

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**Mariana Properties Inc. and
Port of Tacoma**

AGREED ORDER

No. DE 9835

For:

Alexander Avenue Petroleum Tank
Facilities Site
Facility Site No. 1377
Cleanup Site No. 743

TO: Mariana Properties, Inc.
Attn: Mr. Clint Babcock
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Dallas, TX 75244-6119

Port of Tacoma
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EXHIBIT A Site Diagram

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology), Port of Tacoma (Port), and Mariana Properties, Inc. (Mariana Properties) 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 Port and Mariana Properties to prepare a technical memorandum, perform a remedial investigation and feasibility study (RI/FS), and submit a draft cleanup action plan to Ecology for the Alexander Avenue Petroleum Tank Facilities Site. Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. The Port and Mariana Properties agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the Port's or Mariana Properties' responsibility under this Order. The Port and/or Mariana Properties shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as Alexander Avenue Petroleum Tank Facilities (Ecology Facility-Site ID 1377) and is generally located at 709 Alexander Avenue and a historically combined approximately 4.7-acre portion of present day properties at 901 and 1001 Alexander Avenue in Tacoma, Washington. The historically combined 4.7-acre area was

previously known as 721 Alexander Avenue. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. At this point, the Site is defined by the extent of contamination caused by the release of hazardous substances originating from activities associated with historic petroleum storage and processing facilities that were operated at the noted properties. Based upon factors currently known to Ecology, the Site includes the areas identified in the Site Diagram (Exhibit A). The Site constitutes a facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology, Port of Tacoma, and Mariana Properties, Inc.

C. Potentially Liable Person (PLP): Refers to the Port and Mariana Properties. These potentially liable persons will be collectively referred to in the remainder of this Agreed Order as “PLPs”.

D. 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. The terms “Agreed Order” or “Order” shall include all exhibits to this Order.

V. FINDINGS OF FACT

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

A. As described more fully below, various petroleum handling activities historically occurred at the Site. Releases from those activities caused soil and groundwater contamination. The full lateral and vertical extent of that contamination is not currently defined.

B. The property within the Site that was and is known as 709 Alexander Avenue in Tacoma, Washington consists of the entirety of Pierce County tax parcels 2275200510 and 2275200520. The property is owned by Mariana Properties.

C. The property within the Site that was previously known as 721 Alexander Avenue comprises approximately the northwestern 4 acres of current Pierce County tax parcel 5000350021 and the entire 0.7 acres of Pierce County tax parcel 2275200532, both of which are

owned by the Port. The northwestern 4 acres of tax parcel 5000350021 is now part of a larger approximately 15-acre property known as 901 Alexander Avenue, referred to by the Port as Parcel 2. Tax parcel 2275200532 is part of a larger (approximately 11-acre) property currently known as 1001 Alexander Avenue and referred to by the Port as Parcel 119. Throughout this Agreed Order, “721 Alexander Avenue” refers to the formerly separate 4.7-acre tax parcel. “Parcel 2” refers to the entire current parcel at 901 Alexander Avenue and “Parcel 119” refers to entire current Port property at 1001 Alexander Avenue. Exhibit B shows the relationship between former and current property configuration and addresses.

D. The Site is situated upon the Commencement Bay industrial tidelands on the peninsula of land between the Blair and Hylebos Waterways. The uplands in this vicinity were created around the 1920s by deposition of dredged materials from the surrounding waterways. The 709 Alexander Avenue property includes the Hylebos Waterway shoreline and extends into the tidelands approximately 75 feet. The remnants of a pier and dock are present at the property. The 721 Alexander Avenue property also extended into the waterway and the remnants of a pier and dock are present at the shoreline.

E. History of land use and property ownership at 721 Alexander Avenue:

1. The 721 Alexander Avenue property was originally developed as a storage and distribution facility for petroleum products by Maxwell Petroleum Co. in the 1930s. At that time, the property was approximately 4.7 acres and included the Hylebos Waterway shoreline, tidelands, and submerged lands to the outer harbor line. Fuel was received and/or distributed by ship (via a pier and dock on Hylebos Waterway), rail, and truck. Gasoline, diesel, and fuel oil were stored in large above ground storage tanks (ASTs) within an earthen-bermed area. The bermed area also included two small ASTs for kerosene and a solvent. Multiple smaller ASTs were located outside of the bermed area for a period of time, close to a pump house that supplied a loading rack and rail line along southeast property boundary. Over time, the capacity of the facility changed; historical records indicate that the maximum total tank storage capacity of the facility

was approximately 3.3 million gallons, although it is not known if the facility ran at full capacity. An office, storehouse, pump house, and garage used for servicing a fleet of fuel distribution trucks were located along Alexander Avenue (outside of the bermed area).

