State of Washington
Department of Ecology

In the Matter of Remedial Action by:
The Boeing Company
Second Amendment to Agreed Order
No. DE 12820

To: The Boeing Company
c/o Kathryn Moxley
Director, Environmental Remediation
P.O. Box 3707, MS 74-25
Seattle, WA 98124-2207

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Introduction

Pursuant to Section VIII.L of Agreed Order No. DE 12820 (Order) entered into by the State of Washington, Department of Ecology (Ecology) and the Boeing Company (Boeing), Ecology and Boeing hereby agree to a second amendment of the Order. By this Second Amendment to the Order (Second Amendment), Boeing will submit to Ecology for review and approval a draft Cleanup Action Plan (dCAP) per WAC 173-340-350 through 173-340-380 addressing contamination at the Boeing Kent Space Center Site located at 20403 68th Avenue South, Kent, Washington. After Ecology finalizes the dCAP, Boeing will implement the final CAP at the Site. Ecology believes the actions required by this Order are in the public interest.

This Second Amendment does not attempt to recite all of the provisions of the Order or the First Amendment to the Order. Provisions of the Order or the First Amendment to the Order, not specifically changed in this Second Amendment, remain in full force and effect. The following section of the Order and First Amendment to the Order is amended to include new language as stated below. This Second Amendment also moves Section VII. O. (Financial Assurance) into Section 7 (Work to be Performed).

7. Work to be Performed

Based on the Order's and Findings of Fact and Ecology Determinations, it is hereby ordered that Boeing 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:

7.1 Boeing will submit an Ecology Review preliminary draft Cleanup Action Plan for the Site in accordance with the schedule and terms of the Scope of Work and Schedule, Exhibits B and C, and all other requirements of this Order.

7.2 If Boeing 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 groundwater Boeing, 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 Boeing shall submit to Ecology written Progress Reports that describe the actions taken during the previous reporting period to implement the requirements of this Order. All Progress Reports shall be submitted by the tenth (10th) day of the month in which they are due after the effective date of this Order. Progress Reports will be submitted to Ecology electronically only unless they contain laboratory or field recorded data. In those cases, a hard copy of the Progress Report will also be submitted to Ecology. The Progress Reports shall include the following:

7.3.1 A list of on-site activities that have taken place during the reporting period.

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 (Exhibits B and C) during the current reporting period and any planned deviations in the upcoming reporting period.

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

7.3.5 All raw data (including laboratory analyses) received during the previous reporting period (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 reporting period.

7.4 Financial Assurance

Financial assurance for corrective action is required by WAC 173-303-64620. Ecology's Financial Assurance Officer shall determine when Boeing's actions and submissions meet the requirements of WAC 173-303-64620.

Ecology's Financial Assurance Officer is:

Joanna Richards
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-7220
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7.5 As detailed in the May 2025 Revised Feasibility Study for the Site, institutional controls are required at the Site. Environmental (Restrictive) Covenants will be used to implement the institutional controls.

7.5.1 Boeing will prepare and submit for Ecology review and approval Environmental (Restrictive) Covenants that are consistent with WAC 173-340-440, RCW 64.70, and any policies or procedures specified by Ecology. The Environmental (Restrictive) Covenants shall restrict future activities and uses of the Site as agreed to by Ecology and Boeing.

7.5.2 After approval by Ecology, Boeing shall record the Environmental (Restrictive) Covenant for affected properties it owns with the office of the King County Auditor as detailed in the Schedule (Exhibit C). Boeing shall provide Ecology with the original recorded Environmental (Restrictive) Covenants within thirty (30) days of the recording date.

7.5.3 As detailed in the Cleanup Action Plan, as part of the remedial action for the Site, institutional controls are required on properties not owned by Boeing. Boeing will ensure that the owner of each affected property records an Ecology-approved Environmental (Restrictive) Covenant as detailed in the Schedule (Exhibit C). Upon a showing that Boeing has made a good faith effort to secure an Environmental (Restrictive) Covenant for an affected property and failed to do so, Ecology may provide assistance to Boeing. Unless Ecology determines

otherwise, affected properties include the parcel numbers listed below. Boeing shall provide Ecology with the original recorded Environmental (Restrictive) Covenants within thirty (30) days of the recording date.

- 6600070230
- 6600070240
- 6600210200
- 6600070270
- 6600070190
- 6600070310
- 0222049075
- 6600070320
- 6600070340
- 6600070260

7.6 All plans or other deliverables submitted by Boeing pursuant to this Second Amendment for Ecology's review and approval under the Scope of Work and Schedule (Exhibits B and C) shall, upon Ecology's approval, become integral and enforceable parts of this Order. Boeing shall take any action required by such deliverable.

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

7.8 Except where necessary to abate an emergency situation or where required by law, Boeing 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 VIII. J of the Order (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, Boeing 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.

