

State of Washington  
Department of Ecology

In the Matter of Remedial Action by:  
Caton Landfill and Recycling, LLC  
Agreed Order  
No. DE 24633

To: Caton Landfill and Recycling, LLC  
c/o Ken Lederman  
McCullough Hill PLLC  
701 5<sup>th</sup> Avenue, Suite 6600  
Seattle, WA 98104

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- Exhibit A Location Diagram
- Exhibit B Scope of Work and Schedule
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## 1. Introduction

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Caton Landfill and Recycling, LLC (PLP) 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 the PLP to complete a remedial investigation (RI) and interim actions as necessary for the Caton Limited Purpose Landfill as outlined herein. 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, and 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 PLP agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLP's responsibility under this Order.

The PLP shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and the PLP 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 and WAC 173-340 shall control the meanings of the terms in this Order.

### 4.1 Site

The Site is referred to as the Caton Limited Purpose Landfill. The Site constitutes a facility under RCW 70A.305.020(8). The Site will be defined by where hazardous substances, other than a consumer product in consumer use, may have been deposited, stored, disposed of, placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 1500 Naches-Wenas Road, Naches, WA as shown in the Location Diagram (Exhibit A).

#### 4.2 Parties

Refers to the State of Washington, Department of Ecology and Caton Landfill and Recycling, LLC.

#### 4.3 Potentially Liable Person (PLP)

Refers to Caton Landfill and Recycling, LLC.

#### 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 the PLP(s):

- A. The Site is generally located at 1500 Naches-Wenas Road, Naches, 98942, and generally consists of Yakima County Assessor's Parcel Numbers 171401-22003 and 171402-11003. The Site as currently understood is depicted in Exhibit A. The Site is owned and/or operated by the PLP.
- B. The PLP owns and/or operates the Caton Limited Purpose Landfill. Landfill operations were initiated by James Caton and Charlotte Caton pursuant to a permit issued by the Yakima Health District in 1997 under Washington Administrative Code (WAC) Chapter 173-304 for a construction and demolition debris landfill. In 2008, after promulgation of WAC Chapter 173-350, the landfill was permitted by the Yakima Health District under WAC Chapter 173-350 as a limited purpose landfill.
- C. In November and December 2022, a fire in the waste occurred at the Caton Limited Purpose Landfill. An inspection of the landfill by Dr. Tony Sperling of Landfill Fire, Inc. found that inadequate compaction, insufficient cover material, and over-steepened slopes were contributing factors to fire within the waste. Dr. Sperling concluded on April 23, 2023 that there is evidence that the Caton Landfill fire was extinguished as of February 3, 2023. However, Ecology remains concerned that the fire has not been fully extinguished and noted the presence of over-steepened slopes at its last visual observation of the Site.
- D. The PLP collected ambient and in-situ air samples on February 2, 2023. Laboratory results for samples collected within the waste and above the waste

indicated the presence of several constituents of concern (including benzene, methanol, and toluene). Benzene was detected above MTCA Method B and Method C cancer and non-cancer cleanup levels (CULs). Benzene is considered a hazardous substance under MTCA.

- E. The PLP collected ambient and in-situ air samples on August 8, 2024. These samples contained elevated concentrations of benzene above MTCA Method B and Method C cancer and non-cancer CULs. The samples also contained concentrations of numerous other volatile organic compounds, including propene, acetone, 2-butanone, hexane, heptane, ethylbenzene, xylenes, and styrene, which are considered hazardous substances under MTCA.
- F. Tires have been handled and shredded rubber has been disposed of at the Caton Limited Purpose Landfill.
- G. Boats, campers, and recreational vehicles have been handled and disposed of at the Caton Limited Purpose Landfill.
- H. Ecology prepared and issued a Site Hazard Assessment and Ranking Process (SHARP) report for the Caton Limited Purpose Landfill on or about April 16, 2025. The SHARP report is available online at <https://apps.ecology.wa.gov/cleanupsearch/document/155343>.
- I. Two monitoring wells are installed at the Caton Limited Purpose Landfill in 2007, which (along with a domestic well) were sampled as required by the former limited purpose landfill permit issued in accordance with WAC 173-350.
- J. On January 31, 2026, Ecology received a credible report of smoke emanating from the northeast side of the landfill in the same area of previously confirmed fire activity. On February 2, 2026, Caton Landfill and Recycling LLC provided a report to the Yakima Health District regarding smoke originating from a circular depression in the landfill with cracks in the surrounding soil cover.
- K. Ecology believes that conditions at the Caton Limited Purpose Landfill pose a threat of release of hazardous substances to the environment. The PLP disputes this allegation.
- L. As of the date of this Agreed Order, the Caton Landfill has not yet been closed in accordance with the requirements of WAC 173-350-400(4)(f) and WAC 173-350-400(8).

## 6. Ecology Determinations

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

### 6.1

Caton Landfill and Recycling, LLC is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). Caton Landfill and Recycling, LLC has operated and intends to continue to operate a limited purpose landfill on the Site.

