



Voluntary Cleanup Program

Washington State Department of Ecology
Toxics Cleanup Program

APPLICATION FORM

Under the Voluntary Cleanup Program (VCP), the Department of Ecology (Ecology) may provide informal site-specific technical consultations to persons conducting independent remedial actions at a hazardous waste site. Ecology may provide such consultations under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC.

To enter the VCP, complete and submit to the Department of Ecology (Ecology) a VCP Application. The Application consists of the following two documents:

1. Application Form (including required attachments). ← THIS DOCUMENT
2. Agreement.

For guidance on how to complete your Application, please refer to the Application Instructions, which are available separately on the VCP web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm.

Part 1 - ADMINISTRATION

A. Customer Information. The Customer is the person or organization requesting services from Ecology under the VCP, and is responsible for paying the costs incurred by Ecology. The authority and duty of the Customer are explained in the Agreement.

Name of Customer: United Parcel Service Oasis Supply Corporation

What type of entity is the Customer?

Person

If the Customer is a "person," then the Customer shall serve as both the Manager and Billing Contact for the Project. When identifying the Project Manager below, please enter the name of the Customer and his or her contact information.

Organization

If the Customer is an "organization," then please identify below both a Manager and Billing Contact for the Project. Those persons must be employed by the organization.

What is the Customer's involvement at the Site? Please check all that apply.

Property owner

Business owner (operator)

Past property owner

Mortgage holder

Future property owner

Consultant

Property lessee

Attorney

Other – please specify: _____

If not the current property owner, is the Customer acting as the agent for the property owner?

Yes No

If not the current property owner, is the Customer authorized to grant access to the property?

Yes No

Part 1 – ADMINISTRATION continued

B. Project Manager Information. Ecology will send this person all official correspondence. Please enter the required information below.

| | | | |
|---|------|-----------------------|------------|
| Name: Ms. Jody Cada | | Title: | |
| Mailing address: 13035 Gateway Drive Suite #149 | | | |
| City: Seattle | | State: Washington | Zip: 98168 |
| Phone: 206-218-6475 | Fax: | E-mail: jcada@usp.com | |

C. Project Billing Contact Information. Ecology will send this person monthly invoices.

Is the Project Billing Contact the same as the Project Manager?
 Yes *If you answered "YES," then skip to the next question.*
 No *If you answered "NO," then please enter the required information below.*

| | | | |
|------------------|------|---------|------|
| Name: | | Title: | |
| Mailing address: | | | |
| City: | | State: | Zip: |
| Phone: | Fax: | E-mail: | |

D. Project Consultant Information.

Is the Customer a consultant?
 Yes *If you answered "YES," then skip to the next question.*
 No *If you answered "NO" and the Customer hired a consultant to conduct the independent remedial action, then enter the required information below.*

| | | | |
|---|-------------------|----------------------------------|------------|
| Name: C. Scott Pate, PG, Washington No. 112 | | Title: President/CEO | |
| Organization: Sierra Piedmont, Inc. | | | |
| Mailing address: 12045 Highway 92 | | | |
| City: Woodstock | | State: GA | Zip: 30188 |
| Phone: 770-792-6200 | Fax: 770-792-6005 | E-mail: spate@sierrapiedmont.com | |

Do you want Ecology to contact the Project Consultant?
 Yes No

E. Property Owner Information.

Is the Customer the owner of the property where independent remedial action is being conducted?
 Yes *If you answered "YES," then enter the type of entity and skip to the next question.*
 No *If you answered "NO," then please enter all of the required information below.*

| | | | |
|--|------|-----------------------|------------|
| Name: Robert and Naomi M. Kuhns | | Title: Property Owner | |
| Organization: Not Applicable | | | |
| Mailing address: 105 North 57 th Street | | | |
| City: Yakima | | State: WA | Zip: 16675 |
| Phone: Agent (509-453-5563) | Fax: | E-mail: | |

Part 1 – ADMINISTRATION continued

What type of entity is the property owner? Please check only one.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Private | <input type="checkbox"/> County |
| <input type="checkbox"/> Tribal | <input type="checkbox"/> Municipal |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Mixed |
| <input type="checkbox"/> State | <input type="checkbox"/> Public School |
| <input type="checkbox"/> Other – please specify: _____ | |

F. Request for Written Opinion.

Are you submitting a remedial action plan or report with your VCP Application?

