

DEPARTMENT OF ECOLOGY

January 21, 1998

TO: Tami Jones, Fiscal  
FROM: Pat Melone, TCP  
SUBJECT: New Cost Recovery Agreement

For  
Katherine  
Scott

PureGro Pasco

I have attached the Agreed Order.

Please add to the Cost Recovery System and send their first invoice with the next round of invoices.

Costs from May 1, 1997, should be included on the first invoice.

per pg 7. of A.O.

Account: PureGro Pasco  
Send invoices to: Mr. Mark Brearley  
Union Oil Company of California dba Unocal  
Contractor to PureGro Company  
Asset Management Group  
P. O. Box 76  
Seattle, WA 98111

And: Nancy Bishop  
Manager, Environment, Health & Safety  
Western Farm Service & Crop Production Services  
3650 Mt. Diablo Blvd, Suite 260  
Lafayette, CA 94549

Project: 8317  
Site Manager: Keith Stoffel, ERO

PAM:df  
Attachments

**Melone, Patricia A.**

**From:** Stoffel, Keith L.  
**Sent:** Wednesday, January 21, 1998 8:41 AM  
**To:** Melone, Patricia A.  
**Subject:** RE: Pasco PureGro

Pat--

The correct code is J1A99, a TCP code. Although I am technically a staff member in HWTRP, I am working for TCP on this site.

Mark Brearley is the designated project coordinator for the PLPs. Mark's address/phone:

Mark Brearley  
Union Oil Company of California d.b.a. Unocal  
Contractor to PureGro Company  
Asset Management Group  
P.O. Box 76  
Seattle, WA 98111  
(425) 640-7610 phone  
(425) 640-7601 fax

The other two PLPs are Western Farm Service, Inc. and Crop Production Services. Both are owned by the same parent company, Agrium, Inc. One person, Nancy Bishop, serves as the environmental manager for both companies. Nancy's address/phone:

Nancy Bishop  
Manager--Environment, Health & Safety  
Western Farm Service & Crop Production Services  
3650 Mt. Diablo Blvd, Suite 260  
Lafayette, CA 94549  
(510) 283-0353 phone  
(510) 283-3661 fax

Please call me (509/456-3176) if you have any other questions.

--Keith

-----Original Message-----

**From:** Melone, Patricia A.  
**Sent:** Tuesday, January 20, 1998 4:04 PM  
**To:** Stoffel, Keith L.  
**Subject:** Pasco PureGro

I just received the AO and want to set up the cost recovery account

My records show that the code is J1A99, a TCP code. Is that correct? Or is there a HWTR code?

AND, I need addresses for the 3 PLPs, or your ok to send only one invoice to Mark Brearley



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

January 16, 1998

Mr. Mark Brearley  
Union Oil Company of California dba Unocal  
Contractor to PureGro Company  
Asset Management Group  
P.O.Box 76  
Seattle, Washington 98111

Dear Mr. Brearley:

On July 18, 1997, the Department of Ecology (Ecology) named Western Farm Service, Inc., Crop Production Services, Inc., and PureGro Company as Potentially Liable Persons (PLPs) for releases of hazardous substances to the environment at the agricultural chemical distribution facility located on Glade Road near Pasco, Washington. In early November 1997, representatives for the PLPs signed Agreed Order No. DE 97-TC-E104 (Order), issued under the authority of the Model Toxics Control Act, Chapter 70.105D RCW, which requires the PLPs to conduct a comprehensive Remedial Investigation and Feasibility Study (RI/FS) at the facility. In November 1997, Ecology published a public notice of our intent to enter into the Order with the PLPs. In the public notice, Ecology invited the general public to review and comment on the proposed Order. Public comments were accepted through January 12, 1998.

Ecology did not receive any written or oral comments during the public comment period. Therefore, I have signed the Order, which becomes effective today, January 16, 1998. The clock now starts for the "Schedule of Deliverables" in the RI/RF Scope of Work (Exhibit C of the Order). The first deliverable is a technical report for the Phase 1 Remedial Investigation. The deliverable date for this report is ninety (90) days from the effective date of Order.

If you have any questions regarding this matter, please contact Keith Stoffel, Ecology's project coordinator, at (509) 456-3176. Thank you for your cooperation.