### 6.2

Based upon all facts known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32) and .020(13), respectively, has occurred at the Site. The PLP disputes these allegations.

### 6.3

Based upon credible evidence, Ecology issued a preliminary notice of PLP status letter to Caton Landfill and Recycling, LLC, Harvest View Estates, LLC, Randy Caton, Kris Struttner, and Charlotte Caton dated May 22, 2022, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. By letter dated July 11, 2025, Caton Landfill and Recycling, LLC voluntarily accepted Ecology’s determination that Caton Landfill and Recycling, LLC is a PLP(s) under RCW 70A.305.040. Ecology issued a final determination that Caton Landfill and Recycling, LLC is a PLP under RCW 70A.305.040 in a letter dated August 22, 2025. Ecology issued separate final determinations that Harvest View Estates, LLC, Randy Caton, Kris Struttner, and Charlotte Caton are PLPs under RCW 70A.305.040 in separate letters dated August 22, 2025.

### 6.4

Pursuant to RCW 70A.305.030(1), .050(1), Ecology may require a PLP 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 Caton Landfill and Recycling, LLC take the following actions at the Site. These actions must be

conducted in accordance with WAC 173-340:

**7.1**

The PLP will complete a Remedial Investigation (RI) for the Site 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 PLP 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, the PLP, 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**

The PLP shall submit to Ecology written, quarterly Progress Reports that describe the actions taken during the previous quarter to implement the requirements of this Order. All Progress Reports shall be submitted every ninety (90) days 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 email to Ecology's project coordinator. The Progress Reports shall include the following:

**7.3.1**

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

**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 quarter and any planned deviations in the upcoming quarter.

**7.3.4**

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

**7.3.5**

All other reporting information as outlined in Exhibit B – Scope of Work and Schedule. As well as all raw data (including laboratory analyses) received during the previous quarter (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 quarter.

### 7.4

All plans or other deliverables submitted by the PLP 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 PLP 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 at the Site, the PLP 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 PLP shall not conduct an 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 PLP 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 the PLP has failed to make sufficient progress, in whole or in part, then Ecology may, after notice to the PLP and (at Ecology's discretion), perform the remedial actions outlined under Exhibit B to this Order or provide the PLP with a reasonable opportunity to correct and/or perform the remedial activities outlined under Exhibit B to this Order. If Ecology determines that an emergency situation exists that poses a danger to human health or the environment on or surrounding the Site, then Ecology is not required to provide notice to the PLP or to provide an opportunity for

dispute resolution. If Ecology performs remedial activities outlined under Exhibit B to this Order, then the PLP shall reimburse Ecology for the costs of doing such remedial activities 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 PLP shall not perform any remedial actions at the Site outside those remedial actions required by 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 PLP 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 emergency or action required by law.

# 8. Terms and Conditions

## 8.1 Payment of Remedial Action Costs

The PLP 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). Ecology has accumulated \$35,552.72 in remedial action costs related to this Site as of February 28, 2026. For costs incurred before this date, Ecology will send the Subject PLP(s) an invoice soon after the Order is signed. For costs incurred after this date, Ecology will send the PLP an invoice quarterly. For all Ecology costs incurred, the PLP 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:

Luke LeMond  
1250 West Alder Street  
Union Gap, WA 98903-0009  
(509) 379-3961  
[luke.lemond@ecy.wa.gov](mailto:luke.lemond@ecy.wa.gov)

The project coordinator for Caton Landfill and Recycling, LLC is:

Nolan Conway, L.G.  
ECI Environmental Services  
15 S Oregon Ave, Tacoma, WA 98409  
(206) 930-8461  
[nolan@alleci.com](mailto:nolan@alleci.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 PLP, 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 PLP 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 shall have access to enter and freely move about all property at the Site that the PLP 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 the PLP'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 the PLP. Ecology or any Ecology authorized representative shall endeavor to provide reasonable notice (such as seventy-two (72) hours advance notice by electronic mail) before entering the Site or any property owned or controlled by the PLP 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.

The PLP shall make best efforts to secure access rights for those properties within the Site not owned or controlled by the PLP 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 PLP 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 60 days after the effective date of this Order, the PLP are 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 the PLP, or take independent action, in obtaining such access and/or use restrictions. Ecology reserves the right to seek payment from the PLP 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 PLP shall make the results of sampling, laboratory reports, and/or test results generated by the PLP or on behalf of the PLP available to Ecology. Sampling data will be identified as to whether the sampling was performed under applicable protocols using industry-accepted practices consistent with the requirements of an approved Sampling & Analysis Plan, Health & Safety Plan, and Quality Assurance Plan. Sampling data will also be identified as to screening data, field assessment data, and laboratory analysis data.

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 PLP shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLP pursuant to implementation of this Order. The PLP shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLP 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 the PLP prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(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, the PLP shall cooperate with Ecology, and shall:

### **8.6.1**

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 and provide opportunity to comment for the PLP 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 PLP that do not receive prior Ecology approval, the PLP shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

### **8.6.2**

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.