2. General Petroleum Corporation began leasing and using the 721 Alexander Avenue property in the 1940s, and purchased the property from Maxwell Petroleum Co. in 1951. Later in 1951, General Petroleum Corporation sold the property to the United States of America for use by the U.S. Air Force (USAF). The USAF also used the property for bulk petroleum storage and distribution. In 1965, the USAF transferred ownership/operation of approximately 0.71 acres bordering the Hylebos Waterway, including the dock, to the U.S. Navy (current-day parcel 2275200532). The portion along the waterway that was transferred to the U.S. Navy did not contain any storage tanks. In 1966, the United States of America sold the remaining 4 acres (containing the ASTs) to the Port, who maintained the property for lease as a petroleum facility until 1983.

3. In 1970, the Port leased several of the ASTs to F.O. Fletcher, Inc. (Fletcher) for petroleum storage. At that time, Fletcher owned the adjacent 709 Alexander Avenue property, which was also used for petroleum storage and distribution. In 1979, Pacific Resources Northwest, Inc. (PRI) acquired the petroleum facilities and property at 709 Alexander Avenue from Fletcher through a lease-purchase agreement and at that time also took over Fletcher's lease of ASTs at the 721 Alexander Avenue property from the Port.

4. Other entities may also have rented ASTs on the 721 Alexander Avenue property from the Port, but specific information about lessees, sub lessees, or tank contents is not clear at this time.

5. In 1983, the ASTs, buildings, loading rack, and other structures were removed, and the property was graded and paved. Since 1983, the Port has leased the property to various parties for above-grade commercial storage, primarily for truck

trailers. Based on review of aerial photographs, a metal scrap yard operated on a portion of the property between approximately 1997 and 2002. In 2011, the Port acquired the approximately 0.71 acres bordering the Hylebos Waterway that had been transferred by the USAF to the Navy in 1966. As noted previously, that portion of land is now part of the Port's Parcel 119, at 1001 Alexander Avenue.

F. History of land use and property ownership at 709 Alexander Avenue:

1. In the 1930s, the 709 Alexander Avenue property was developed for a fuel storage and distribution facility by Fletcher Oil Company. Fletcher Oil Company became F.O. Fletcher, Inc. in 1967. Fletcher Oil Company and F.O. Fletcher, Inc. owned the property and operated petroleum storage and distribution facilities there between 1938 and 1979. Tesoro Petroleum, Inc. leased the facility from F.O. Fletcher, Inc. between 1970 and 1978. United Independent Oil Company, Inc. and Puget Sound Tug & Barge Company also leased portions of the property from F.O. Fletcher, Inc. at various times. As noted above, during the 1970s, F.O. Fletcher, Inc. leased some of the ASTs on the adjacent 721 Alexander Avenue property from the Port.

2. Under the control of Fletcher Oil Company and F.O. Fletcher, Inc., petroleum products were brought in by barge (via a pier and dock on Hylebos Waterway) and distributed by truck. Five large and several smaller ASTs were located within an earthen-bermed area. Over time, the capacity of the facility changed; historical records indicate that the maximum tank storage capacity exceeded 1.9 million gallons, although it is not known if the facility ran at full capacity. A garage, offices, gasoline pump house, and loading platform were present outside of the bermed area on the part of the property alongside Alexander Avenue. An underground storage tank (UST) containing heating oil was also present. In the late 1970s (exact date unknown), a tetraethyl lead plant for blending lead with gasoline, and a crude oil distillation plant, were added to the facility. The tetraethyl lead plant operation included a 500-gallon UST for wastes from the lead facility.

3. PRI leased the property and took over the operation from F.O. Fletcher, Inc. in 1979, and purchased the property in 1981. PRI's operation handled gasoline, leaded gasoline, diesel, and fuel alcohol. PRI operated the tetraethyl lead plant and crude oil distillation plant into the early 1980s. Structures associated with the crude oil plant were removed in 1985. PRI removed four ASTs, the UST, and associated soils at the tetraethyl lead plant in 1989. In 1996, the remaining tanks and all other structures except the office were removed from the property.

4. In 1997, OCC Tacoma (a subsidiary of Occidental Chemical Corporation) purchased the property from PRI. In 2001, the property was conveyed to Mariana Properties, Inc. The property has remained mostly vacant and dormant since 1997. Under EPA oversight, Occidental Chemical Corporation used part of the property for temporary storage and treatment of contaminated sediments dredged from Hylebos Waterway in 2002-2003. All sediment storage and treatment was contained and did not discharge to the property soils or groundwater. The property is currently partially paved and vacant.