- Yes No

If you answered "YES" above, do you want Ecology to provide you with a written opinion on the planned or completed remedial action?

- Yes No

Please note that Ecology's opinion will be limited to:

- Whether the planned or completed remedial action at the site meets the substantive requirements of the Model Toxics Control Act (MTCA), and/or
- Whether further remedial action is necessary at the site under MTCA.

Do you expect to request additional written opinions in the future?

- Yes No

G. Reporting Requirements.

Please comply with the following reporting requirements when requesting written opinions on planned or completed remedial actions:

- Licensing.** Documents submitted containing geologic, hydrologic, or engineering work must be under the seal of an appropriately licensed professional, as required by Chapters 18.43 and 18.220 RCW.
- Data Submittal.** Environmental sampling data must be submitted in both a printed form and an electronic form capable of being transferred into Ecology's data management systems. For instructions on how to submit the data, please refer to the following Ecology web site: www.ecy.wa.gov/programs/tcp/data_submittal/Data_Requirements.htm.

Failure to comply with these requirements may result in unnecessary delays. **Ecology will not issue a No Further Action (NFA) opinion unless these requirements are satisfied.**

Part 2 - DESCRIPTION OF THE SITE

A. Name of the Site. If Ecology has already identified the Site, enter the name provided by Ecology. Otherwise, enter a suggested name for the Site. You may also include an alternate name.

Name: UPS Union Gap

Alternate Name: UPS Yakima

B. Location of Property where the Releases Occurred (Source Property).

The "source property" is the property where hazardous substances were released into the environment. For example, if petroleum was released from a leaking UST, the source property is the property where the UST was located.

Do you know on which property the releases occurred?

Yes

If you answered "YES," then please refer to the source property when answering the following questions.

No

If you answered "NO," then please refer to the property addressed by your remedial action (cleanup) when answering the following questions.

Physical Address. Please enter the physical address of the property below.

Street Address: 501 East Valley Mall Boulevard

City: Union Gap

State: WA

Zip: 98903

Geographic Position. Please enter the geographical position of the property below. For additional guidance on how to complete this part, please refer to instructions on the VCP web site.

| | | | | |
|---|--|---------------|-------------|-----------------|
| COORDINATES | LATITUDE: | Degrees: 46 | Minutes: 33 | Seconds: 50.724 |
| | LONGITUDE : | Degrees: -120 | Minutes: 28 | Seconds: 59.124 |
| LOCATION ON PROPERTY: [e.g., point of release or center of parcel] | Former UST pit, south side of site building, between building and West Valley Mall Boulevard | | | |
| COLLECTION METHOD: [e.g., GPS or address matching] | Search via: msrmaps.com and Yakima County GIS | | | |
| COLLECTION SOURCE: [i.e., map scale] | 1 inch = 100 feet | | | |
| HORIZONTAL DATUM: [i.e., base reference for coordinate system] | NAD83 | | | |
| ACCURACY LEVEL: [i.e., +/- feet or meters] | Undetermined | | | |

Legal Descriptions.

| | | | | |
|------------------|--------------|------------|-------------|-----------------------------------|
| TRS DATA: | Township: 13 | Range: 19E | Section: 32 | Quarter-Quarter: SE 1/4 of SW 1/4 |
| TAX PARCEL #(s): | 191332-34011 | | | |

Part 2 - DESCRIPTION OF THE SITE continued

C. Identification of Properties affected by the Releases (Affected Properties).

An "affected property" is a property affected by the release of hazardous substances on the source property. For example, petroleum released from a leaking UST on one property (source property) may migrate through the soil or ground water onto an adjacent property (affected property).

