

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Jorgensen Forge Corporation

ENFORCEMENT ORDER

No. DE 11167

TO: Jorgensen Forge Corporation  
8531 E. Marginal Way South  
Tukwila, WA 98109-4018

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## I. INTRODUCTION

The objective of the State of Washington, Department of Ecology (Ecology) under this Enforcement Order (Order) is to require remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Jorgensen Forge Corporation (Jorgensen) to complete a Remedial Investigation (RI) and Feasibility Study (FS), for the site located at 8531 East Marginal Way South in Tukwila, Washington. Ecology intends to use the information resulting from the RI/FS to prepare a Draft Cleanup Action Plan (DCAP) and Final Cleanup Action Plan (CAP). The CAP is to be performed by Jorgensen. Ecology believes the actions required by this Order are in the public interest.

## II. JURISDICTION

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

## III. PLP BOUND

This Enforcement Order shall apply to and be binding upon Jorgensen. To the extent allowed by law, changes in ownership or corporate status shall not alter Jorgensen's responsibility under this Order. Jorgensen shall ensure that all work undertaken by agents, contractors, and subcontractors complies with this Order and with WAC 173-340.

## IV. DEFINITIONS

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

A. Site: The Site is referred to as the Jorgensen Forge Corporation site and is generally located at 8531 East Marginal Way South, Tukwila, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. Two areas within the Site are being overseen by the United States Environmental Protection Agency (EPA) and will not be subject to this Order: (a) the Lower Duwamish Waterway (LDW) sediments and shoreline bank generally defined as the area west of the current top of the

shoreline bank which are being remediated under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and (b) the areas addressed during activities undertaken pursuant to the Resource Conservation and Recovery Act (RCRA) on the adjacent Boeing property. Based upon factors currently known to Ecology, the Site is generally described in the Site Diagram (Exhibit A). The Site constitutes a facility under RCW 70.105D.020(8).

B. Potentially Liable Person (PLP): Refers to the Jorgensen Forge Corporation (Jorgensen).

C. Enforcement Order or Order: Refers to this Order and each of the exhibits to the Order. All exhibits are integral and enforceable parts of this Order. The terms “Enforcement Order” or “Order” shall include all exhibits to this Order.

D. Jorgensen Property: Refers to the property owned and/or occupied by the Jorgensen Forge Corporation located at 8531 East Marginal Way South, Tukwila, WA 98108, and with King County Parcel number 000160-0023.

## V. FINDINGS OF FACT

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

A. The Jorgensen Property consists of approximately 21.6 acres of land on the east bank of the LDW, west of East Marginal Way South. The property’s street address is 8531 East Marginal Way South, Seattle, WA 98108, and the King County tax parcel number is 000160-0023. The Jorgensen Property lies within the Site.

B. From 1992 to the present, the Jorgensen Property has been owned and operated by Jorgensen. Earle M. Jorgensen Company (EMJ) is named as Grantor and Jorgensen is named as the Grantee in Warranty Deed No. 199206221436 for the Jorgensen Property, as filed with the King County Assessor. Therefore, the Jorgensen Forge Corporation has an ownership interest in

tax parcel 000160-0023 generally located at 8531 East Marginal Way South, Seattle, Washington.

C. The following reports have been received by the Department with regard to the Jorgensen Property:

*Underground Storage Tank Removal Investigation, Earl M. Jorgensen Company, 8531 East Marginal Way South, Seattle, Washington, dated 4/30/91 by SEACOR*

*Draft Area 1 Hollow-bore Location, Focused Remedial Investigation Feasibility Study Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 2/19/1993 by SEACOR*

*Draft Area Three Former UST Area Focused Remedial Investigation/ Feasibility Study Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 4/1/1993 by SEACOR*

*Report: Subsurface Investigation, Aluminum Heat Treating Building Area, Jorgensen Forge Facility Seattle, Washington, dated 7/17/1999 by Dames & Moore*

*U.S. EPA DOCKET NO. CERCLA 10-2003-0111, dated 7/10/2003 by Farallon Consulting, L.L.C. and Anchor Environmental, L.L.C.*

*Second Draft Environmental Sampling Work Plan, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 5/12/2004 by Anchor Environmental, L.L.C. and Farallon Consulting, L.L.C.*

*Environmental Sampling Work Plan Addendum, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 4/2005 by Farallon Consulting, L.L.C. and Anchor Environmental, L.L.C.*

*Final Investigation Data Summary Report, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 2/13/2006 by Farallon Consulting, L.L.C. and Anchor Environmental, L.L.C.*

*Final Source Control Evaluation Report, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 5/2008 by Anchor Environmental, L.L.C and Farallon Consulting, L.L.C.*

*Final Source Control Evaluation Addendum Report, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 3/2011 by AnchorQEA, L.L.C and Farallon Consulting, L.L.C.*

*Final Engineering Evaluation Cost Analysis, Jorgensen Forge Facility, 8531 East Marginal Way South, Seattle, Washington, dated 10/2011 by Anchor QEA, LLC for the U.S. EPA, Region 10*



D. The Jorgensen Property was developed in 1942, and operated from 1942 to 1965 as a fabricator of structural steel, and tractor and road equipment. On-property operations included forging and heat-treating by Isaacson Iron Works, which operated as a U.S. naval vessel manufacturer from 1942 to 1965. Bethlehem Steel operated a steel distribution center on the northwest portion of the Site from approximately 1951 to 1963. Bethlehem Steel operations consisted of cutting prefabricated steel rods to customer specifications. From 1965 to 1992, the Jorgensen Property was owned and operated by EMJ.