G. A landfill consisting of debris, graphite anodes, and white fibrous sludge material is present at 709 Alexander Avenue along the shoreline. The fill materials include waste products from historic industrial processes at Occidental Chemical Company's former manufacturing facility at 605 Alexander Avenue, adjacent to the 709 Alexander Avenue property. The waste material contains concentrations of lead, arsenic, chromium, copper, nickel, zinc, chlorinated solvents, and semi-volatile organic compounds above MTCA soil and/or groundwater cleanup levels. This landfill is contiguous with the "N" landfill on 605 Alexander Avenue. At this point, landfill related contamination is not considered to be part of this Site. The shoreline landfill is being addressed through a separate cleanup action for the Occidental Chemical Site that is currently the subject of an administrative order on consent, as amended, among Occidental Chemical Corporation, EPA, and Ecology (EPA Docket No. 10-97-0011-CERCLA). Environmental investigations to date indicate that petroleum contamination from the

Site is not significantly mixed with shoreline landfill contamination, and the RI/FS required by this Order is expected to identify the degree of any commingling.

H. Two previous reports include summaries of historical environmental investigations at the Site:

1. *Data Summary Report, 709 and 721 Alexander Avenue* (September 2012, Conestoga Rovers & Associates for Mariana Properties Inc./Glenn Springs Holdings, Inc.);
2. *Final Report, 721 East Alexander Avenue and Adjacent Properties Data Summary* (January, 2010 GeoEngineers, Inc. for Port of Tacoma); and its updates (*East Alexander Avenue and Adjacent Properties Data Summary Figure Updates; Memorandum from GeoEngineers to Port of Tacoma, January 27, 2012*).

The reports present soil and groundwater data from investigations occurring between 1989 and 2008 on and adjacent to the Site. Additional soil, seep, and groundwater sampling was completed in 2012 by Occidental Chemical Corporation as part of a Comprehensive Supplemental Investigation (CSI) for the Occidental Chemical Site. The CSI report is expected to be available in mid 2013.

I. The previous reports referenced above show that petroleum products, petroleum related chemicals, metals, and chlorinated solvents are present at elevated concentrations at the Site. Of relevance to this Agreed Order, the reports note (among other things) the following:

1. Gasoline-range hydrocarbons are present in soils above the MTCA Method A soil cleanup level of 30 milligrams per kilogram (mg/kg) at several locations, with a maximum concentration of 8,300 mg/kg.
2. Diesel-range hydrocarbons are present in soils above the MTCA Method A soil cleanup level of 2,000 mg/kg at several locations, with a maximum concentration of 35,000 mg/kg.

3. Benzene is present in soils above the MTCA Method B cleanup level protective of human health for direct contact with soils of 18 mg/kg, at one location with a concentration of 37 mg/kg.

4. Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) in soils are present in one sample above the MTCA Method B cleanup level protective of human health for direct contact of 0.14 mg/kg, with a concentration of 1.2 mg/kg.

5. Gasoline-range hydrocarbons are present in groundwater above the MTCA Method A groundwater cleanup level of 800 micrograms per liter ($\mu\text{g/l}$) at several locations, with a maximum concentration of 7,200 $\mu\text{g/l}$.

6. Diesel-range hydrocarbons are present in groundwater above the MTCA Method A groundwater cleanup level of 500 $\mu\text{g/l}$ at several locations, with a maximum concentration of 25,000 $\mu\text{g/l}$.

7. Free-phase petroleum product was observed in monitoring wells closest to Alexander Avenue during sampling events in 1995 and 2008.

8. Benzene is present at several locations in groundwater above the Clean Water Act human health marine water quality criterion of 51 $\mu\text{g/l}$, with a maximum concentration of 2,500 $\mu\text{g/l}$. (Values are compared to marine water quality criteria because groundwater from the Site is likely to discharge to Hylebos Waterway).

9. Lead is present at several locations in groundwater above the Clean Water Act marine chronic water quality criterion for protection of aquatic life of 8.1 $\mu\text{g/l}$, with a maximum concentration of 654 $\mu\text{g/l}$. Arsenic is present above the Clean Water Act human health marine water quality criterion of 0.14 $\mu\text{g/l}$, with a maximum concentration of 908 $\mu\text{g/l}$. Copper is present above the Clean Water Act marine chronic water quality criterion for protection of aquatic life of 2.4 $\mu\text{g/l}$, with a maximum concentration of 355 $\mu\text{g/l}$.

10. Tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl chloride are all present at several locations in groundwater above the Clean Water Act human

health marine water quality criteria value of 3.3 µg/l, 30 µg/l, and 2.4 µg/l, respectively. The maximum concentrations of PCE, TCE, and vinyl chloride were 1,100 µg/l, 230 µg/l, and 270 µg/l, respectively.