### **8.6.3**

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

Yakima Valley Regional Library  
102 N. 3<sup>rd</sup> St.  
Yakima, WA 98901

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 PLP 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 PLP's possession or control or that of their contractors or agents relating to construction, design, maintenance and operation of the Caton Limited Purpose Landfill or relevant to remedial activities at the Site performed through 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 remedial activities at the Site performed

through implementation of this Order. The PLP 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 construction, design, maintenance and operation of the Caton Limited Purpose Landfill or concerning performance of the remedial activities at the Site performed through implementation of this Order. Additionally, if the PLP is required to submit confidential business information (CBI) to Ecology pursuant to this Order, then the PLP may request that the information or documentation be redacted and/or protected from public disclosure.

Nothing in this Order is intended to waive any right the PLP 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 PLP withholds any requested Records based on an assertion of attorney work product or privilege, the PLP 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, the PLP 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 PLP elects to invoke dispute resolution, the PLP 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 PLP 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 PLP's 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 PLP may then request regional management review of the dispute. The PLP must submit this request (Formal Dispute Notice) in writing to the Central Region Solid Waste Management 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 PLP's 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 7.1 (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) 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 (b) 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 PLP 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 PLP, 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 PLP.

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 PLP.

### **8.10.3**

Ecology shall act upon the PLP's written request for extension in a timely fashion. Ecology shall give the PLP 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 PLP'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 the PLP. 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 PLP 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 investigative or remedial activity being performed at the Site pursuant to 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 PLP to cease such remedial activities for such period of time as it deems necessary to abate the danger. The PLP shall immediately comply with such direction.

In the event the PLP determines that any investigative or remedial activity being performed at the Site pursuant to this Order is creating or has the potential to create a danger to human health or the environment, the PLP may cease such remedial activities. The PLP 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 remedial activities. Upon Ecology's direction, the PLP shall provide Ecology with documentation of the basis for the determination or cessation of such remedial activities. If Ecology disagrees with the PLP's cessation of remedial activities, it may direct the PLP to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLP's obligations with respect to the ceased investigative or remedial activities at the Site pursuant to this Order shall be suspended until Ecology determines the danger is abated, and the time for performance of such investigative or remedial activities, as well as the time for any other work dependent upon such investigative or remedial 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 PLP 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 PLP regarding remedial actions at the Site performed pursuant to this Order, provided the PLP 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, the PLP does not admit to any liability for the Site. Although the PLP is committing to conducting the remedial activities required by this Order under the terms of this Order, the PLP 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 the PLP without provision for continued implementation of all requirements of this Order and implementation of any remedial activities found to be necessary as a result of this Order.

Prior to the PLP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLP 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, the PLP shall notify Ecology of said transfer. Upon transfer of any interest, the PLP shall notify all transferees of the remedial activities being performed at the Site pursuant to this Order and incorporate language into the transfer documents to allow for continued performance of such remedial activities, including any restrictions on activities and uses of the property.

#### **8.15 Compliance with Applicable Laws**

##### **8.15.1 Applicable Laws**

All investigative and remedial activities carried out by the PLP 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 for performance of such investigative and remedial activities, except as provided in RCW 70A.305.090. The PLP have a continuing obligation to identify additional applicable federal, state, and local requirements which apply to investigative and remedial activities carried out by the PLP pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements for the performance of investigative and remedial activities carried out by the PLP pursuant to this Order are identified by Ecology or the PLP, Ecology will document in writing if they are applicable to investigative and remedial activities carried out by the PLP pursuant to this Order, and the PLP must implement those requirements.

#### **8.15.2 Relevant and Appropriate Requirements.**

All investigative and remedial activities carried out by the PLP 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 investigative and remedial activities required by this Order. If additional relevant and appropriate requirements are identified by Ecology or the PLP, Ecology will document in writing if they are applicable to investigative and remedial activities carried out pursuant to this Order and the PLP must implement those requirements.

#### **8.15.3**

Pursuant to RCW 70A.305.090(1), the PLP 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 for the performance of investigative and remedial activities pursuant to this Order.

However, the PLP shall comply with the substantive requirements of such permits or approvals for the performance of investigative and remedial activities pursuant to this Order. 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 for the performance of investigative and remedial activities pursuant to this Order. 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 PLP 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 activities performed pursuant to this Order. In the event either Ecology or the PLP determines that additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial activities performance pursuant to this Order, it shall promptly notify the other Party of its determination. Ecology shall determine whether Ecology or the PLP shall be responsible for contacting the appropriate state and/or local agencies. If Ecology so requires, the PLP's 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 activities performed pursuant to this Order.