Effective date of this Order: ____April 24, 2026_____

The Boeing Company

Kathryn Moxley
Director, Environmental Remediation
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206-579-2110

State of Washington
Department of Ecology

Christa Colouzis
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Hazardous Waste and Toxics Reduction Program
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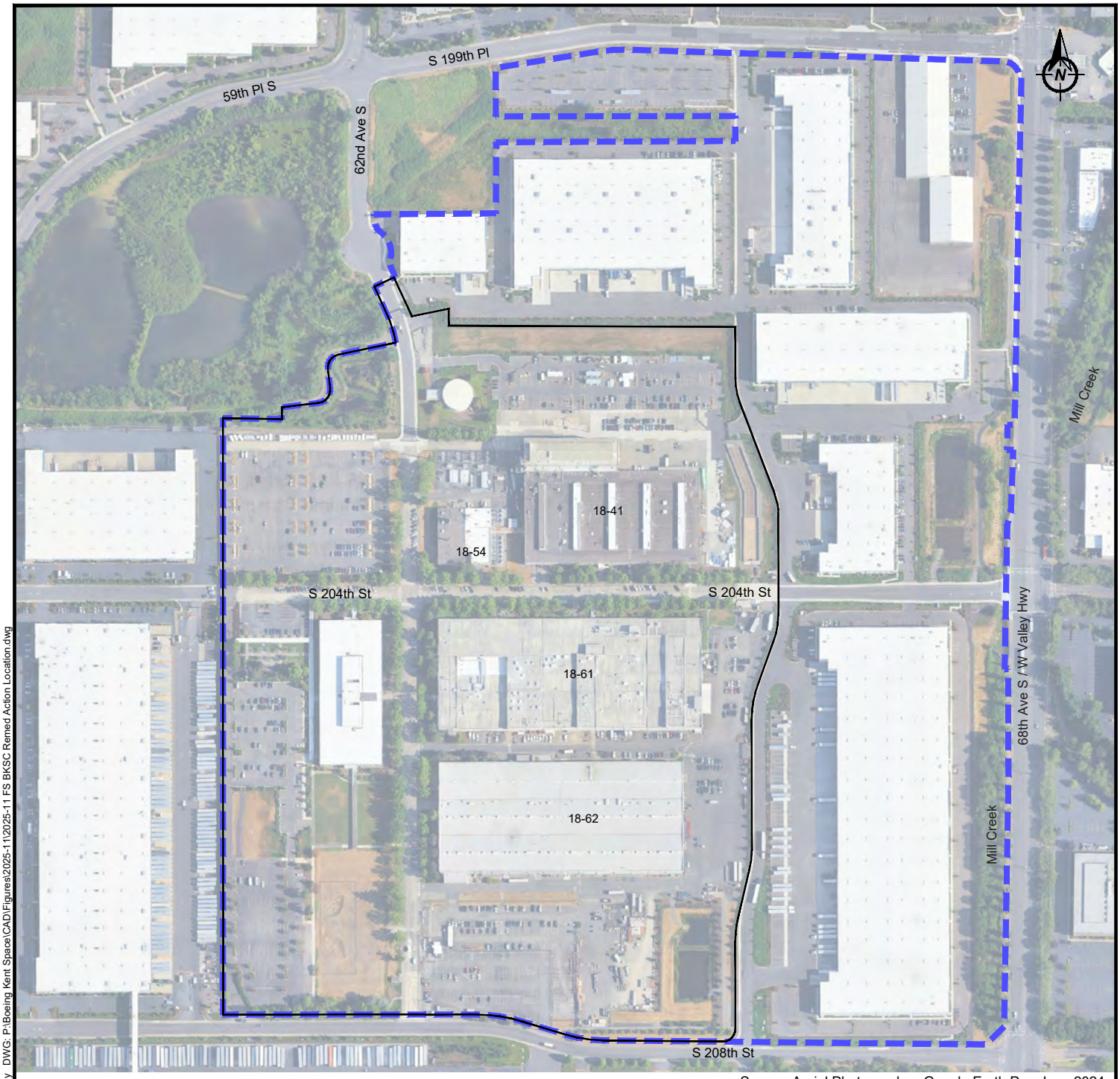
EXHIBIT A



Source: Aerial Photography - Google Earth Pro, June 2024.

Legend

- Remedial Action Location
- Boeing Current Property Boundary

0 400

Scale in Feet

Boeing Space Center
Kent, Washington

Remedial Action Location Diagram

DALTON OLMSTED FUGLEVAND

FIGURE

November 2025

PLOT TIME: 11/21/2025 11:20 AM MOD TIME: 11/21/2025 11:20 AM USER: Kelley Begley DWG: P:\Boeing Kent Space\CAD\Figures\2025-11\2025-11 FS BKSC Remed Action Location.dwg

EXHIBIT B – Corrective Action Scope of Work

PURPOSE

The work under the Second Amendment to Agreed Order No. 12820 (Second Amendment) involves preparing a draft Cleanup Action Plan (dCAP) and the implementation of a final Cleanup Action Plan (CAP). The Boeing Company (Boeing) shall coordinate with Ecology throughout the development of the dCAP and any plans, and shall keep Ecology informed of changes to project plans, and of any issues or problems as they develop as required by the Second Amendment.