11. Petroleum product was observed leaking into the sanitary sewer pipe in the Alexander Avenue right of way in the vicinity of the Site four times between 1987 and 2003. The City of Tacoma has since sealed the sewer pipe to prevent infiltration.

12. Elevated gasoline, diesel, benzene, TCE, and PCE in soil and/or groundwater, near the borders of the 709 and 721 Alexander Avenue properties, and petroleum product found in the Alexander Avenue right of way, indicate that the contamination is not contained within the former 709 and 721 Alexander Avenue property boundaries.

13. PCE, TCE, and vinyl chloride are also present in groundwater beneath the adjacent property at 605 Alexander Avenue (the location of the former Occidental Chemical Corporation plant). It is not known whether TCE, PCE, and vinyl chloride in groundwater at the Site results from activities on the property at 605 Alexander Avenue and/or are commingled with the same chemicals resulting from activities within the former 709 and 721 Alexander Avenue property boundaries at the Site. The RI/FS required by this Order is expected to clarify the source(s) and degree of any commingling.

J. The Port has previously conducted independent remedial actions at this Site to date, as follows:

1. Completed a petroleum investigation of soil and groundwater on the southern portion of the 721 Alexander Avenue property in 1995.
2. Sampled groundwater in 2008 from four wells installed in 1995.
3. Compiled historical information and environmental data for the Site in the *Final Report, 721 East Alexander Avenue and Adjacent Properties Data Summary* (January, 2010 GeoEngineers, Inc. for Port of Tacoma); and its updates (*East Alexander*

Avenue and Adjacent Properties Data Summary Figure Updates; Memorandum from GeoEngineers to Port of Tacoma, January 27, 2012).

4. Materially participated in part of the 2013 CSI noted previously in paragraph H.

K. In addition to the CSI activities described above, Mariana Properties and/or Occidental Chemical Corporation have previously conducted remedial actions at this Site to date, as summarized in the following reports: *PRI Source Identification Report* (Conestoga Rovers & Associates, 1996); *Rapid pH Assessment Report* (Conestoga Rovers & Associates, 2002); *709/721 Alexander Investigation Report* (Conestoga Rovers & Associates, 2004); and *Data Summary Report, 709 and 721 Alexander Avenue* (Conestoga Rovers & Associates, 2012).

L. The Port plans to redevelop part of the Site in the future and intends to coordinate the redevelopment with the petroleum cleanup actions.

VI. ECOLOGY DETERMINATIONS

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

A. The Port is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

B. Mariana Properties is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

C. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(25) and (10), respectively, has occurred at the Site.

D. Based upon credible evidence, Ecology issued a PLP status letter to the Port dated March 7, 2013, pursuant to RCW 70.105D.040, .020(21), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a

determination that the Port is a PLP under RCW 70.105D.040 and notified the Port of this determination by letter dated April 11, 2013.

E. Based upon credible evidence, Ecology issued a PLP status letter to Mariana Properties dated March 7, 2013, pursuant to RCW 70.105D.040, .020(21), and WAC 173-340-500. By letter dated April 4, 2013, Mariana Properties voluntarily waived its rights to notice and comment and accepted Ecology's determination that Mariana Properties is a PLP under RCW 70.105D.040, while Mariana Properties expressly reserved all rights and defenses, without waiver of any rights or defenses, and without any admission of liability.

F. Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

G. 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. Ecology or PLPs may propose interim actions at the Site. If, after consulting with PLPs, Ecology determines the interim action(s) are warranted under WAC 173-340-430, the parties may propose an amendment to this Order under Section VIII.K to implement the Interim Action.

H. Ecology hereby incorporates into this Order the previous remedial actions related to the Site that were conducted independently by the Port, and which are described in Section V.J (Findings of Fact). Reimbursement eligibility for specific project tasks under a grant agreement with Ecology is contingent upon the determination by Ecology's Toxic Cleanup Program that the work performed complies with the substantive requirements of Chapter 173-340 WAC and is

consistent with the remedial action required under this Order. The costs associated with Ecology's determinations on the past independent remedial actions for the Site that are described in the Section V.J (Findings of Fact) are recoverable pursuant to Section VIII.A (Remedial Action Costs) under this Order.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that PLPs take the following remedial actions at the Site and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein:

A. Chemicals of Concern and Screening Levels Technical Memorandum:

The PLPs shall prepare and submit to Ecology for review and approval a technical memorandum describing the chemicals of concern at the Site and proposed screening levels (Site SLs) that will be used to evaluate the chemicals of concern during the RI. The PLPs shall consult with Ecology prior to writing the technical memorandum to discuss appropriate Site SLs and potential chemicals to be included.