Sincerely,

Flora J. Goldstein  
Section Manager  
Toxics Cleanup Program

FJG:ms

Enclosure

Cc: Nancy Bishop, WFS and CPS  
Pat Melone, Ecology TCP

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

COPY

In the Matter of Remedial Action at the:

WESTERN FARM SERVICE PASCO FACILITY )  
3482 Glade Road North )  
Pasco, Washington 99302 )  
)  
)

AGREED ORDER  
No. DE 97TC-E104

TO: *Western Farm Service, Inc.*  
*Crop Production Services, Inc.*  
*PureGro Company*

*Collectively referred to herein as Potentially Liable Persons (PLPs)*

I. Jurisdiction

This Agreed Order ("Order") is issued pursuant to the authority of RCW 70.105D.050 (1).

II. Findings of Fact

The Washington Department of Ecology (Ecology) makes the following Findings of Fact, without admission of such facts by the PLPs:

1. Western Farm Service, Inc. (WFS) owns and operates an agricultural chemical distribution facility located at 3482 Glade Road North near Pasco, Washington, in the SW 1/4 NE 1/4 Section 25, Township 10 North, Range 29 East, Willamette Meridian (*see Exhibit A, Site Map*). WFS has owned and operated the Pasco facility (hereafter referred to as the Glade Road facility) since July, 1995.
2. Between January, 1993 and July, 1995, the Glade Road facility was owned and operated by Crop Production Services, Inc. (CPS). Between August, 1985 and January, 1993, the Glade Road facility was owned and operated by PureGro Company (PureGro).
3. The Glade Road facility is, and historically has been, an agricultural chemical distribution facility. Fertilizers and pesticides are formulated, mixed, packaged, and distributed to buyers for off-site application to agricultural fields.

4. The Glade Road facility covers more than twenty acres (*see Exhibit B, Facility Map*). Currently, the facility includes:

- Warehouses for storage of pesticides and fertilizers;
- Chemical storage building;
- Dry fertilizer storage area;
- Equipment rinse pads, with sumps and/or storage tanks;
- Above-ground storage tanks for fertilizers, pesticides, and rinse waters;
- Above-ground storage tanks for gasoline and diesel fuels;
- Sandblasting area with concrete containment pad;
- Equipment repair shop;
- Office building.

Formerly, operations at the Glade Road facility also included:

- 21-0-0-7 fertilizer "reactor" with accompanying fertilizer and sulfuric acid tanks and above-ground storage tanks for 21-0-0-7 product;
- Warehouse for formulation and storage of micronutrients;
- Above-ground storage tanks for fumigants;
- Underground storage tanks for gasoline, diesel, and aviation fuel;
- Additional equipment rinse pads;
- Rinse water drainage area;
- Oil shed;
- Helicopter pads;
- Additional office building.

5. Hazardous substances have been spilled or discharged at the facility several times in the past. Evidence of these releases are contained in the following documents:

- Dames and Moore, 1986 (March 27), *Report Concerning Release of Phosphoric Acid, Glade Road Facility, Pasco, Washington*, prepared for PureGro Company
- Department of Ecology, 1990 (August 22), *Field notes for Toxic Cleanup Program's Initial Investigation to evaluate May, 1989 fertilizer spill*
- Department of Ecology, 1990 (September 13), *Early Notice Letter to PureGro Company regarding May, 1989 fertilizer spill*
- Department of Ecology, 1991 (August 20), *Letter to PureGro regarding Ecology's Hazard Ranking for the Glade Road facility*
- Department of Ecology, 1995 (August 30), *Hazardous Waste and Toxics Reduction Program Inspection Report for August 9, 1995 dangerous waste compliance evaluation inspection*

- Department of Ecology, 1996 (June 12), *Hazardous Waste and Toxics Reduction Program Compliance Report for May 19, 1996 dangerous waste compliance evaluation inspection*
- Department of Ecology, 1996 (July 9), *Memorandum to Toxics Cleanup Program file summarizing Ecology's Glade Road facility tour on June 25, 1996*
- Department of Ecology, 1997 (July 10), *Memorandum to Toxics Cleanup Program file summarizing Ecology's Glade Road facility tour on July 7, 1997*
- EMCON, 1997 (March 18), *Remedial Investigation Report, Former PureGro Property, Pasco, Washington*, prepared for Unocal Asset Management Group
- Hart Crowser, 1993 (December 29), *Phase II Investigation Report, Pasco, Washington*, prepared for Unocal Corporation
- Hart Crowser, 1994 (August 25), *Sample Results, Helicopter Pads, Pasco, Washington*, prepared for Unocal Corporation
- Hart Crowser, 1994 (October 11), *Sample Results, Organochlorine Pesticides, Pasco, Washington*, prepared for Unocal Corporation
- PureGro Company, 1990 (May 25), *Letter to Ecology summarizing releases of hazardous substances at the facility prior to May 4th, 1990*
- Remediation Technologies, Inc., 1989 (August), *Sampling Plan for Determining the Extent of Pesticide Contamination in the Open-Top Tank Area, Pasco, Washington*, prepared for PureGro Company
- Remediation Technologies, Inc., 1990 (April), *Site Investigation of the Open-Top Tank Area, Pasco, Washington*, prepared for PureGro Company
- Scientific Applications International Corporation, 1991 (June), *Site Hazard Assessment, PureGro Company Pasco Site, Franklin County, Washington*, prepared for Department of Ecology
- Summit Envirosolutions, 1995 (March 31), *Independent Remedial Action Report, Phosphoric Acid Release, Crop Production Services, Inc., Pasco, Washington*, prepared for Crop Production Services
- Western Farm Service, Inc., 1996 (March 26), *Letter to Ecology regarding June, 1995 liquid magnesium sulfate spill*