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

Task 1. State Environmental Policy Act (SEPA) Compliance
Task 2. Public Participation
Task 3. Draft Cleanup Action Plan (dCAP)
Task 4. Implement final Cleanup Action Plan (CAP)
Task 5. Semi-annually Progress Reports

TASK 1. SEPA COMPLIANCE

Boeing shall be responsible for assisting Ecology with its compliance with the State Environmental Policy Act (SEPA) Rules (WAC 197-11-250 through 268), including Boeing preparing and submitting a draft and final environmental checklist. The SEPA checklist will be provided to Ecology for review as a requirement of this SOW.

If, after completion of the dCAP, additional remedial actions are necessary that require permits and which trigger an additional SEPA review, an additional SEPA checklist will be completed as required by the permitting agency.

If the result of the threshold determination is a determination of significance (DS), Boeing may be responsible for the preparation of an agency review draft environmental impact statements. Boeing shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever practicable, such that public comment periods and meetings or hearings can be held concurrently.

TASK 2. PUBLIC PARTICIPATION

Boeing shall assist Ecology to prepare a Draft and Final Public Participation Plan that complies with the provisions of WAC 173-340-600(9).

Boeing shall support Ecology in presenting the Public Review dCAP, and SEPA evaluations at a public meeting if such a meeting takes place. Boeing 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.

A public comment period will be held for the dCAP and SEPA evaluation. After the public comment period is completed, Boeing shall prepare an Agency Review Draft Responsiveness Summary that addresses public comments. Boeing shall prepare 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 the public comment period, after addressing Ecology's comments and after Ecology approval, Boeing shall prepare of the Final Responsiveness Summary and dCAP after public comments are incorporated and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

TASK 3. DRAFT CLEANUP ACTION PLAN

Boeing 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, an inadvertent discovery plan (if necessary), 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. Boeing shall also draft a Compliance Monitoring Plan, a Sampling and Analysis Plan and Quality Assurance Project Plan, and a Site-Specific health and Safety Plan in the EDR stage.

Boeing will submit an Agency Review preliminary dCAP for Ecology's review and approval.

After receiving Ecology's comments on the Agency Review preliminary dCAP, if any, Boeing shall revise the preliminary dCAP to address Ecology's comments and submit the Public Review dCAP to Ecology. The number and type of document (electronic, print copy, etc.) will be determined by the Ecology Project Coordinator.

TASK 4. IMPLEMENT FINAL CLEANUP ACTION PLAN

Boeing will implement the final CAP to address groundwater contamination at the Site. In implementing the CAP, Boeing shall furnish all personnel, materials, and services necessary for, or incidental to, performing the cleanup action selected for the Site. All work completed for this SOW must meet the requirements of the Model Toxics Control Act (MTCA) Cleanup Regulation, Chapter 173-340 Washington Administrative Code (WAC).

TASK 5. SEMI-ANNUAL PROGRESS REPORTS

As required by the Second Amendment, Boeing shall submit Progress Reports on a semi-annual basis to Ecology electronically; this submittal frequency may be revised in accordance with Section 7.3 of the Second Amendment. Progress Reports will be submitted to the Ecology project coordinator twice per year by the 10th of the month following the reporting period. If this day is a weekend or holiday, Progress Reports will be submitted to Ecology on the next business day. At a minimum, Progress Reports will contain the following information regarding the preceding reporting period:

- A list of on-site activities that have taken place during the reporting period.
- Summaries of sampling and testing reports and other data reports received by Boeing.
- Detailed descriptions of any deviation from required tasks not otherwise documented.
- Description of all deviations from the Scope of Work and Schedule during the reporting period and any planned or necessary deviations in the upcoming reporting period.
- For deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays.
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments
- Changes in key personnel
- A description of work planned for the next reporting period, including a list of deliverables for the upcoming reporting period.

Exhibit C – Corrective Action Schedule

ACTION	DUE DATE
Submit to Ecology a draft Cleanup Action Plan (dCAP)	No later than January 15, 2026
Submit to Ecology Draft State Environmental Policy Act (SEPA) Checklist	No later than January 15, 2026
Submit to Ecology Final Cleanup Action Plan (CAP)	No later than 60 days after resolution of comments on dCAP
Submit to Ecology a Final SEPA Checklist	No later than 60 days after resolution of comments on Draft SEPA Checklist
Progress Reports submittals	Submit to Ecology semi-annually beginning after the month after the effective date of the Second Amendment to the Agreed Order on the 10th day of the month
Submit to Ecology a proof of recording of an Environmental Covenant with the King County Recorder's Office	Submit to Ecology within 60 days of the Ecology's finalization of the Cleanup Action Plan