

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

The Port of Port Angeles
338 West First Street
PO Box 1350
Port Angeles, WA 98362

And

Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon, CA 94583

First Amendment to AGREED ORDER

No. DE 03TCPSR-5738

TO: Jeffery K. Robb
The Port of Port Angeles
PO Box 1350
Port Angeles, WA 98362

AND TO: Daniel Carrier
Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon, CA 94583

Agreed Order No. DE 03TCPSR-5738 (Order) is amended as follows:

1. The Marine Trade Area Site was described in the Order with boundaries of Tumwater Creek on the west, the Port Angeles Harbor shoreline on the north, the east side of the K-Ply facility to the east, and Marine Drive to the south, with one parcel at 638 Marine Drive on the south side of Marine Drive. These boundaries were based on prior investigations that identified similar contaminants and similar potential sources within these boundaries. The Agreed Order recognized that the Marine Trades Area Site included any area where hazardous substances have come to be located as required by RCW 70.105D.020(5)(b) (defining a “facility” as any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located).

As a result of the investigation completed to date, Ecology has determined that two separate plumes with separate and distinct sources exist within the Marine Trades Area Site. This amendment refines the boundaries of the Marine Trades Area Site to include the western area of contamination only. The western area of contamination will continue to be named Marine Trades Area Site (Site). This amendment will expedite the remediation of the two separate areas allowing each to progress under its own schedule. Ecology and the Port of Port Angeles negotiated a new, separate Agreed Order (DE 9546) for remedial actions related to the eastern area of contamination that will be addressed as the K Ply Site.

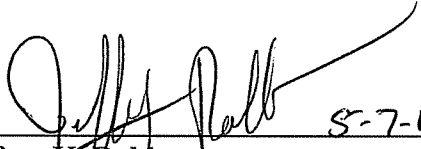
2. Reference to the K-Ply mill property is removed from Section II.5 of the Order. Exhibit B is superseded by Exhibit F, attached to this Amendment, showing the revised Site boundaries. Exhibit F is hereby incorporated by reference and made a fully enforceable part of this Order.
3. Under Section III.2 of the Order, the second sentence is stricken, to be replaced with the following: “This includes the following area: Block 10, Lots 5-8, parts of Lots 9-10, and Lots 11-16 of the Townsite of Port Angeles, Clallam County, Washington; Block 37, Lots 1-20 of the Townsite of Port Angeles, Clallam County, Washington; and Block 48, Lots 7-10 of the Townsite of Port Angeles, Clallam County, Washington.
4. Under Section IV of the Order, the work to be performed is amended to include preparation of the draft Final Remedial Investigation/Feasibility Study report, preparation of a preliminary Draft Cleanup Action Plan, submittal of data to Ecology’s data management system, and quarterly progress reports, in accordance with the scope of work and schedule attached to this Amendment as Exhibits G and H; and that these actions will be conducted in accordance with WAC 173-340-350 through 173-340-390 unless otherwise specifically provided for herein. Exhibits G and H supersede Exhibit E, are hereby incorporated by reference, and are made a fully enforceable part of this Order as Exhibits G and H.

5. Under Section V of the Order, the Ecology Project Coordinator is changed to Connie Groven, Department of Ecology, Southwest Regional Office, PO Box 47775, Olympia WA 98504-7775.

6. Under Section VI of the Order, the provisions for satisfying the Order are amended to include the MTA Group's receipt of written notification that Ecology approves the Final Remedial Investigation/Feasibility Study report, accepts the preliminary Draft Cleanup Action Plan, and all required data has been submitted to EIM, as required by this Order.

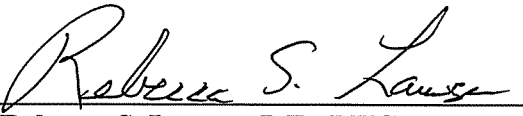
Effective date of this Order: June 26, 2013

THE PORT OF PORT ANGELES



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**STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY**



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CHEVRON U.S.A. INC.