Do any of the releases affect any properties adjacent to the source property?

Yes *If you answered "YES," then please identify below each property that you know has been affected by the releases on the source property. If you need to identify additional properties, please attach additional pages.*

No *If you answered "NO," then skip to the next question.*

Unknown *If you answered "UNKNOWN," then skip to the next question.*

| | |
|----|----------------|
| 1. | Address: |
| | Tax Parcel(s): |
| 2. | Address: |
| | Tax Parcel(s): |
| 3. | Address: |
| | Tax Parcel(s): |
| 4. | Address: |
| | Tax Parcel(s): |

D. Identification of Public Right-of-Ways affected by the Releases.

Do any of the releases affect any public right-of-ways (e.g., streets)?

Yes No Unknown

If you answered "YES" above, please specify below. Otherwise, skip to the next question.

Attach additional pages if necessary.

E. Extent of the Site.

What is the approximate areal extent of the Site? Please check only one.

< 5,000 square feet

> 5,000 square feet, but < 1 acre

> 1 acre, but < 10 acres

> 10 acres

Unknown

Part 2 - DESCRIPTION OF THE SITE continued

F. Description of Release(s) at the Site.

Source of Release(s).

What are the source(s) of the release(s) at the Site? Please check all that apply.

- Point source (e.g., leaking tank)
- Non-point source (e.g., contaminated soil used as fill)
- Area-wide lead and arsenic soil contamination (see questions below)
- Other – please specify: _____
- Unknown

To the extent known, please describe the source(s) of the release(s):

Former UST area: One 10,000 gallon, unleaded gasoline UST and associated dispenser & piping.

Attach additional pages if necessary.

Circumstances of Release(s). To the extent known, please describe below the circumstances of the release(s).

Former UST area: One 10,000 gallon unleaded gasoline UST was upgraded with epoxy lining, steel line replacement, overfill prevention in 1990. Unknown quantity of petroleum impacted soil was detected and reported removed. In 1995, the 10,000 gallon UST was removed and petroleum impacted soil was detected. Soil and groundwater assesment was conducted and laboratory analyses indicated impact above MTCA Method A Cleanup Standards. A 12,000 gallon UST was installed later in 1995.

Attach additional pages if necessary.

Circumstances of Release Discovery. To the extent known, please describe below the circumstances of the discovery of the release(s).

See the description provided above.

Attach additional pages if necessary.

Part 2 - DESCRIPTION OF THE SITE continued

Area-Wide Soil Contamination. For information about the area-wide soil contamination project, please refer to the following web site: [www.ecy.wa.gov/programs/tcp/area wide/area wide hp.html](http://www.ecy.wa.gov/programs/tcp/area%20wide/area%20wide_hp.html). For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: [www.ecy.wa.gov/programs/tcp/sites/tacoma smelter/ts hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/tacoma_smelter/ts_hp.htm).

Is the Site located within an area affected by smelter emissions, such as the TSP area?

Yes No Unknown

To determine whether your Site is located within the TSP area, please refer to the map on the TSP web site identified above.

Is the Site located on a former apple or pear orchard in operation prior to 1947?

Yes No Unknown

Is the Site impacted by area-wide arsenic and/or lead soil contamination?

Yes No Unknown

G. Nature and Extent of Hazardous Substances Released at the Site. The following questions refer to conditions after the release, but prior to any cleanup, of the hazardous substances at the Site.