- Woodward-Clyde, 1997 (April 22), *Summary of Site Remedial Actions and Responses to Ecology Comments, Western Farm Service Glade Road Facility, Pasco, Washington*, prepared for Western Farm Service, Inc.
6. Remedial measures taken to clean up some past releases of hazardous substances at the Glade Road facility are documented in some of the reports listed above. Other past releases of hazardous substances at the facility have either not been remediated, the remedial measures have not been documented, or the documentation of the remedial measures taken has not been submitted to Ecology.
  7. Past releases of hazardous substances have resulted in known contamination of ground water at the Glade Road facility. In December, 1996, ground water samples contained *nitrate* at concentrations as high as 46.6 mg/l, which exceeds the federal drinking water maximum contaminant level (MCL) of 10 mg/l. December, 1996 ground water samples also contained *dinoseb* at concentrations as high as 20.8 ug/l, which exceeds the federal drinking water MCL of 7.0 ug/l.
  8. Past releases of hazardous substances have resulted in known contamination of soils at the Glade Road facility. The concentrations of some contaminants exceed soil cleanup levels established in the Washington *Model Toxics Control Act (MTCA) Cleanup Regulation* (Chapter 173-340 WAC).
  9. On March 5, 1997, Ecology sent a "Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act" to Union Oil Company of California d.b.a. Unocal (parent company of PureGro) and Agrium, Inc. (parent company of WFS and CPS). On May 6, 1997, Ecology sent notices of potential liability to WFS, CPS, and PureGro.
  10. Based on the review of all information submitted by the companies named above, Ecology determined that credible evidence exists to name Western Farm Service, Inc., Crop Production Services, Inc., and PureGro Company as Potentially Liable Persons (PLPs) for releases of hazardous substances at the Glade Road facility. Ecology also determined that Unocal and Agrium, Inc. are not PLPs for releases of hazardous substances at the facility.
  11. On July 18, 1997, Ecology sent letters of "Determination of Potentially Liable Person Status" to WFS, CPS, and PureGro.

### III. Ecology Determinations

1. Western Farm Service, Inc. (WFS) is the current owner/operator of the Glade Road facility, as defined at RCW 70.105D.020 (11).
2. Crop Production Services, Inc. (CPS) and PureGro Company (PureGro) are former owners/operators of the Glade Road facility, as defined at RCW 70.105D.020 (11).
3. "Hazardous substances", as defined at RCW 70.105D.020 (7), are, and historically have been, managed at the Glade Road facility.
4. Releases of hazardous substances to the environment, as defined at RCW 70.105D.020 (19), have occurred at the Glade Road facility on numerous occasions.
5. Based on review of all known facts, Ecology has determined that WFS, CPS, and PureGro are Potentially Liable Persons (PLPs) for releases of hazardous substances at the Glade Road facility. On July 18, 1997, each company was sent a letter with a "*Determination of Potentially Liable Person Status*".
6. Based on the foregoing facts, Ecology has determined that action must be taken to investigate the environmental impact of releases of hazardous substances at the Glade Road facility. As a result, Ecology is issuing this Agreed Order to require the PLPs to conduct a comprehensive Remedial Investigation and Feasibility Study (RI/FS) at the facility.

### IV. Work to be Performed

Based on the foregoing Facts and Determinations, Ecology hereby orders the PLPs to conduct the following remedial actions in accordance with Chapter 173-340 WAC:

1. The PLPs shall conduct a Remedial Investigation/Feasibility Study (RI/FS) at the Glade Road facility. A "Scope of Work" for the RI/FS is attached to this Order as Exhibit C. The Scope of Work requires the PLPs to complete the following tasks in accordance with the timelines established in the "Schedule of Deliverables" in Exhibit C:
  - Submittal of a comprehensive technical report for the Phase I Remedial Investigation already completed by the PLPs;
  - Submittal of a work plan for a Phase II Remedial Investigation and a Feasibility Study;
  - Implementation of the approved Phase II RI and FS work plan;
  - Submittal of a technical report for the Phase II RI;
  - Determination of preliminary MTCA cleanup levels and completion of a baseline risk assessment for the facility;
  - Submittal of a Feasibility Study technical report.



