appears that no additional work activities are required for this site.”

A notification prepared by PacificCorp stated that all the leaks had been repaired and remediation activities were complete.

5.6 TransAlta conducted post-sale investigations between 2000 and 2004. These investigations identified the following:

TPH concentrations in surface soil samples exceeded the MTCA Method A Cleanup Level in four of the samples (SS-DMB-2 to SS-DMB-5). TPH was not detected at

concentrations exceeding the MTCA Method A Cleanup Level in the subsurface soil samples.

Diesel-range TPH concentrations in groundwater exceeded the MTCA Method A Cleanup Level in samples collected from the monitoring wells. Arsenic concentrations exceeded the MTCA Method B Cleanup Level in groundwater samples collected from the wells. Lead concentrations exceeded the MTCA Method A Cleanup Level in samples collected from three wells located in the Main Plant Area and in well MW-P5, located in the Effluent Ponds area. Beryllium and chromium concentrations exceeded the MTCA Method B Cleanup Level and Method A Cleanup Level, respectively, in groundwater samples collected from wells MW-P3 and MW-P5. VOCs were not detected at concentrations exceeding MTCA Method A or B Cleanup Levels.

TPH was not detected in the accumulated solid samples in the Coal Runoff Pond at concentrations exceeding the MTCA Method A Cleanup Level, but TPH concentrations in the three South Effluent Pond samples did. Methylene chloride was detected at a concentration exceeding the MTCA Method A Cleanup Level in samples CR-Pond-A and CR-Pond-C. Metal concentrations were less than the Washington State Background Metals soil concentrations except copper and zinc. Beryllium was detected at a concentration exceeding the MTCA Method B Cleanup Level.

Three monitoring wells (MW-P3, MW-P4, and MW-P5) were sampled and analyzed for total and dissolved arsenic, beryllium, chromium, and lead. Arsenic was detected at concentrations exceeding the MTCA Method A and B Cleanup Levels.

PacifiCorp notified TransAlta of the status of ongoing remediation activities in *Current Project Status and Summary of Closed Work Activities*, dated February 23, 2004. According to the report, the scrubber construction area, the warm-up fuel line spill area, and a small area identified as the north trench were remediated to Ecology standards.

- 5.7 In 2003 TransAlta prepared a report to evaluate hydrogeologic conditions at the facility in accordance with their NPDES permit. A groundwater sample collected from well AFT 313 contained dissolved manganese and iron concentrations exceeding the MTCA Method A Cleanup Levels.
- 5.8 TransAlta performed a limited groundwater sampling event, in 2003, on wells located on the facility as well as on the neighboring Centralia Coal Mine property. Solvents tetrachloroethene (PCE) and trichloroethene (TCE) and breakdown products 1,1-dichloroethene (1,1-DCE), trans-1,2-dichloroethene, cis-1,2-dichloroethene, and vinyl

chloride were observed at concentrations in select wells exceeding their respective cleanup levels.

- 5.9 In 2014, a wastewater sample collected from Outfall was found to contain a mercury concentration that exceeded the NPDES permit surface water quality criterion. The source of the mercury was determined to be coal and products from its combustion.
- 5.10 From 2017 to present, multiple toxicity tests have been conducted on the TransAlta effluent at Outfall 001. A review of the effluent chemistry data in 2021 indicated that copper, and possibly zinc or hexavalent chromium, could contribute to chronic toxicity to *Ceriodaphnia dubia*.
- 5.11 In 2021, approximately 1,000 gallons of transformer oil was spilled onto soil, a roadway, and a holding pond. The spill was reported to Ecology (FS ID 119916). Absorbent material and a vacuum truck were used to remove pooled product from the roadway and soils around the transformer. Impacted soils were removed and taken to Marine Vacuum Services in Seattle, Washington, for disposal.
- 5.12 In response to the requirements of the 2011 MOA , TransAlta conducted a series of remedial investigations at the facility. The results of these investigations (Remedial Investigation Report, TransAlta Centralia Generation, LLC, May 2025) found the following:

There are six contaminants of concern found above applicable cleanup levels for soil at the Site. These are arsenic, barium, cadmium, copper, selenium, and zinc.