Ecology shall make the final determination on additional substantive requirements that must be met by the PLP regarding performance of investigative and remedial activities pursuant to this Order and on how the PLP must meet those requirements. Ecology shall inform the PLP in writing of these requirements. Once established by Ecology, the additional requirements regarding performance of investigative and remedial activities pursuant to this Order shall be enforceable requirements of this Order. The PLP shall not begin or continue the remedial activities 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 PLP 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 PLP 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 the PLP, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLP 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 PLP has completed the remedial activity required by this Order, as amended by any modifications, and that the PLP 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:

- Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.
- 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: April 23, 2026

Charlotte Caton

Caton Landfill & Recycling LLC

By:

Title:

James Rivard

Digitally signed by James  
Rivard  
Date: 2026.04.24 08:46:43  
-07'00'

James Rivard

State of Washington Department of Ecology

Section Manager

Solid Waste Management Program

Central Regional Office

## Exhibit A — Site Location



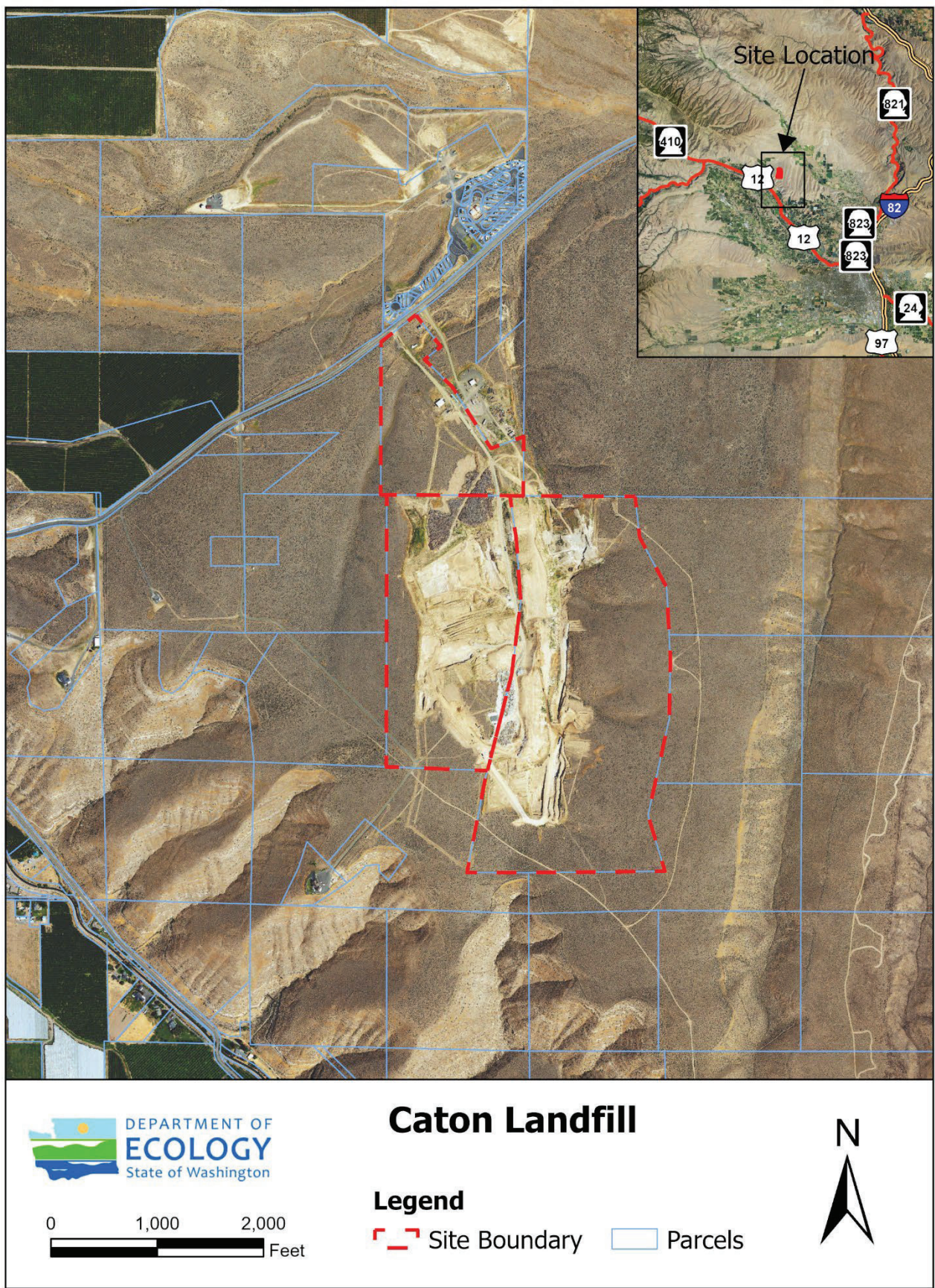


Figure 1



## Exhibit B — Scope of Work and Schedule

## Exhibit B — Scope of Work and Schedule

### Scope of work

#### Purpose

The work under this Agreed Order (AO) involves conducting a Remedial Investigation (RI) for the Caton Limited Purpose Landfill (Caton Landfill). The work under this AO may also include conducting interim actions if required or agreed to by Ecology. The Caton Landfill, which is the Site for purposes of this AO, is shown on Exhibit A.