Schedule: Submit the draft technical memorandum to Ecology within 45 days from the effective date of this Agreed Order. Submit final technical memorandum within 30 days of receiving Ecology's comments on the draft technical memorandum.

B. RI/FS Work Plan

The PLPs shall prepare and submit to Ecology for review and approval a work plan to implement an RI/FS under WAC 173-340-350. The PLPs shall consult with Ecology prior to writing the RI/FS Work Plan, to discuss scope of the work and outline for the work plan. At a minimum, the RI/FS Work Plan shall include the items listed below.

1. Preliminary conceptual site model.
2. Summary of existing chemical and hydrogeologic data relevant to delineating the extent of contamination at the Site, and identification of remaining data gaps regarding the nature and extent of contamination.

3. Provisions for sufficient research and field investigations to delineate the nature and extent of contamination related to releases at this Site, to enable selection of cleanup standards, and to enable selection and evaluation of cleanup alternatives.

4. Measures to assess and potentially delineate the contaminants at the Site in relationship to contaminants originating from the Occidental Chemical Site, including the debris landfill located at the shoreline area of 709 Alexander Avenue.

5. An evaluation of potential data needs for conducting the FS, and planned methods to obtain the needed data.

6. A Site Safety and Health Plan conforming to the requirements of WAC 173-340-810.

7. A section including the elements of a Sampling and Analysis Plan per the requirements of WAC 173-340-820. This shall include quality assurance/quality control measures necessary to ensure environmental data is complete, representative, accurate, and comparable to regulatory standards.

8. A schedule that provides calendar dates for completion of field work, laboratory analysis, submittal of laboratory results to Ecology, submittal of the draft RI/FS report to Ecology, submittal of final RI/FS report to Ecology, submittal of the Draft Cleanup Action Plan, and submittal of data to Ecology's Environmental Information Management (EIM) database. The calendar dates shall follow the schedule outlined in this Order for submittals that are linked in time to previous submittals or events.

Schedule: Submit the draft RI/FS Work Plan to Ecology within 90 days from the effective date of this Agreed Order. Submit the final RI/FS Work Plan incorporating Ecology's comments within 30 days of receiving Ecology's comments on the draft plan. Once approved by Ecology, the RI/FS Work Plan shall become an integral and enforceable part of this Order.

C. RI/FS Field Work:

The PLPs shall perform a remedial investigation that meets the requirements of WAC 173-340-350 and implements the approved work plan.

Schedule: Begin remedial investigation field work within 30 days of receiving Ecology's approval of the final RI/FS Work Plan.

D. Laboratory and field screening results:

The PLPs shall submit laboratory and field screening results from the remedial investigation field work to Ecology.

Schedule: Submit laboratory results to the Ecology project coordinator within 15 days following PLPs receipt of data from the laboratory(ies). Submit field screening results to the Ecology project coordinator within 15 days of performing field screening.

E. RI Data Memorandum and Data Spreadsheets:

The PLPs shall prepare and submit to Ecology a memorandum, including brief text descriptions, tables, and maps summarizing the relevant historic data and information developed from the RI field and laboratory work, and comparing Site concentrations to Site SLs. Electronic spreadsheets of the tabulated data shall be submitted along with the RI Data Memorandum. The PLPs shall consult with Ecology prior to developing the data memorandum to discuss contents and formats for maps and tables.

Schedule: Submit RI Data Memorandum and spreadsheets within 45 days from receipt of data from the laboratory.

F. Electronic Data Submittal:

In accordance with Section VIII.F (Sampling, Data Submittal, and Availability) of this Order, the PLPs shall submit all data generated for the RI/FS to Ecology's EIM database. The PLPs shall coordinate with the Ecology project coordinator before uploading data to the EIM database.

Schedule: Submit data to EIM database within 30 days from completion of data validation.

G. Draft RI/FS Report:

The PLPs shall prepare and submit to Ecology for review and approval a Draft RI/FS Report documenting the findings of the RI, and presenting the elements of an FS, that meets the requirements of WAC 173-340-350. The PLPs shall consult with Ecology prior to writing the Draft RI/FS Report, to discuss the report outline and scope of alternatives to be considered in the FS. The Draft RI/FS Report shall incorporate relevant data from previous reports and studies, and those data shall be incorporated into the maps and tables of the RI/FS Report along with the data from the RI field work. After making revisions based on Ecology's comments on an initial Draft RI/FS report, the PLPs shall submit a final Draft RI/FS report. The final Draft RI/FS report will be subjected to public notice and opportunity to comment before approval by Ecology as the final RI/FS Report, in accordance with WAC 173-340-600(13)(c).