There are nine contaminants of concern found above applicable cleanup levels for groundwater at the Site. These are arsenic, chromium, copper, manganese, selenium, zinc, 1-methylnaphthalene, total petroleum hydrocarbons – diesel range, and vinyl chloride.

There are six contaminants of concern found above applicable cleanup levels in sediment at the facility. These are arsenic, cadmium, chromium, mercury, nickel, and selenium.

6. Ecology Determinations

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

- 6.1 TransAlta is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). Specifically, TransAlta is the current owner and operator of the property within the Site where there has been a release of hazardous substances to the environment.
- 6.2 Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32), and (13), respectively, has occurred at the Site.
- 6.3 Based upon credible evidence, Ecology issued a PLP status letter to TransAlta dated September 4, 2025, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. By letter dated October 8, 2025, TransAlta voluntarily waived its rights to notice and comment and accepted Ecology’s determination that TransAlta is a PLP under RCW 70A.305.040.
- 6.4 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 TransAlta take the following remedial actions at the Site. The area within the Site where remedial action is necessary under RCW 70A.305 is described in the Remedial Action Location Diagram (Exhibit A). These remedial actions must be conducted in accordance with WAC 173-340 and 173-204:

- 7.1 TransAlta will complete the remedial investigations they have begun prior to the Order, including addressing Ecology’s comments on the submitted draft Remedial Investigation Report. TransAlta shall fully define the nature and extent of contamination at the Site, in a manner that meets with Ecology’s approval and that meets the applicable requirements of MTCA and Chapters 173-340 and 172-204 WAC, and identify and analyze cleanup action alternatives to address contaminants above applicable levels. TransAlta shall also produce a Supplemental Remedial Investigation Work Plan, Remedial Investigation report (RI), Feasibility Study (FS), and draft Cleanup Action Plan (DCAP). TransAlta also agrees to implement a final cleanup action plan (fCAP). Work under this order must include the entire Site where a hazardous substance from a release has come to be located, including areas surrounding the coal plant property that may be subject to aerial deposition of contaminants. The work is to

be conducted in accordance with the schedule and terms of the Scope of Work and Schedule, Exhibit B, and all other requirements of this Order.” The following naming conventions shall be used for documents: Agency Review Draft (designation for the first time Ecology receives a document); Public Review Draft (designates a document ready for public comment); Final (designation for a document after public comment and Ecology approval); and the preliminary Draft Cleanup Action Plan (designation for the Subject PLP(s)’s version of the DCAP).

- 7.2 If TransAlta learns 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, TransAlta, 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, sampling results) relating to the change in conditions.
- 7.3 Pursuant to WAC 173-340-440(11), TransAlta shall maintain sufficient and adequate financial assurance mechanisms to cover all costs associated with the operation and maintenance of the remedial action at the Site, including institutional controls, compliance monitoring, and corrective measures.
- 7.3.1 Within sixty (60) days of the fCAP, TransAlta shall submit to Ecology for review and approval an estimate of the costs under this Order for operation and maintenance of the remedial actions at the Site, including institutional controls, compliance monitoring and corrective measures. Within sixty (60) days after Ecology approves the aforementioned cost estimate, TransAlta shall provide proof of financial assurances sufficient to cover all such costs in a form acceptable to Ecology.
- 7.3.2 TransAlta shall adjust the financial assurance coverage and provide Ecology’s project coordinator with documentation of the updated financial assurance for:
- 7.3.3 Inflation, annually, within thirty (30) days of the anniversary date of the fCAP; or if applicable, the modified anniversary date established in accordance with this section, or if applicable, ninety (90) days after the close of TransAlta’s fiscal year if the financial test or corporate guarantee is used.
- 7.3.4 Changes in cost estimates, within thirty (30) days of issuance of Ecology’s approval of a modification or revision to the cleanup action plan (CAP) that result in increases to the cost or expected duration of remedial actions. Any

adjustments for inflation since the most recent preceding anniversary date shall be made concurrent with adjustments for changes in cost estimates. The issuance of Ecology's approval of a revised or modified CAP will revise the anniversary date established under this section to become the date of issuance of such revised or modified CAP.