The purpose of the RI is to provide sufficient data, analysis, and evaluations to enable Ecology and Caton Landfill & Recycling, LLC to evaluate the condition of the landfill, investigate the potential for an ongoing subsurface fire, and to identify and characterize contaminant impact to soil, groundwater or other media within or from the Caton Landfill that may affect human health or the environment in accordance with Washington Administrative Code (WAC) 173-340-350 and to determine the source of releases of hazardous substances to the ambient air previously documented at the Caton Landfill.

The PLP shall coordinate with Ecology throughout the development of the Initial Site Assessment, the RI Work Plan, the RI, and any interim actions, and shall keep Ecology informed of changes to any RI Work Plan or other project plans, and of any issues or problems as they develop.

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

- Task 1. Initial Site Assessment
- Task 2. Remedial Investigation Work Plan
- Task 3. Remedial Investigation Report
- Task 4. Groundwater Monitoring and Reporting
- Task 5. Interim Action(s) (if required)
- Task 6. SEPA Compliance [as needed in conjunction with interim action(s)]
- Task 7. Public Participation

#### **Task 1. Initial Site Assessment**

The PLP shall conduct an Initial Site Assessment (ISA) for the site with detail commensurate with the work to be performed and a schedule, as described in Exhibit C, Initial Site Assessment. Based on the information available to Ecology, the Initial Site Assessment is needed at the Site to

address ongoing fire within the landfill and expedite control of potential releases to air or other environmental media pursuant to WAC 173-340-350. Initial Site Assessment activities will be implemented in accordance with WAC 173-340-350, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

The PLP shall prepare and submit for Ecology's approval a Draft Initial Site Assessment Work Plan (ISAWP) for the site as described in Exhibit C, Initial Site Assessment. The ISAWP will be guided by existing data collected by the PLP and its contractors as well as data collected by Ecology.

The ISAWP remedial actions may include, but not be limited to:

- Complete delineation and characterization of subsurface combustion, smoldering, and/or excessive heat;
- Gas and temperature monitoring;
- Fire control and extinguishment;
- Landfill cover inspection and repair; and
- Waste capping

The ISAWP shall include, as appropriate:

- Description of the Initial Site Assessment including its purpose, general requirements, and relationship to the Remedial Investigation (to the extent known);
- Schedule for implementing the Initial Site Assessment;
- Summary of relevant site information, including at a minimum existing site conditions;
- Information regarding design and construction requirements, including personnel roles and responsibilities;
- Sampling and Analysis Plan/Quality Assurance Project Plan in compliance with WAC 173-340-820 and WAC 173-204-600;
- Cultural resource consultation requirements; and
- A copy of the Health and Safety Plan for the project.

The PLP shall prepare a Draft ISAWP and submit it to Ecology for review. The PLP shall incorporate Ecology's comments and then prepare the Draft Final ISAWP and submit it to Ecology. The Draft Final ISAWP will be considered Final upon Ecology's written approval. Once approved by Ecology, the PLP will implement the Initial Site Assessment in accordance with the approved schedule and as outlined in the Draft Final ISAWP.

Upon completion of the work, a Draft Initial Site Assessment Report (Draft ISAR) will be prepared

as a separate deliverable. After incorporating Ecology's comments on the Draft ISAR the PLP shall prepare the Final Initial Site Assessment Report (Final ISAR) and submit it to Ecology for the agency's approval. The Final ISAR will include, but not be limited to:

- A summary of the work completed and description of any deviations from the work plan;
- Summary of any laboratory analytical results;
- Assessment of the data collected;
- Ongoing monitoring and maintenance requirements, if applicable;
- Boring or monitoring well logs, if applicable;
- Laboratory analytical reports, if applicable;
- Any other construction documentation required under WAC 173-340-400(6)(b).

## **Task 2. Remedial Investigation Work Plan**

The PLP shall prepare a Work Plan outlining procedures for the development of the Remedial Investigation (RI). The Work Plan shall include an overall description and schedule of all RI activities. The Work Plan 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. Project Meeting**

A Project Meeting will be held prior to submittal of the Work Plan. The purpose of the Project Meeting is to review requirements for the Work Plan and field work, discuss the preliminary Conceptual Site Model, and identify project data needs.

### **B. Facility Background**

The Work Plan shall describe general facility information; site history and conditions; including previous operations; past field investigations, including third-party data collection and analysis of soils, air, groundwater, 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.

### **C. Data Gap Analysis & Sampling and Analysis Plan**

Existing environmental data on site soil, air, and groundwater will be compiled and evaluated for

data gaps. The data gaps will be used as the basis for conducting additional investigations, if necessary.

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 for defining the nature and extent of contamination. The PLP will also submit a copy of the Health and Safety Plan (HASP) for the project.

1. The SAP shall identify the proposed number and location of all environmental samples and methods, and the SAP shall include a QAPP. 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.
2. A 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). 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.
3. A Health and Safety Plan, conforming with WAC 173-340-810 and generally including:
  - a. Level of chemical protection;
  - b. Hazard evaluation;
  - c. Waste characteristics; and
  - d. Special considerations and emergency information.