2. The work plan for the Phase II Remedial Investigation and Feasibility Study shall consist of a detailed description of work to be performed, personnel requirements, and schedules for implementation. The work plan shall include a Health and Safety Plan, a Sampling and Analysis Plan, and a Public Participation Plan.
3. The RI/FS work plan and each element thereof shall be designed, implemented, and completed in accordance with the Model Toxics Control Act (Chapter 70.105D RCW) and its implementing regulations (Chapter 173-340 WAC) as amended, and all applicable federal, state, and local laws and regulations.
4. After review of the Phase I RI technical report and the work plan for the Phase II RI and FS, Ecology shall notify the project coordinator for the PLPs, in writing, of Ecology's approval or disapproval of the work plan. In the event of disapproval, Ecology shall specify in writing both the deficiencies and modifications recommended by Ecology.
5. Upon approval by Ecology, the Phase II RI/FS work plan and schedule shall be immediately attached to and incorporated into this Order and shall thereafter be an integral and enforceable part of this Order.
6. Upon approval by Ecology, the PLPs shall implement the Phase II RI/FS work plan.
7. Progress reports shall be completed on a quarterly basis, and shall be submitted by the tenth day of the month in which they are due after the effective date of this Order. The reports shall address progress made during the period, work in progress, problem areas, key activities, deliverables submitted, field work and data generated, subcontracting, analytical services performed, and key staffing changes.
8. In accordance with WAC 173-340-840 (5), sampling data shall be submitted according to Exhibit D: *"Ground Water Sampling Data Submittal Requirements"*.

## V. Terms and Conditions of Order

### 1. Definitions

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

### 2. Public Notices

WAC 173-340-600 (10)(c) requires a thirty (30) day public comment period before this Agreed Order becomes effective. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order

is inadequate or improper in any respect. Should such revisions be made, the PLPs reserve the right to agree to the revisions prior to the Order becoming effective. If the parties cannot reach agreement on any revision, Ecology reserves all rights to issue a unilateral Enforcement Order.

3. Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors both prior to and subsequent to the issuance of this Order for Order preparation, investigations, remedial actions, oversight, and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550 (2). Ecology began to accrue costs pursuant to this Order on May 1, 1997, with preparation of the preliminary PLP letters for the Glade Road facility.

The PLPs shall pay the required amount within ninety (90) 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 description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of an itemized statement of costs will result in interest charges, at a minimum rate of 12 percent [WAC 173-340-550(4)].

4. Designated Project Coordinators

The project coordinator for Ecology is:

Keith Stoffel  
Hazardous Waste & Toxics Reduction Program  
4601 North Monroe, Suite 202  
Spokane, WA 99205-1295  
Telephone: (509) 456-3176

The project coordinator for the PLPs is:

Mark Brearley  
Union Oil Company of California d.b.a. Unocal  
Contractor to PureGro Company  
Asset Management Group  
P.O. Box 76  
Seattle, WA 98111  
Telephone: (206) 640-7610

The project coordinators shall be responsible for implementation of this Order. To the maximum extent possible, communications between Ecology and the 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. Should Ecology or the PLPs change project coordinators, each shall make best efforts to provide written notification to the other at least ten (10) calendar days prior to the change.

5. Performance

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer, hydrogeologist, or similar expert, with appropriate training, experience, and expertise in hazardous waste site investigation and cleanup. The PLPs shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Glade Road facility. The PLPs 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 will be in compliance with this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions to address releases from past practices at the Glade Road facility, except that required by this Order, unless Ecology concurs, in writing, with such additional remedial actions. Ecology shall review and approve or deny such request within five (5) working days of receipt of the request.

6. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Glade Road facility at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, contracts, and other documents related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the Ecology project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. By signing this Agreed Order, the PLPs agree this Order constitutes reasonable notice of access, and agree to allow access to the Glade Road facility at all reasonable times for purposes of overseeing work performed under this Order.

The PLPs shall notify Ecology in writing if they determine that access to any property not owned or operated by the PLPs is necessary to perform any remedial action required by this Order. Prior to performing any remedial action, the PLPs shall also make best efforts to submit to Ecology fully-executed access agreements between the PLPs and the owners of such property. If, after all reasonable efforts, the PLPs are unable to achieve access, Ecology will assist in gaining access.