- 7.4 All plans or other deliverables submitted by TransAlta 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. TransAlta shall take any action required by such deliverable.
- 7.5 Pursuant to 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, TransAlta 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). TransAlta 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 TransAlta is 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 TransAlta has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to TransAlta, perform any or all portions of the remedial action or at Ecology's discretion allow TransAlta opportunity to correct. In an emergency, Ecology is not required to provide notice to TransAlta, or an opportunity for dispute resolution. TransAlta shall reimburse Ecology for the costs of doing such work in accordance with Section 8.1

(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, TransAlta 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, TransAlta 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

TransAlta 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, TransAlta 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, 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:

Thomas Middleton, LHG
300 Desmond Drive, Lacey, WA 98503
360-999-9594
thomas.middleton@ecy.wa.gov

The project coordinator for TransAlta is:

Mickey Dreher
913 Big Hanaford Rd., Centralia, WA 98531-9101
360-330-8230
mickey_dreher@transalta.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 TransAlta, 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.

TransAlta 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

Ecology or any Ecology authorized representative, subject to proper qualification and conformance with TransAlta safety practices and policies applicable at the Site, shall have access to enter and freely move about all property at the Site that TransAlta either owns, controls, 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 TransAlta's 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 TransAlta. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by TransAlta 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.

TransAlta shall make best efforts to secure access rights for those properties within the Site not owned or controlled by TransAlta 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 TransAlta 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, TransAlta is unable to accomplish what is required through "best efforts," they shall notify Ecology, and include a description of the steps taken to comply with the requirements. If Ecology deems it appropriate, it may assist TransAlta, or take independent action, in obtaining such access and/or use restrictions. Ecology reserves the right to seek payment from TransAlta 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, TransAlta 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 7 (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, TransAlta shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by TransAlta pursuant to implementation of this Order. TransAlta shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow TransAlta and/or its 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 TransAlta prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(5)(a), 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

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.

Ecology shall maintain the responsibility for public participation at the Site. However, TransAlta 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 TransAlta 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 TransAlta that do not receive prior Ecology approval, TransAlta shall clearly indicate to its 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:
- Centralia Timberland Library
110 S. Silver Street, Centralia, WA 98531

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 Southwest Regional Office in Lacey, Washington.

8.7 Access to Information

TransAlta 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 TransAlta's possession or control or that of their contractors or agents relating to 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. TransAlta 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 TransAlta may have under applicable law to limit disclosure of Records protected by the attorney work-product privilege and/or the attorney-client privilege. If TransAlta withholds any requested Records based on an assertion of privilege, TransAlta shall provide Ecology with a privilege log 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, TransAlta 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 TransAlta elects to invoke dispute resolution TransAlta 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), TransAlta has 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 TransAlta 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 TransAlta may then request regional management review of the dispute. TransAlta must submit this request (Formal Dispute Notice) in writing to the Southwest 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 TransAlta 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 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 TransAlta's requests 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 TransAlta 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 TransAlta 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 TransAlta.
 - 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 TransAlta.
- 8.10.3 Ecology shall act upon any written request from TransAlta for extension in a timely fashion. Ecology shall give TransAlta 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 TransAlta's 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 TransAlta. 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, TransAlta 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 TransAlta to cease such activities for such period of time as it deems necessary to abate the danger. TransAlta shall immediately comply with such direction.

In the event TransAlta 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, TransAlta may cease such activities. TransAlta 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, TransAlta shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with TransAlta's cessation of activities, it may direct TransAlta to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, TransAlta's 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 TransAlta to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against TransAlta regarding remedial actions required by this Order, provided TransAlta complies with this Order.