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.

The PLP or its 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. All validated data will be entered into the EIM database within 30 days of submittal.

#### D. Draft RI Work Plan

The PLP will provide Ecology with a draft RI Work Plan. Once Ecology reviews and approves the Work Plan, it will be considered final. The RI Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the PLP will implement the RI Work Plan according to the schedule contained in Exhibit C.

The Work Plan shall outline procedures for the RI in compliance with [WAC 173-340-350](#) and will incorporate the information obtained in the Initial Site Assessment. The Work Plan will include, at a minimum, the following elements:

- Preliminary Conceptual Site Model that describes the current understanding of confirmed and/or potential contaminant release, fate, and transport (including migration pathways in all environmental media and identification of potential receptors), and Site-specific concerns such as identification of natural resources and ecological receptors.
- Sampling and Analysis Plan (SAP) for use during all Site characterization activities including Groundwater Monitoring and Reporting and Monthly Landfill Gas/Temperature Monitoring and Reporting. The SAP shall conform to the requirements of WAC 173-340-820 and WAC 173-340-830 and shall generally contain:
  - Purpose and objectives of the data collection activities.
  - Specific sampling methods, including number and type of QA/QC samples. The sampling suite should be guided by historical property use.
  - Sampling locations and designations.
  - Types of media to be sampled (e.g. soil, groundwater, air, landfill gas, etc.) and number of samples of each.
  - Proposed number and location of monitoring wells, soil borings, gas and temperature probes, test pits and other investigative activities.
  - Schedule and task assignments.
  - Supplies and equipment.
  - Monitoring well and gas/temperature probe construction requirements.
  - Analytical procedures, methods, and detection limits.
  - Sample custody procedures, including holding times, containers, and

preservation.

- Investigation-derived waste management.
- Shipping and handling arrangements.
- Health and Safety Plan to cover the level of chemical protection, hazard evaluation, waste characteristics and special considerations and emergency information in accordance with [WAC 173-340-810](#).
- Quality Assurance Project Plan (QAPP) to include field quality assurance/quality control (QA/QC) methods, chain of custody procedures, laboratory QA/QC methods, and electronic data management, archival, and transmittal protocols.
- Inadvertent Discovery Plan shall outline procedures to perform in the event of a discovery of archaeological materials or human remains, in accordance with applicable state and federal laws.
- Groundwater Monitoring Plan, to include at a minimum:
  - Description of groundwater monitoring activities in compliance with WAC 173-340-410(3).
  - Groundwater sampling equipment, description and rationale for pump intake placement and sampling protocols.
  - Description of field parameter measurements and instrumentation.
  - Sample collection, handling, packaging, and transport requirements.
  - Required method detection limits and reporting limits.
  - Monitoring locations (existing and proposed) and well construction logs.
  - Analytical methods for an analytical suite that shall be sufficiently broad to encompass contaminants known or suspected to be present within the landfill.
  - Quarterly reporting procedures developed in accordance with SOW Task 6, Quarterly Groundwater Monitoring and Reporting.
  - The Groundwater Monitoring Plan shall reference the SAP and QAPP whenever possible to reduce redundancy.
  - Any additional information Ecology may request.
- Landfill Gas/Temperature Monitoring, to include at a minimum:
  - Description of gas and temperature monitoring activities
  - Gas and temperature monitoring equipment
  - Description of field parameter measurements and instrumentation



- Sampling collection, handling, packaging, and transport requirements
- Required method detection limits and reporting limits
- Monitoring locations (existing and proposed) and probe construction logs
- Analytical methods
- Monthly Landfill Gas/Temperature Monitoring and Quarterly Reporting. The timing and frequency of landfill gas and temperature monitoring can be adjusted if requested by the PLP and approved by Ecology without a formal amendment to the Agreed Order or Exhibit B.
- The Landfill Gas/Temperature Monitoring Plan shall reference the SAP and QAPP whenever possible to reduce redundancy.
- Any additional information Ecology may request.

The PLPs shall prepare one (1) copy of the draft RI Work Plan and submit it, 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 draft Work Plan and after Ecology approval, the PLPs shall prepare one (1) copy of the final Work Plan and submit it, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

### **Task 3. RI Report**

The PLPs shall prepare a RI Report that meets the requirements of WAC 173-340-350(7) according to the Work Plan as approved by Ecology. The RI Report will determine the nature and extent of contamination (if any) exceeding Model Toxics Control Act (MTCA) cleanup levels, identify the source(s) of contamination, and other regulatory requirements. The RI Report must provide sufficient data and information to define the nature and extent of contamination. The RI Report will incorporate the findings of the Final ISAR. If the data collected during the RI is insufficient to define the nature and extent of contamination, and/or to select an appropriate interim action, as applicable, an additional phase of investigation shall be conducted in accordance with WAC 173-340-350(7).

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 within two business days and documented as required by Ecology.