E. The Boeing Company owns neighboring properties adjacent to the Jorgensen Property, including the Boeing Plant 2 facility to the north of the Jorgensen Property and the Boeing Isaacson-Thompson property to the south of the Jorgensen Property.

F. Environmental investigations and independent cleanups at the Site revealed free-phase light non-aqueous phase liquids (LNAPL) including cutting oil, hydraulic oil, and diesel with thicknesses of up to 10 feet floating on the groundwater surface at two locations at the Site. These contaminants are hazardous substances under WAC 173-340-200 and pose a threat to human health and the environment.

G. Metals, polychlorinated biphenyls (PCBs), and total petroleum hydrocarbons (TPH) have been detected in soil samples collected at the Site at concentrations above MTCA cleanup levels. TPH, dissolved metals, and one or more volatile organic and semi-volatile organic compounds have been detected in groundwater samples collected from monitoring wells at the Site at concentrations above MTCA cleanup levels. These contaminants are hazardous substances under WAC 173-340-200, and pose a threat to human health and the environment.

H. The EPA added the LDW to the federal Superfund list on September 13, 2001. A Remedial Investigation (RI) and Feasibility Study (FS) were completed for the LDW Superfund site under the Joint Administrative Order on Consent (JAOC) of April 2000. Ecology listed the LDW on the Confirmed and Suspected Contaminated Sites List (CSCSL) on February 26, 2002, and co-administered the LDW Superfund site JOAC. The EPA selected a final remedy for the

LDW Superfund site with a Record of Decision in November 2014. The Site requires further investigation to determine the nature and extent of contamination and to identify an appropriate remedial action.

I. On the basis of the facts set forth herein, Ecology has determined that there has been a release or threatened release of hazardous substances at the Site that requires remedial actions to protect human health and the environment. This Order sets forth the measures that need to be taken to perform a RI/FS to be used to prepare a CAP for the Site.

## **VI. ECOLOGY DETERMINATIONS**

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

A. Jorgensen is an “owner or operator” as defined in RCW 70.105D.020(22) of a “facility” as defined in RCW 70.105D.020(8) because Jorgensen has an ownership interest in the Site generally located at 8531 East Marginal Way South, Seattle, Washington.

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to Jorgensen dated November 16, 2005, pursuant to RCW 70.105D.040, .020(26), 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 Jorgensen is a PLP under RCW 70.105D.040 and notified Jorgensen of this determination by letter dated February 10, 2006.

D. 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.

E. 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 plan. Ecology may require an interim action under this Order. In addition, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70.105D, or to undertake the interim action itself.

## **VII. WORK TO BE PERFORMED**

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

A. Jorgensen shall prepare and implement a Work Plan to conduct a Remedial Investigation (RI) and Feasibility Study (FS). Jorgensen shall complete and submit to Ecology reports for the RI and FS. Ecology is responsible for preparation of the Cleanup Action Plan (CAP); however, with Ecology concurrence Jorgensen may prepare a draft CAP (DCAP) for final approval by Ecology in accordance with WAC 173-304-350 through 173-340-390 and WAC 173-204. If Jorgensen elects to prepare the DCAP, Ecology may complete it pursuant to Section VII.G of this Order. A scope of work (SOW) for the RI, FS, and DCAP is more particularly described in Exhibit B, "Scope of Work" and is incorporated by reference as an enforceable part of this Order.

B. The schedule of work performance and list of deliverables is described in Exhibit C, "Schedule of Deliverables" and is incorporated by reference as an enforceable part of this Order.

C. If Ecology determines an interim action is warranted under Section VI.E, Jorgensen shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). Jorgensen shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and Jorgensen is required to conduct the interim action in accordance with the approved Interim Action Work Plan.

D. Jorgensen shall submit Monthly Progress Reports. Progress reports shall be submitted to Ecology until satisfaction of the Order in accordance with Section IX of the Order. Progress Reports shall be submitted to the Ecology project coordinator by the 15<sup>th</sup> of the month following the reporting month. If this day is a weekend or holiday, deliverables will be submitted to Ecology on the next business day. At a minimum, progress reports shall contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the Order.
- Summaries of sampling and testing reports and other data reports received by Jorgensen.
- Summaries of deviations from approved work plans.
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments.
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan.

- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays.
- Changes in key personnel.
- A description of work planned for the next reporting period.

E. Ecology does not anticipate requiring remedial action under this Order on: a) the LDW sediments and shoreline bank generally defined as the area west of the current top of the shoreline bank which are being remediated under CERCLA authority by the EPA or b) the areas addressed during RCRA activities on the adjacent Boeing property under EPA oversight.