Schedule: Submit initial Draft RI/FS Report to Ecology no longer than 145 days from completion of field work. Submit final Draft RI/FS report that incorporates Ecology's comments within 60 days of receiving Ecology's comments on the initial Draft RI/FS report.

H. Draft Cleanup Action Plan:

After Ecology approval of the final Draft RI/FS Report, the PLPs shall prepare and submit to Ecology for review a Draft Cleanup Action Plan (Draft CAP) that meets the requirements in WAC 173-340-380. The PLPs shall consult with Ecology prior to writing the Draft CAP to discuss the report outline and proposed contents. After making revisions based on Ecology's comments on an initial Draft CAP, the PLPs shall submit a revised Draft CAP. Ecology will issue a final Draft CAP for public notice and opportunity to comment in accordance with WAC 173-340-600(14)(a) and (b). Implementation of the final CAP will be addressed by a separate legal agreement.

Schedule: Submit initial Draft CAP no longer than 60 days from Ecology's approval of the final RI/FS Report. Submit a revised Draft CAP that incorporates Ecology's comments within 30 days of receiving Ecology's comments on the initial Draft CAP.

I. Progress reports and communications with Ecology:

PLPs shall provide monthly written progress reports to Ecology that provide a synopsis of the previous month's activities, initial findings and observations in the field, status of reports or other deliverables, and expected activities for the upcoming month. The PLPs shall meet in person or over the telephone with Ecology at major project junctures, as specified in the tasks of this section, to review expectations and requirements, proposed contents of reports, overall project schedule, new developments, or unexpected results that could result in the need for modifications to the work.

J. If, at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this section, Ecology may complete and issue the final deliverable.

K. Summary of Schedule

Task	Item	Schedule
A	Draft Chemicals of Concern and Screening Levels Technical Memorandum	45 days from the effective date of Agreed Order
A	Final Chemicals of Concern and Screening Levels Technical Memorandum	30 days from receiving Ecology comments on the draft technical memorandum
B	Draft RI/FS Work Plan	90 days from effective date of Agreed Order
B	Final RI/FS Work Plan	30 days from receiving Ecology comments on the draft
C	Begin RI/FS Field Work	30 days from Ecology approval of Final RI/FS Work Plan
D	Submit Laboratory Results	15 days from PLPs receipt of laboratory data
D	Submit Field Screening results	15 days from conducting field screening
E	RI Data Memorandum and Data Spreadsheets	45 days from PLPs receipt of laboratory data
F	Electronic Data Submittal to EIM	30 days from completion of data validation
G	Initial Draft RI/FS Report	145 days from completion of field work
G	Final Draft RI/FS Report	60 days from receiving Ecology comments on the draft
H	Initial Draft CAP	60 days from Ecology approval of final RI/FS Report
H	Revised Draft CAP	30 days from receiving Ecology comments on the initial draft

I	Progress Reports	Monthly
I	Meetings	Prior to development of each deliverable report; after field investigation events; upon availability of validated laboratory data; prior to determining alternatives to evaluate in the RI/FS report

VIII. TERMS AND CONDITIONS

A. Remedial Action Costs

PLPs 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 Chapter 70.105D RCW, 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 \$8,946.29 in remedial action costs related to this Site as of March 31, 2013, for which Ecology will provide an invoice to the Port and Mariana Properties within seven (7) days of the effective date of this Agreed Order. Payment for this amount shall be submitted within thirty (30) days of the effective date of this Order. For all costs incurred subsequent to March 31, 2013, PLPs 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), the PLPs' failure to pay Ecology's costs within ninety (90) days of the PLPs' receipt of the itemized statement of costs (or alternatively, if applicable, within ninety (90) days of the PLPs' receipt of the general statement of work, if requested in a timely manner) 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 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

B. Implementation of Remedial Action

If Ecology determines that PLPs have failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to PLPs, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of PLPs' failure to comply with their obligations under this Order, PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.A (Remedial Action Costs), provided that PLPs are not obligated under this section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, PLPs 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.

C. Designated Project Coordinators

The project coordinator for Ecology is:

Joyce Mercuri
Southwest Regional Office
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6260

The project coordinators for PLPs are:

Port of Tacoma:
Leslee Conner
Port of Tacoma
P.O. Box 1837
Tacoma, WA 98401
(253) 592-6732

Mariana Properties, Inc.:
Clint Babcock
Glenn Springs Holdings, Inc.
5005 LBJ Freeway, Suite 1350
Dallas, TX 75244-6119
(972) 787-7506

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 PLPs, 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.

D. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed in the state of Washington or under the direct supervision of an engineer registered in the state of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in 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 in the state of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapters 18.220 and 18.43 RCW.

PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

E. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that PLPs either own, control, or have 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 PLPs' 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 PLPs. Ecology employees or an Ecology authorized representative shall, however, follow any TSA/Homeland security requirements that the project coordinators work out in advance. PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by PLPs 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.

F. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section 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, PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by PLPs pursuant to implementation of this Order. PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow PLPs and/or their 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 VIII.E (Access), Ecology shall notify PLPs 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 Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

G. Public Participation

A Public Participation Plan is required for this Site. Ecology shall review any existing Public Participation Plan to determine its continued appropriateness and whether it requires amendment, or if no plan exists, Ecology shall develop a Public Participation Plan alone or in conjunction with PLPs.

Ecology shall maintain the responsibility for public participation at the Site. However, PLPs shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify PLPs prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by PLPs that do not receive prior Ecology approval, PLPs shall clearly indicate to its

audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Citizens for a Healthy Bay
917 Pacific Avenue, Suite 100
Tacoma, WA 98402
(253) 383-2429
- b. Ecology's Southwest Regional Office
300 Desmond Drive SE
Lacey, WA 98503
(360) 407-6300
- c. Tacoma Public Library
1102 Tacoma Avenue South
Tacoma, WA 98402
(253) 591-5666

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Southwest Regional Office in Lacey, Washington.

H. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, PLPs shall preserve all records, reports, documents, and underlying data in their possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right PLPs may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the

attorney-client privilege. If a PLP withholds any requested records based on an assertion of 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.

I. Resolution of Disputes

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section VIII.A (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, PLPs have fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. PLPs may then request regional management review of the decision. This request shall be submitted in writing to the Southwest Region Toxics Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of PLPs' request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

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.

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.

J. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

- a. The deadline that is sought to be extended;
- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on PLPs 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:

- a. Circumstances beyond the reasonable control and despite the due diligence of PLPs 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 PLPs;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.L (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 PLPs.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give PLPs 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 VIII.K (Amendment of Order) when a schedule extension is granted.

4. 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:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.L (Endangerment).

K. 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 VIII.M (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 PLPs. PLPs shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.I (Resolution of Disputes).

L. Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct PLPs to cease such activities for such period of time as it deems necessary to abate the danger. PLPs shall immediately comply with such direction.

In the event PLPs determine that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, PLPs may cease such activities. PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with PLPs' cessation of activities, it may direct PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, PLPs' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.J (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.

M. Reservation of Rights

This Order is not a settlement under Chapter 70.105D RCW. 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 PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against PLPs regarding remedial actions required by this Order, provided PLPs comply with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and 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, PLPs do not admit to any liability for the Site. Although the PLPs are committing to conducting the work required by this Order under the terms of this Order, PLPs expressly reserve 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.

N. 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 either PLP without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to any PLPs 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 restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

O. Compliance with Applicable Laws

1. All actions carried out by PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), PLPs are exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, PLPs shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other parties of its determination. Ecology shall determine whether Ecology or PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by PLPs and on how PLPs must meet those requirements. Ecology shall inform PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.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 PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

P. Indemnification

The PLPs agree, to the extent allowed by law for the Port, 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 PLPs, its officers, employees, agents, or contractors in entering into and implementing this Order. However, PLPs 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.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon PLPs receipt of written notification from Ecology that PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that PLPs have complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

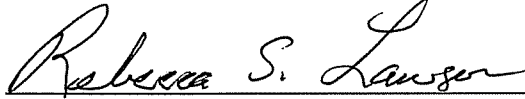
- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
- C. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:
 - 1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and
 - 2. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.

This Order may be reviewed only as provided under RCW 70.105D.060.

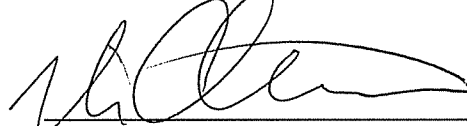
Effective date of this Order: October 3, 2013

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



REBECCA S. LAWSON, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Regional Office
(360) 407-6241

MARIANA PROPERTIES, INC



MICHAEL G. ANDERSON
President
Mariana Properties, Inc.
(972) 687-7501

PORT OF TACOMA

JOHN WOLFE
Chief Executive Officer
Port of Tacoma
(253) 383-5841

D. This Order is not appealable to the Washington Pollution Control Hearings Board.
This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: _____