Ecology nevertheless reserves its rights under RCW 70A.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, TransAlta does not admit to any liability for the Site. Although TransAlta is committing to conducting the work required by this Order under the terms of this Order, TransAlta expressly reserves 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 TransAlta 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 TransAlta's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, TransAlta 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, TransAlta shall notify Ecology of said transfer. Upon transfer of any interest, TransAlta 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 TransAlta 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, TransAlta is obligated to fulfil the requirements of RCW Chapters 80.80 and 80.82 and that entry into and compliance with this order is done in satisfaction of those laws and the 2011 MOA. TransAlta and Ecology will also comply with the requirements of any additional agreements executed between TransAlta and the State of Washington that affect the Site. TransAlta has 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 TransAlta, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and TransAlta must implement those requirements.

8.15.2 **Relevant and Appropriate Requirements.** All actions carried out by TransAlta 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 TransAlta, Ecology will document in

writing if they are applicable to actions carried out pursuant to this Order and TransAlta must implement those requirements.

8.15.3 Pursuant to RCW 70A.305.090(1), TransAlta 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, TransAlta 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 TransAlta has 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 TransAlta 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 TransAlta shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, TransAlta 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 TransAlta and on how TransAlta must meet those requirements. Ecology shall inform TransAlta in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. TransAlta 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 TransAlta 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 Periodic Review

So long as remedial action continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. Unless otherwise agreed to by Ecology, at least every five (5) years after the initiation of cleanup action at the Site the Parties shall confer regarding the status of the Site and the need, if any, for further remedial action at the Site. At least ninety (90) days prior to each periodic review, TransAlta shall submit a report to Ecology that documents whether human health and the environment are being protected based on the factors set forth in WAC 173-340-420(4). Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

8.17 Indemnification

TransAlta agrees 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 TransAlta, its officers, employees, agents, or contractors in entering into and implementing this Order. However, TransAlta 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 TransAlta's receipt of written notification from Ecology that TransAlta has completed the remedial activity required by this Order, including implementation of the final cleanup action plan, as amended by any modifications, and that TransAlta has 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: December 29, 2025