Hazardous Substances and Affected Media. To the extent known, please identify in the following table the hazardous substances released at the Site and the media (e.g., soil) impacted by those substances. Use the codes at the bottom of the table.

| HAZARDOUS SUBSTANCE | AFFECTED MEDIA | | | | |
|---------------------|----------------|--------------|---------------|----------|-----|
| | SOIL | GROUND WATER | SURFACE WATER | SEDIMENT | AIR |
| EXAMPLE: Benzene | C | S | N/A | N/A | B |
| WTPH-G | C | C | N/A | N/A | N/A |
| Benzene | O | O | N/A | N/A | N/A |
| Toluene | O | C | N/A | N/A | N/A |
| Ethylbenzene | O | C | N/A | N/A | N/A |
| Total Xylenes | O | C | N/A | N/A | N/A |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

When identifying the affected media in the table above, please use one of the following codes:

- C = confirmed, above cleanup level
- B = confirmed, below cleanup level
- O = confirmed, not present
- S = suspected
- N/A = not suspected
- U = unknown

Part 2 - DESCRIPTION OF THE SITE continued

Drinking Water.

Does any of the contamination at the Site pose a threat or potential threat to an existing drinking water source (ground water or surface water)?

- Yes No Unknown

If you answered "YES" above, what type of drinking water system is threatened by the contamination? Please check all that apply.

- Single Family
 Community

Indoor Air.

Are contaminant odors present in any buildings, manholes, or other confined spaces?

- Yes No Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

H. Maps of the Site.

Please attach to this application map(s) that identify, to the extent known, the following:

- The location of the site.
- The properties, and any public right-of ways, affected by the site.
- The source(s) of the release(s) at the site.
- The nature and extent of contamination at the site.
- Any human or ecological receptors impacted by the site (e.g., drinking water wells).
- The physical characteristics of the site (e.g., property lines, building and road outlines, surface water bodies, water supply wells, ground water flow direction, and utility right-of-ways).
- The properties adjacent to the site and the uses of those properties (e.g., gas station, dry cleaner, residential).

Part 3 – OPERATIONAL HISTORY OF THE SITE

A. Current Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Answer these questions to the best of your ability.

Current Property Owners. To the extent known, please identify below the current owner of the source property.

| | | |
|--|-----------|------------------------|
| Name: Robert and Naomi M. Kuhns | | Title: Property Owners |
| Organization: Not Applicable | | |
| Mailing address: 105 North 57th Street | | |
| City: Yakima | State: WA | Zip code: 16675 |
| Phone: Agent (509-453-5563) | | |

Current Business Owner (Operator). To the extent known, please identify below the current owner of the business located on the source property.

| | | |
|--|-----------|----------------------|
| Name: United Parcel Service | | Title: |
| Organization: United Parcel Service Oasis Supply Corporation | | |
| Mailing address: 55 Glenlake Parkway, NE | | |
| City: Atlanta | State: GA | Zip code: 30328-3474 |
| Phone: | | |

Current Business Operations. To the extent known, please identify below the current operations of the business located on the source property.

What is the current land use of the source property? Please check all that apply.

| | |
|--|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> School |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Childcare facility |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Park |
| <input type="checkbox"/> Agricultural | |
| <input type="checkbox"/> Other – please specify: _____ | |

Is there a currently operational commercial or industrial business located on the source property?

Yes No Unknown

If you answered "YES" above, please identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.

| NAICS CODE | DESCRIPTION OF OPERATIONS |
|------------|--|
| EX: 447110 | Gasoline Stations with Convenience Stores |
| 492110 | Local letter and parcel delivery services as part of intercity courier network |
| 492110 | "Local letter and parcel delivery services (except as part of intercity carrier network, U.S. Postal Service)" |
| | |
| | |

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Is there a solid waste handling facility located on the Source Property?
 Yes No Unknown
 If you answered "YES" above, please identify:

Attach additional pages if necessary.

Is there a dangerous waste treatment, storage, or disposal facility located on the Source Property?
 Yes No Unknown
 If you answered "YES" above, please identify:

Attach additional pages if necessary.

Regulation of Current Business Operations.