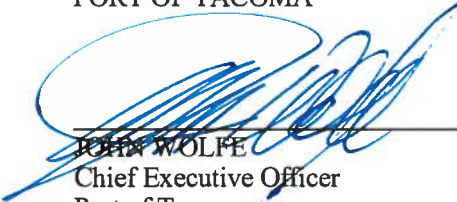
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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PORT OF TACOMA



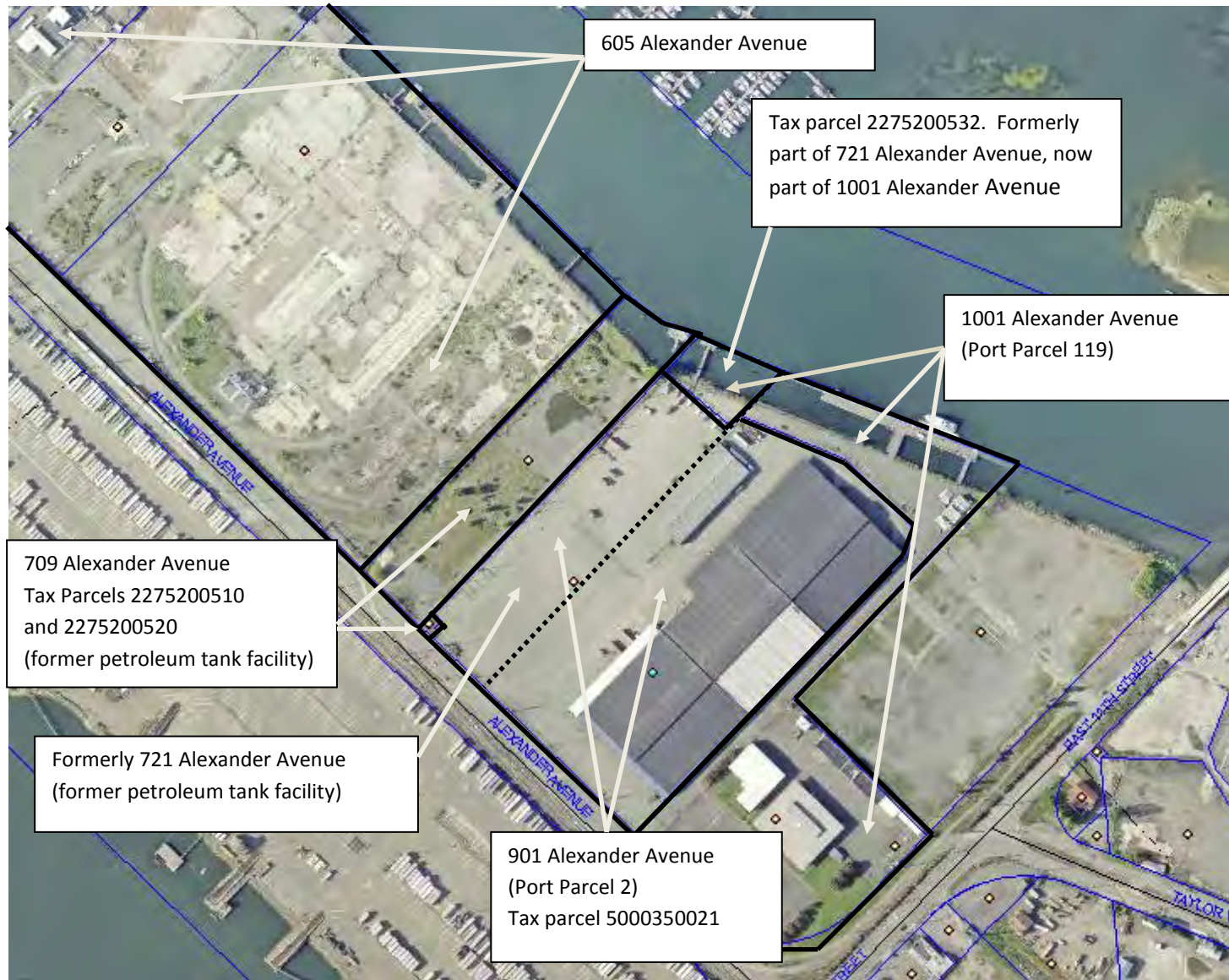
JOHN WOLFE
Chief Executive Officer
Port of Tacoma
(253) 383-5841



■■■■■■■■■■ Site boundary based on factors currently known to Ecology

**SITE DIAGRAM
ALEXANDER AVENUE PETROLEUM
TANK FACILITIES SITE**

EXHIBIT A
Agreed Order No. DE 9835



**PROPERTIES IN THE VICINITY OF THE SITE
ALEXANDER AVENUE PETROLEUM TANK FACILITIES SITE**