TransAlta



Mickey Dreher

Vice President, Centralia

TransAlta Centralia Generation LLC

913 Big Hanaford Rd

Centralia, WA 98531-9101

360-330-8230

State of Washington

Department of Ecology



Marian Abbett, PE

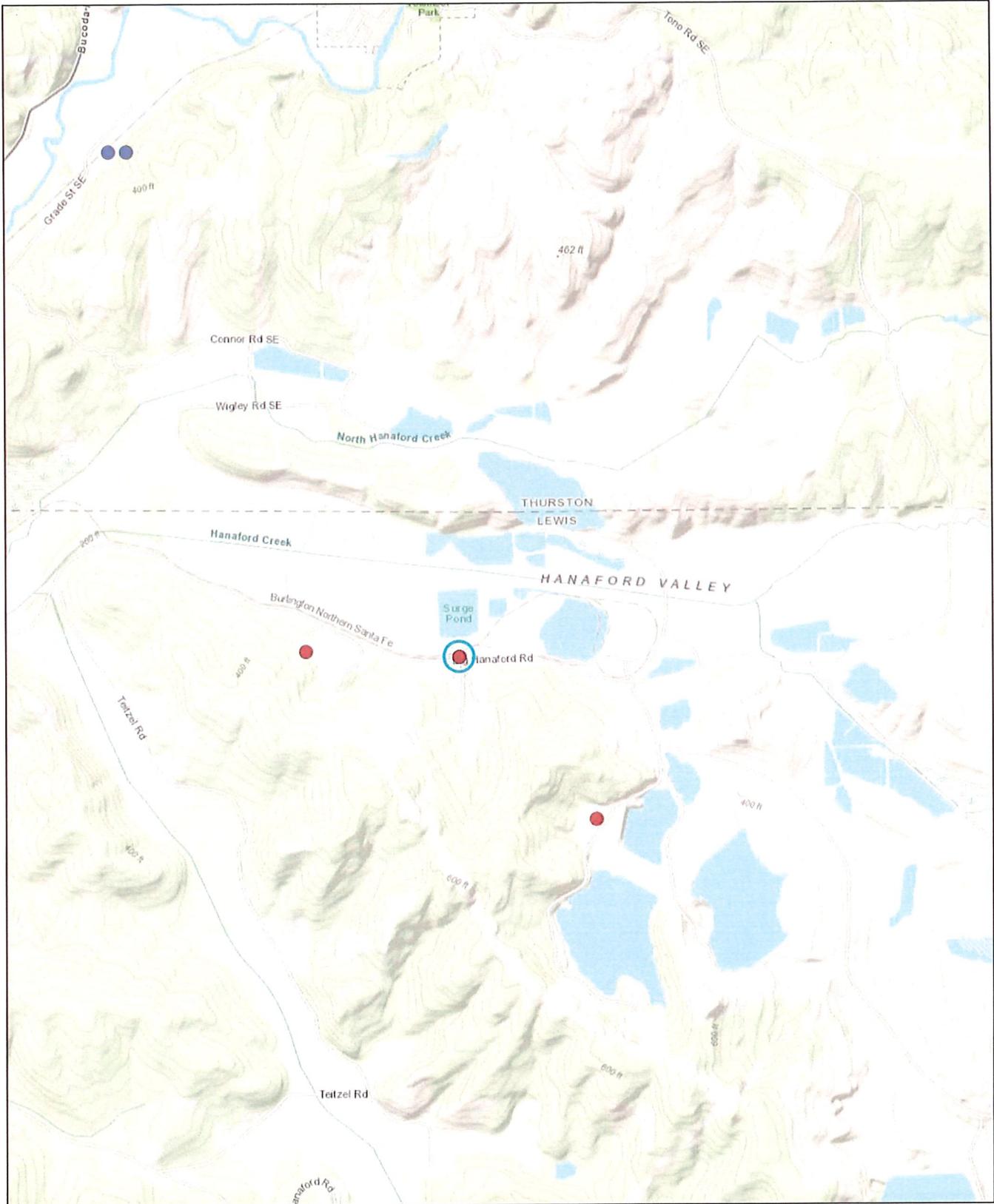
Section Manager

Toxics Cleanup Program

Southwest Region Office

360-489-4569

Exhibit A - Location Diagram



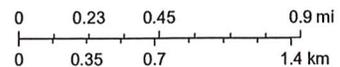
November 6, 2025

TCP Cleanupsites 2

Cleanup Status

- Awaiting Cleanup
- Complete

1:36,112



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, WA Dept. of Ecology

Exhibit B — TransAlta scope of work and schedule

Scope of work

Purpose

The work under this Agreed Order (AO) involves conducting a Remedial Investigation (RI) and Feasibility Study (FS), conducting interim actions if required or agreed to by Ecology, preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative, and implementing the CAP as approved by Ecology. 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 and approve a cleanup alternative for the Site.

TransAlta shall coordinate with Ecology throughout the development of the RI/FS and preliminary DCAP and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The Scope of Work (SOW) is divided into eight major tasks as follows:

- Task 1. Supplemental RI Work Plan
- Task 2. Supplemental Remedial Investigation
- Task 3. Interim Action(s) (if required)
- Task 4. Feasibility Study
- Task 5. SEPA Compliance
- Task 6. Public Participation
- Task 7. DCAP
- Task 8. Implementation of the CAP

Task 1. Supplemental RI work plan

TransAlta shall prepare a Supplemental Remedial Investigation Work Plan (Work Plan). The Work Plan shall address the deficiencies, noted by Ecology, in our comments on the submitted RI report including provisions for a survey of potential deposition of semi-volatile organic compounds, carcinogenic polycyclic aromatic hydrocarbons, dioxins/furans, and metals including mercury, in the areas surrounding the coal plant property.

The Work Plan shall, as needed, describe general facility information; site history and conditions; including previous operations; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; 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, etc., in compliance with WAC 173-340-350 and WAC 173-204-550.

The Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. TransAlta will also submit a copy of the Health and Safety Plan (HASP) for the project.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, stormwater, seep, catch basin and sediment samples, approximate depths, and includes a quality assurance project plan. 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, and location 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 Quality Assurance Project Plan (QAPP) will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004) and Sediment Sampling and Analysis Plan Appendix (February 2008). 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, including the 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.