Does the business operate under any federal, state, or local permits related to the release of hazardous substances into the environment (e.g., NPDES permit)?
 Yes No Unknown
 If you answered "YES" above, please specify the regulated operation, the name of the permit, and the date it was issued in the table below.

| REGULATED OPERATION | PERMIT | DATE ISSUED |
|--------------------------|--------------|-------------|
| EX: Wastewater discharge | NPDES permit | 02/02/02 |
| | | |
| | | |
| | | |

Has a state or federal notice of enforcement action (e.g., notice of violation) ever been issued related to the release of hazardous substances at the business?
 Yes No Unknown
 If you answered "yes" above, please specify (notice and year issued): WDOE, Notice of Non-compliance for UST Removal - Failure to Perform Site Assessment, November, 2004; WDOE Penalty/Field Citation \$500, December 2004

Have business operations resulted in any other spills or other unpermitted releases on the source property?
 Yes No Unknown
 If you answered "YES" above, please specify in the table below.

| RELEASE | DATE OF RELEASE | STATUS OF RELEASE |
|---------|-----------------|-------------------|
| | | |
| | | |
| | | |

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Storage Tank Information. In table below, please identify all above ground storage tanks (AST) and underground storage tanks (UST) that have been used for storing hazardous substances on the source property, irrespective of whether the tanks are still in use or in place. If you are unable to provide answers to specific questions regarding a tank, please enter "U" for unknown.

| IDENTIFICATION | | | | STATUS AND CLOSURE | | | | RELEASES | |
|---------------------|----------------|----------------|--------------|--------------------|--------------|-------------|--------------------|------------|---------------|
| Hazardous Substance | Type (AST/UST) | Size (Gallons) | TANK ID | DATE INSTALL | IN USE (Y/N) | DATE CLOSED | CLOSURE METHOD (*) | PAST (Y/N) | CURRENT (Y/N) |
| EX: Diesel | UST | 10,000 | 4 | 02/87 | N | 05/98 | Removed | Y | N |
| Gasoline | UST | 10,000 | 1 (GAS) | 01/77 | N | 09/95 | Removed | U | N |
| Gasoline | UST | 12,000 | 1 UNLEAD | 10/95 | N | 12/03 | Removed | U | N |
| Used Oil | UST | 550 | 2 (Used Oil) | U | N | 07/90 | Removed | N | N |
| Used Antifreeze | UST | 250 | U | U | N | 07/90 | Removed | N | N |

(*) Options = Removed or Closed in Place

B. Past Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Please answer these questions to the best of your ability.

Past Property Owners. To the extent known, please identify below the owner of the source property at the time the release occurred.

Name: Unknown Title:

Organization:

Mailing address:

City: State: Zip code:

Phone: Fax: E-mail:

Past Business Owners (Operators). To the extent known, please identify below the owner of the business (operator) at the time the release occurred.

Name: Unknown Title:

Organization:

Mailing address:

City: State: Zip code:

Phone: Fax: E-mail:

Identification of Past Business Operations. Please identify in the following table the past operations of businesses located on the source property using the North American Industry Classification System (NAICS) codes and/or specifying the operations.

| NAICS CODE | DESCRIPTION OF OPERATIONS |
|------------|---|
| EX: 447110 | Gasoline Stations with Convenience Stores |
| Unknown | Unknown |
| | |
| | |

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

C. Future Use of Source and Affected Properties. The following questions refer to both source and affected properties. Please answer these questions to the best of your ability.

Will any ownership interest in the source or affected properties be conveyed prior to, or upon completion of, the cleanup?

- Yes No Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup?

- Yes No Unknown

If you answered "YES" above, please specify the proposed land use below. Please check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> School |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Childcare facility |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Park |
| <input type="checkbox"/> Agricultural | |
| <input type="checkbox"/> Other – please specify: | |

Please also specify the activities proposed for that land use:

Attach additional pages if necessary.

Part 4 – ADMINISTRATIVE HISTORY OF THE SITE

Have you previously reported the release(s) of hazardous substances at the Site to Ecology?

- Yes – If so, when? 1995/2004 No Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under the VCP?

- Yes – If so, please specify the VCP Project Number: _____
 No
 Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under a federal or state order or decree?