(Print Name)
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6001 Bollinger Canyon Road
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Effective date of this Order: _____

THE PORT OF PORT ANGELES

**STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY**

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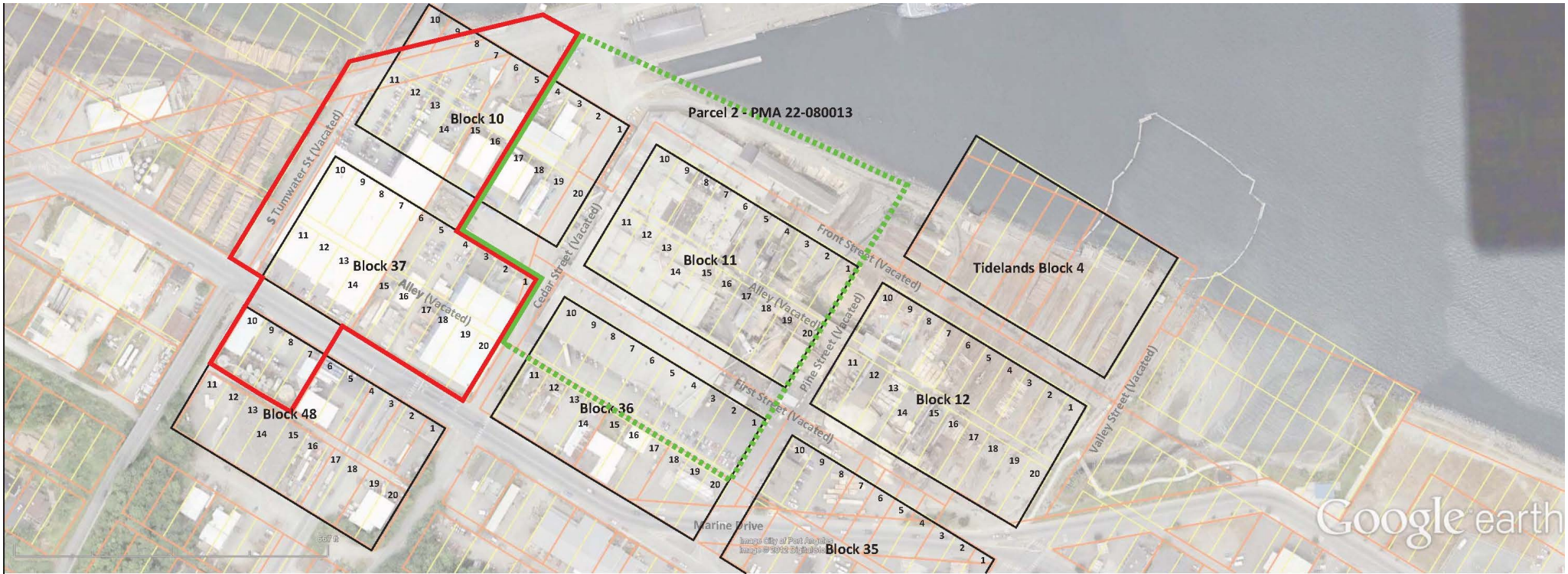
CHEVRON U.S.A. INC.



Frank G. Soler, Assistant Secretary

(Print Name)

Chevron U.S.A. Inc.
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Google earth

feet
meters



MTA Site Boundary



Initial K-Ply Site Boundary

Solid line = Defined Site boundary

Dotted line = Estimated Site Boundary

EXHIBIT F: Site Diagram

Agreed Order No. DE 03TCPSR-5738

Date: January 9, 2013

EXHIBIT G – Scope of Work for the Marine Trades Area Site

The MTA Group shall conduct the remedial actions listed here and described in more detail below:

1. Prepare and submit the Draft Final Remedial Investigation/Feasibility Study (RI/FS) report by making any changes deemed necessary following public comment on the Public Review Draft RI/FS report.
2. Develop a preliminary Draft Cleanup Action Plan (DCAP) for the site.
3. Submit all data to Ecology's electronic data management system.
4. Prepare quarterly reports to Ecology.

A. Task 1.0 Prepare and submit the Draft Final RI/FS report

The purpose of a remedial investigation/feasibility study is to collect, develop, and evaluate sufficient information regarding a site to select a cleanup action under WAC 173-340-360. The MTA Group shall revise the Public Review Draft RI/FS incorporating revisions deemed necessary by Ecology after public comment and meeting the requirements of WAC 173-340-350 through 173-340-390. The MTA Group and Ecology will coordinate the revision to the Public Review Draft RI/FS and the Draft Cleanup Action Plan to ensure that the final versions are consistent. The MTA Group shall submit the revised document as the Draft Final RI/FS for Ecology's review and approval. The document shall be considered the Final RI/FS upon Ecology's approval.

Schedule: The MTA group shall submit the revised Draft Final RI/FS with 30 days following receipt of revisions Ecology deems necessary after public comment. If revisions are requested by Ecology following public comment, the MTA Group and Ecology will endeavor to meet within 14 calendar days following the MTA Group's receipt of Ecology's requested revision to discuss the revisions.