The PLP 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 submitting the draft RI Report, a Check-In Meeting will be held. During the Check-In Meeting, Ecology and the PLP will review available data and discuss the updated conceptual site model and the content and organization of the draft RI Report.

The PLPs shall prepare one (1) copy of the draft RI Report and submit it, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment.

After addressing Ecology's comments on the draft RI Report to Ecology's satisfaction, the PLP shall prepare one (1) copy of a final RI Report and submit it, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided.

#### **Task 4. Groundwater Monitoring and Reporting**

Groundwater monitoring shall occur in compliance with the Groundwater Monitoring Plan developed as part of the RI Work Plan. The Groundwater Monitoring Plan will be developed to determine the potential nature and extent of groundwater contamination (if any) in accordance with WAC 173-340. The Groundwater Monitoring Plan will describe the groundwater monitoring activities to be implemented and shall be a living document which is updated as necessary (e.g. change in conditions, monitoring points added or removed, etc.).

Groundwater Monitoring Reports shall include, but not be limited to, the following:

- Description of the groundwater monitoring network
- Groundwater monitoring and sample collection methodology
- Laboratory analytical methods
- Data analysis methods
- Findings
  - Groundwater elevation data
    - Evaluation of groundwater flow rates and directions
  - Groundwater Quality Data
    - Well stabilization parameters
    - Results summary
    - Description of vertical and lateral contaminant distribution
- Investigation derived waste generation and handling documentation
- Tables that include groundwater elevation data, method detection and reporting limits, stabilization parameter results, and analytical results

- Figures that include a vicinity map, monitoring locations, sample results, potentiometric surface maps, and an estimated extent of contamination
- Appendices with:
  - Chain of custody forms
  - Raw laboratory analytical results
  - Data validation reports

The PLPs shall submit groundwater reports to Ecology within 30 days of the receipt of final validated laboratory data.

### **Task 5. Interim Action(s) (if required)**

Remedial actions implemented prior to completion of the RI, 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

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. An interim action may be required by Ecology, or may be requested by the PLP and approved by Ecology.

If required by Ecology, the PLP will implement one or more of the following emergency interim action(s):

- Installation and monitoring of additional gas/temperature probes to further evaluate a subsurface fire and/or heating event
- Mitigation of subsurface fire and/or heating event
- Hazardous waste removal
- Solid waste removal
- Soil or sediment removal
- Groundwater remediation

If an emergency interim action is required to be performed, Ecology will notify the PLP in writing.

If an interim action is proposed by the PLPs and agreed to by Ecology, or required by Ecology, In accordance with the Schedule, the PLP will prepare and submit for Ecology approval and Agency

Review Draft Interim Action Work Plan (IAWP) in accordance with the Schedule 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 and access agreements required.

The PLPs shall submit an electronic copy of the Health and Safety Plan for the emergency interim action. The PLPs will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the emergency 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.

For emergency interim actions required by Ecology, the PLPs shall submit the Agency Review Draft IAWP to Ecology for review. After incorporating Ecology's comments, the PLPs shall submit the Public Review Draft Emergency IAWP to Ecology. Ecology will approve the Emergency IAWP (if appropriate) and the document will be considered Final. Once approved by Ecology, the PLP will implement the emergency interim action according to the approved schedule. Concurrent with the execution of the work outlined in the Final Emergency IAWP, Ecology will present the document and SEPA determination for public review and comment.

For PLP proposed interim actions, the PLPs shall submit the Agency Review Draft IAWP to Ecology for review. After incorporating Ecology's comments on the Agency Review Draft IAWO, the PLPs shall submit the Public Review Draft IAWP to Ecology. After incorporating Ecology's comments, the PLPs shall submit the Public Review Draft IAWP 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. Once approved by Ecology, the PLPs will implement the interim action according to the approved schedule.

Upon successful completion of the work, an Agency Review Draft Interim Action Completion Report (IACR) will be prepared as a separate deliverable. The PLPs shall submit the Agency Review Draft Emergency IACR to Ecology for review and approval. After incorporating Ecology's comments on the Agency Review Draft IACR and after Ecology approval, the PLPs shall submit the Final IACR to Ecology.

### **Task 6. SEPA Compliance (Interim Actions)**

For interim actions, the PLP 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 PLP shall be responsible for the preparation of Draft and final environmental impact statements. The PLP 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 7. Public participation**

The PLP shall support Ecology in presenting the workplans, reports, and/or SEPA evaluations pursuant to WAC 173-340-600 RI Report at a public meeting or hearing. The PLP will assist Ecology with presentations at any additional meetings or hearings that might be necessary for compliance with the Public Participation Plan.