Ecology will make best efforts to provide a minimum of five (5) working days advanced notice to PLPs of any sampling. Ecology shall allow split or replicate samples to be taken by the PLPs during an inspection unless doing so interferes with Ecology's sampling. The PLPs shall allow split or replicate samples to be taken by Ecology with Ecology's sample containers and shall make their best efforts to provide at least ten (10) working days notice before any sampling activity. Should Ecology desire to split samples during the PLPs sampling activity, Ecology will make its best effort to provide at least five (5) working days advance notice.

7. Public Participation

The PLPs shall prepare and/or update a public participation plan for the Glade Road facility. Ecology shall maintain the responsibility for public participation at the site. The PLPs shall help coordinate and implement public participation for the Glade Road facility.

8. Retention of Records

The PLPs shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through agents, contractors, or subcontractors of the PLPs, then the PLPs agree to retain all records of the contractors or agents which pertain to fulfillment of the requirements of this Order.

9. Dispute Resolution

The PLPs may request Ecology to resolve disputes that may arise during the implementation of this Order. In the event the PLPs dispute an approval, disapproval, proposed modification, or other decision or action by Ecology's project coordinator, the PLPs shall utilize the following dispute resolution:

- A. Upon receipt in writing of the Ecology project coordinator's decision, the PLPs have seven (7) working days to notify Ecology's project coordinator in writing of their objection to the decision.
- B. Ecology's project coordinator and the PLPs' project coordinator and/or representative of the PLPs shall then confer in an effort to resolve the dispute. If Ecology's project coordinator and the PLPs' project coordinator and/or representative of the PLPs cannot resolve the dispute within seven (7) working days, Ecology's project coordinator shall issue a written decision within five (5) working days from such date.

- C. The PLPs may then request that Ecology management review the decision made by Ecology's project coordinator. Such request shall be in writing and directed to the signatory or his/her successor(s) to this Order. Ecology resolution of the dispute shall be binding and final. The project coordinators will make all reasonable efforts to comply with the project schedule in the event of a dispute. However, if requested and necessary, Ecology may consider adjustments to the project schedule.

Ecology and the PLPs agree to utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used. The PLPs are not relieved of any requirement of this Order during the pendency of the dispute and remain responsible for timely compliance with the terms of the Order unless otherwise notified by Ecology in writing.

10. Reservation of Rights/No Settlement

This Agreed 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 Ecology rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against the PLPs to require those remedial actions required by this Agreed Order, provided the PLPs comply with this Agreed Order.

Ecology reserves the right, however, to require additional remedial actions at the Glade Road facility should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from releases or threatened releases of hazardous substances from the Glade Road facility.

In the event Ecology determines conditions at the Glade Road facility are creating, or have the potential to create, danger to the health or welfare of the people on site or in the surrounding area or to the environment, Ecology may order the PLPs to take certain actions or to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Glade Road facility shall be consummated by the PLPs 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 transfer of any legal or equitable interest the PLPs may have in the Glade Road facility or any portions thereof, the PLPs shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the PLPs shall notify Ecology of the contemplated transfer.

12. Compliance with Other Applicable Laws

All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

VI. Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Agreed Order have been complied with. Completion of this Order will coincide with Ecology's review and approval of the final RI/FS report. Ecology's approval of the final RI/FS report will be confirmed in writing within forty-five (45) days of receipt.

VII. Enforcement

1. 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 Glade Road facility.
  - C. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLPs will be liable for:
    - (1) Up to three 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 \$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 Section 6 of Chapter 70.105D RCW.
2. Each PLP named in this Agreed Order is individually responsible for compliance with the terms and conditions of this Order. Compliance with this Agreed Order by any PLP is not conditioned on the performance of any other PLP or group of PLPs. Similarly, the right of Ecology to enforce this Order against any PLP is not conditioned on the performance of or enforcement against any PLP or group of PLPs.

Effective date of this Order: 1.16.98

WASHINGTON DEPARTMENT OF ECOLOGY

Representative James J. Giddister

Title Section Manager

Date 1.16.98

WESTERN FARM SERVICE, INC.

Representative Nancy S. Bishop

Title Manager - E, H & S

Date 11/3/97

CROP PRODUCTION SERVICES, INC.

Representative Nancy S. Bishop

Title Manager - E, H and S

Date 11/3/97

PUREGRO COMPANY

Representative J. Pearson

Title Asst. Counsel

Date 17 Oct 97