B. Task 2.0 Develop a Preliminary DCAP

The purpose of the DCAP is to document the proposed cleanup action for the Site and specify preliminary cleanup standards and other requirements for the cleanup action. Based on the findings and preferred remedial alternative in the Public Review Draft Remedial Investigation/Feasibility Study (RI/FS), developed in accordance with WAC 173-340-350 through 173-340-390, the MTA Group shall prepare a preliminary Draft Cleanup Action Plan (DCAP) and submit it to Ecology for review and comment.

The MTA Group will prepare the preliminary DCAP in accordance with WAC 173-340-380. The preliminary DCAP shall at a minimum include: (1) a description of the proposed cleanup action; (2) a summary of the rationale for selecting the proposed cleanup action; (3) a summary of other alternatives evaluated; (4) the Preliminary Cleanup Standards proposed for the Site; (5) the proposed schedule for implementing the Proposed Cleanup Action; (6) any required institutional controls required as part of the Proposed Cleanup Action; (7) any applicable state and federal laws for the Proposed Cleanup Action; and (8) a description of the types, levels, and amounts of hazardous substances that will remain in the Site if the Proposed Cleanup Action involves containment and the measures that will be used to prevent migration and contact with those substances.

Preparation of a Final Draft Cleanup Action Plan (DCAP) is not a part of this Order. Ecology intends to draft the Final DCAP. The Final DCAP will be taken out for public comment. Ecology will issue a Final Cleanup Action Plan (CAP) after review and consideration of the public comments received in accordance with WAC 173-340-380(2) and (3). The Final CAP will be implemented in a subsequent agreed order, amendment, enforcement order, or consent decree.

Schedule: The preliminary DCAP shall be presented to Ecology within 120 days of the effective date of the Amendment to the Agreed Order. The MTA Group and Ecology will endeavor to meeting within 14 calendar days after the MTA Group's submittal of the preliminary DCAP to review and discuss it. Ecology will endeavor to prepare the final DCAP within 90 days of the preliminary DCAP submittal by the MTA Group.

C. Task 3.0 Submit Environmental Data to Ecology's Environmental Information Management System (EIM)

All data, if any, collected during remedial actions under this order will be supplied to Ecology in both printed and electronic format capable of being transferred into Ecology's EIM, as provided in WAC 173-340-840(5), within 90 days after the new data have been validated. This requirement for electronic submittal shall be complete when Ecology confirms all data are properly submitted into EIM.

D. Task 4.0 Prepare Quarterly Progress Reports

During the performance of this Order, the PLPs will submit quarterly progress reports to Ecology. Quarterly progress reports will be provided via email or written report and include the following information regarding the preceding reporting period:

1. A description of the actions which have been taken to comply with the Agreed Order.
2. Summaries of sampling and testing reports and all other data reports received by the MTA Group.
3. Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments related to the Site cleanup.
4. Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the Work to Be Performed.
5. Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays.
6. Changes in key personnel.
7. A description of work planned for the next reporting period.

EXHIBIT H – Deliverables Schedule for the Marine Trades Area Site

The Marine Trades Area Site deliverables schedule is as follows:

AO Section with details	Deliverables	Scheduled Timeframe	Anticipated Calendar Date Schedule (1)
Former Exhibit E	Public Review Draft (PRD) Remedial Investigation/Feasibility Study (RI/FS) Report	Ecology approval of PRD draft RI/FS	May 2013
Public comment period on Agreed Order Amendment and RI/FS			May/June 2013
Effective Date of Amendment		Following review of comments	June 2013
Exhibit G, Part A	Draft Final RI/FS Report	Within 30 days of receipt of revision deemed necessary by Ecology on the Public Review Draft RI/FS	August 2013
Exhibit G, Part B	Preliminary Draft Cleanup Action Plan	Within 120 days of the effective date of AO Amendment	October 2013
Ecology completes the Final Draft Cleanup Action Plan			January 2014
Ecology anticipated public comment period on Final Draft Cleanup Action Plan, and new order to implement the Final Cleanup Action Plan.			February 2014
Exhibit G, Part C	Electronic Data Submittals	Submit 90 days following receipt of validated data reports from laboratories	On-Going
Exhibit G, Part D	Quarterly Progress Reports	Quarterly following effective date of Amendment	On-Going

(1) The anticipated calendar dates shown are subject to change based on the actual fieldwork schedule, construction schedules, Ecology review cycles, and other unanticipated factors, such as field findings that results in unanticipated additional data collection needs.