## 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 PLP 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 either, email, certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

| Deliverable                                                                             | Due Date                                                                                                                                                      |
|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Draft ISAWP                                                                             | 30 days following the effective date of the Agreed Order                                                                                                      |
| Final ISAWP                                                                             | 30 days following Ecology's comments on the Draft ISAWP                                                                                                       |
| Draft ISAR                                                                              | 90 days following Ecology's determination that ISA field work is complete                                                                                     |
| Final ISAR                                                                              | 30 days following receipt of Ecology's comments on the Draft ISAR                                                                                             |
| RI Planning Meeting                                                                     | 30 days following Ecology approval of the ISAR                                                                                                                |
| Draft RI Work Plan                                                                      | 90 days following Ecology approval of the ISAR                                                                                                                |
| Final RI Work Plan                                                                      | 30 days following Ecology's review and approval of the Draft RI Work Plan                                                                                     |
| Completion of RI Field Work                                                             | Within 180 days following Ecology's approval of the Final RI Work Plan. Ecology may extend this due date if requested in writing at least 30 days in advance. |
| Draft RI Report                                                                         | Within 120 days following receipt of validated laboratory data                                                                                                |
| Final RI Report                                                                         | Within 30 days following receipt of Ecology comments on the Draft RI Report                                                                                   |
| Draft Interim Action Work Plan(s)<br>(if interim action is deemed necessary by Ecology) | 30 days following written notification by Ecology that Interim Action is required                                                                             |
| Final Interim Action Work Plan(s)                                                       | 30 days following receipt of Ecology's comments on the Draft Interim Action Work Plan                                                                         |

# Exhibit C — Initial Site Assessment

## Purpose

Ecology and the PLP agree that an investigation is needed to promptly assess conditions within the waste. This work conducted as part of this Initial Site Assessment is needed to fully delineate and characterize the apparent subsurface fire and design corrective measures if needed. The work has been prioritized over the rest of the Remedial Investigation (RI) to expedite investigation of the fire to ensure that the problem does not become substantially worse due to unwarranted delays.

The PLP will complete the following work at the Caton Landfill to investigate, delineate, characterize, and extinguish burning, smoldering, or high temperature material within the landfill. Initiating this Initial Site Assessment (ISA) prior to completion of a Site-wide RI presents an opportunity to eliminate exposure to hazardous substances, reduce airborne emissions from the fire, and ensure that the fire does not spread further either within or outside of the landfill.

## Scope

The PLP will prepare an Initial Site Assessment Work Plan (ISAWP) describing the remedial actions to be conducted. The ISAWP will include, but not be limited to, the following remedial actions:

- Land surface temperature monitoring to identify areas with elevated internal heat and/or thin cover;
- Installation of subsurface gas and temperature probes to delineate elevated temperatures and gas composition within the landfill;
- Regular monitoring of subsurface temperatures and gas composition, including but not limited to, carbon monoxide, carbon dioxide, oxygen, hydrogen, hydrogen sulfide, methane, balance gas, and volatile organic compounds;
- Regular inspections and maintenance of the soil cover to minimize the potential for air intrusion into the landfill and emission of hazardous substances to the air;
- Covering waste with soil, as needed;
- Groundwater, soil, or air sampling, as needed;
- Installation of administrative/engineering controls to restrict Site access and ensure that unauthorized activities are not occurring on the Site; and
- Submittal of all field data to Ecology within seven (7) days of collection and all laboratory data to Ecology within 30 days of receipt of laboratory reports.

In addition to the remedial actions described above, the ISAWP will include the following elements:

- Description of the Initial Site Assessment including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Schedule for implementing the Initial Site Assessment;



- Relevant site information, including at a minimum, existing site conditions (topography, site features including roads, stormwater control structures, location of buried waste, parcel boundaries, historic fire locations, etc.);
- Information regarding design and construction requirements, including personnel roles and responsibilities;
- A Sampling and Analysis Plan (SAP)/Quality Assurance Project Plan (QAPP) in compliance with WAC 173-340-820 and WAC 173-204-600;
- Any permits required;
- Cultural resource consultation requirements;
- A copy of the Health and Safety Plan (HASP) for the project.

The PLP will submit a Draft ISAWP, including the SAP/QAPP to Ecology for review and approval. The PLP shall incorporate Ecology's comments and then prepare the Draft Final ISAWP. Once Ecology reviews and approves the Draft Final ISAWP, it will be considered final. As with all remedial actions at the site, field work may not begin without written approval from Ecology. The plan shall provide seven (7) days' notice to Ecology prior to beginning sampling. Once approved by Ecology, the PLP will implement the ISAWP according to the schedule contained in Exhibit B.

## Reporting

Upon written notification by Ecology that the Initial Site Assessment is complete, the PLP will prepare a draft Initial Site Assessment Report. The draft Initial Site Assessment Report will include, but not be limited to:

- A summary of the work completed and description of any deviations from the work plan;
- Summary of field measurements;
- Summary of laboratory analytical results;
- Assessment of the data collected;
- Ongoing monitoring or maintenance requirements;
- Boring or monitoring well logs, if applicable;
- Engineering as-built reports, if applicable;
- Laboratory analytical reports, if applicable;
- Any other construction documentation required under WAC 173-340-400(6)(b).

The PLP will incorporate Ecology's comments on the Draft Initial Site Assessment Report and will submit a Final Initial Site Assessment Report to Ecology for the agency's approval.