- Yes – If so, please specify the type and docket number: _____
 No
 Unknown

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE

A. Scope of Remedial Actions.

Do you plan to characterize and address all of the contamination at the Site, including any contamination located on affected adjacent properties, as part of the VCP project?

- Yes No Unknown

If you answered "NO" above, please describe below the scope of the VCP project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you DO NOT plan on characterizing and/or addressing as part of the VCP project. Please include additional pages if necessary.

Gasoline UST area: Limited soil investigation of gasoline constituents adjacent to the former UST location.

Attach additional pages if necessary.

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE continued

B. Status of Remedial Actions.

What is the current status of remedial actions at the site? Please check all that apply in the table below.

| REMEDIAL ACTION | PLANNED | ONGOING | COMPLETED | NOT APPLICABLE |
|-----------------------------|---------|---------|-----------|----------------|
| INITIAL RESPONSE (UST ONLY) | | | X | |
| INTERIM ACTION | X | | | |
| REMEDIAL INVESTIGATION | | | | X |
| FEASIBILITY STUDY | | | | X |
| CLEANUP ACTION | | | | X |

C. Documentation of Remedial Actions.

Please list in the table below all known remedial action plans or reports produced for the site, including:

- The title of the plan or report,
- The author (e.g. consulting firm) of the plan or report,
- The date the plan or report was produced,
- Whether the plan or report has been submitted to Ecology,
- The date the plan or report was submitted to Ecology.

| | TITLE | AUTHOR | DATE | SUBMITTED TO ECOLOGY | |
|-----|--|---------------------------------|----------|----------------------|----------|
| | | | | Y/N? | DATE |
| EX: | John Doe's Site: Remedial Investigation Work Plan | Mom's Consulting Firm | 02/20/05 | NO | N/A |
| 1. | UST Site Check and Closure Report | Black & Veatch | 02/96 | Yes | 05/16/96 |
| 2. | Underground Storage Tank Removal and Laboratory Analysis | Environmental Resolutions, Inc. | 03/30/04 | Yes | 12/01/04 |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |

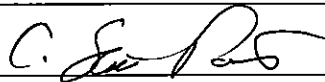
Part 6 – STATEMENT AND SIGNATURE

A. Statement and Signature. The undersigned affirms that the information contained in this application is true and accurate to the best of his or her knowledge. Please note that someone other than the Customer may sign this Application Form.

Name: C. Scott Pate, PG, Washington No. 112

Title: President/CEO

Signature:



Date: 03/25/2010

Organization: Sierra Piedmont, Inc.

Mailing address: 12045 Highway 92

City: Woodstock

State: GA

Zip code: 30188

Phone: 770-792-6200

Fax: 770-792-6005

E-mail:

spate@sierrapiedmont.com

B. Affiliation.

What is the signatory's involvement at the Site? Please check all that apply.

- Customer
- Property Owner
- Consultant
- Attorney
- Other – please specify: _____

VCP AGREEMENT



INSTRUCTIONS: Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page and sign the Agreement on the second page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below, 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the State of Washington Department of Ecology (Ecology) and United Parcel Service Oasis Supply Corporation (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address: 501 West Valley Mall Boulevard, Union Gap, Yakima County, Washington 98903

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or Chapter 173-340 WAC, then that definition shall govern.

Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70.105D.030(1)(i), any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold

| | | |
|--|-----------------------|------------------------|
| FOR COMPLETION BY ECOLOGY ONLY | Facility / Site Name: | UPS Union Gap Terminal |
| | Facility / Site No.: | 14724678 |
| | VCP Project No.: | CE 0324 |

any requested opinions and notify the Customer by certified mail that the debt is past due. If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under Chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, 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.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Valerie Bound

Signature

Valerie Bound

Printed Name

Section Manager, CRD

Toxics Cleanup Program Section

Date: 4-19-10

United Parcel Service Oasis Supply Corporation

Name of Customer

Julie Straub

Signature

Julie Straub

Printed Name of Signatory

Remediation & Assessment Manager

Title of Signatory

Date: 4-6-10

If you need this document in an alternative format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.