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

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

TransAlta shall prepare two (2) copies of the Agency Review Draft RI Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After incorporating Ecology's comments on the Agency Review Draft Work Plan and after Ecology approval, TransAlta shall prepare three (3) copies of the Final Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

Task 2. Supplemental Remedial Investigation

TransAlta shall conduct a Supplemental RI that meets the requirements of WAC 173-340-350 and WAC 173-204-550 according to the Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, preliminary Sediment Management Standards (SMS) cleanup standards, 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 immediately and documented as required by Ecology.

TransAlta shall provide interim data reports and updates to Ecology as new site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request.

Prior to submittal of the Agency Review Draft RI Report, a Key Project Meeting will be held. During the Remedial Investigation Pre-Report Check-In, Ecology and TransAlta will review available data and an updated conceptual site model and discuss the content and organization of the Draft RI Report.

TransAlta shall compile the results of the Site investigation into an Agency Review Draft RI Report. TransAlta shall prepare two (2) copies of the Agency Review Draft RI Report and submit them, including one electronic copy each 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, TransAlta shall prepare three (3) 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 plan 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 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.

As detailed in the AO, if required by Ecology, or if proposed by TransAlta and approved by Ecology, TransAlta will implement an interim action. Based upon information in the Agency Review Draft 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, TransAlta 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 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;
- SAP/QAPP;
- Permits required.

TransAlta will also submit a copy of the Health and Safety Plan for the project. TransAlta 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.

TransAlta shall prepare two (2) copies of the Agency Review Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. TransAlta 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. TransAlta shall prepare three (3) copies of the Final Interim Action Work Plan submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats. Once approved by Ecology, TransAlta 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. TransAlta shall prepare two (2) copies of the Agency Review Draft Interim Action Report and submit them, including one electronic copy each 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, TransAlta shall prepare three (3) 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

TransAlta 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 according to the Schedule in this exhibit. The Agency Review Draft FS will evaluate remedial alternatives for site cleanup, consistent with MTCA and SMS 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 and establish points of compliance.

The Agency Review Draft FS must include a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-351 and 173-204-550. The remedial alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360 and 173-204-570.

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.

TransAlta shall prepare two (2) copies of the Agency Review Draft FS and submit them, including one electronic copy in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. After addressing Ecology's comments on the Agency Review Draft FS, TransAlta shall prepare three (3) copies of the Public Review Draft FS and submit them, 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. SEPA compliance

TransAlta 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), TransAlta shall be responsible for the preparation of Draft and final environmental impact statements. TransAlta 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

TransAlta 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. TransAlta 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, TransAlta shall prepare a Agency Review Draft Responsiveness Summary that addresses public comments. TransAlta shall prepare two (2) copies of the Agency Review Draft Responsiveness Summary and submit them to Ecology for review and approval, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

After addressing Ecology's comments and after Ecology approval, TransAlta shall prepare five (5) copies of the Final Responsiveness Summary and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

Task 7. Preliminary draft Cleanup Action Plan

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

TransAlta shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The preliminary DCAP shall include a general description of the proposed remedial actions, cleanup standards 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.

TransAlta 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. TransAlta 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, TransAlta shall revise the preliminary DCAP to address Ecology's comments and submit five (5) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

Task 8. Implementation of CAP

TransAlta agrees, as part of the AO, that they will implement the final CAP following both public review and Ecology approval.

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 TransAlta 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
Agency Review Draft Supplemental RI Work Plan	60 calendar days following effective date of the Agreed Order
Completion of RI Field Work	12 months following Ecology approval of the Final SAP, QAPP and HSP
Agency Review Draft RI Report	90 days following receipt of validated laboratory data package
Public Review Draft RI Report	45 calendar days following receipt of Ecology's comments on Agency Review Draft RI Report
Agency Review Draft FS	90 days following Ecology approval 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)	90 calendar days following Ecology approval of the Public Review Draft FS.
Implementation of Final CAP	Following public comment on Ecology's DCAP, Ecology will finalize the CAP. Final CAP will detail schedule for design and construction of remedy.