F. All plans or other deliverables submitted by Jorgensen for Ecology's review and approval under the Scope of Work and Schedule (Exhibits B and C) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

G. If Ecology determines that Jorgensen has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to Jorgensen, perform any or all portions of the remedial action or at Ecology's discretion allow Jorgensen opportunity to correct. Jorgensen shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

H. Except where necessary to abate an emergency situation, Jorgensen 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.

## VIII. TERMS AND CONDITIONS

### A. Public Notice

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing this 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 this Order is inadequate or improper in any respect.

**B. Remedial Action Costs**

Jorgensen 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 RCW 70.105D, including remedial actions and Order preparation, oversight, and administration. Ecology has accumulated \$7,574.78 in remedial action costs related to this Site as of 12/1/2014. Payment for this amount shall be submitted within thirty (30) days of the effective date of this Order. For all costs incurred subsequent to 12/1/2014, 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). Jorgensen 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), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs 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.

**C. Designated Project Coordinators**

The project coordinator for Ecology is:

Ms. Romy Freier-Coppinger  
Washington Department of Ecology  
Northwest Regional Office

Toxics Cleanup Program  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
Telephone: (425) 649-7254  
Fax: (425) 649-7161

The project coordinator for Jorgensen is:

Jorgensen Forge Corporation  
Mr. Miles Dyer  
8531 East Marginal Way South  
Tukwila, WA 98108-4018  
206/965-1352

With a copy to:

PES Environmental Attn: Mr. Dan Balbiani  
1215 Fourth Avenue, Suite 1350  
Seattle, Washington 98161

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 Jorgensen, 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 by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by 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 by 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 RCW 18.43 and 18.220.

**E. Access**

RCW 70.105D.030(1)(a) authorizes Ecology or any Ecology authorized representative to enter all property at the Site that Jorgensen either owns, controls, or has access rights to, after reasonable notice unless an emergency prevents such notice.

To the full extent allowed by law Ecology or any Ecology authorized representative shall have authority to enter and move about all property at the Site that Jorgensen either owns, controls, or has 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 Jorgensen's progress in carrying out the terms of this Order; conduct such tests or collect such samples as Ecology may deem necessary; and verify the data submitted to Ecology by Jorgensen. 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, Jorgensen 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, Jorgensen shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by Jorgensen pursuant to the implementation of this Order. Jorgensen shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow Jorgensen and/or its 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. Ecology shall notify Jorgensen 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 WAC 173-50 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 Jorgensen.

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

1. If agreed to by Ecology, develop appropriate mailing lists, 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 Jorgensen 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 Jorgensen that do not receive prior Ecology approval, Jorgensen 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. Seattle Public Library - South Park Branch  
8604 Eight Ave S. at South Cloverdale St.  
Seattle, WA 98108
- b. Ecology's Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

#### **H. Retention of Records**

During the pendency of this Order, and for ten (10) years from the date of completion of the work performed pursuant to this Order, Jorgensen shall preserve all records, reports, documents, and underlying data in its 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, Jorgensen shall make all such records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right Jorgensen may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If Jorgensen withholds any requested records based on an assertion of privilege, Jorgensen 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. 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 when 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 Jorgensen 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. The existence of good cause shall be determined by Ecology in its sole discretion. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of Jorgensen 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 Jorgensen;

b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

c. Endangerment as described in Section VIII.J (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 Jorgensen.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give Jorgensen written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology.

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.K (Endangerment).

#### **J. 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 Jorgensen to cease such activities for such period of time as it deems necessary to abate the danger. Jorgensen shall immediately comply with such direction.

In the event Jorgensen 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, Jorgensen may cease such activities. Jorgensen 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, Jorgensen shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with Jorgensen's cessation of activities, it may direct Jorgensen to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, Jorgensen's 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.I (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.

**K. Reservation of Rights**

Ecology reserves its rights under RCW 70.105D, 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.

**L. Compliance With Applicable Laws**

1. All actions carried out by Jorgensen 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), Jorgensen is exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or

authorizing local government permits or approvals. However, Jorgensen 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.

Jorgensen has 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 Jorgensen determines 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 Ecology of its determination. Ecology shall determine whether Ecology or Jorgensen shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Jorgensen 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 Jorgensen and on how Jorgensen must meet those requirements. Ecology shall inform Jorgensen in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. Jorgensen 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 Jorgensen 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.

### **IX. SATISFACTION OF ORDER**

The provisions of this Order shall be deemed satisfied upon Jorgensen's receipt of written notification from Ecology that Jorgensen has completed the remedial activity required by this Order, and that Jorgensen has complied with all other provisions of this Enforcement 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.

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.

### **XI. SEVERABILITY**

The invalidity or unenforceability of any provisions of this Order shall not affect the validity or enforceability of any other provision of this Order, which shall remain in full force and effect, and Ecology's election not to enforce any provision of this Order will not affect a waiver of Ecology's authority to enforce the remaining provisions of this Order.

Effective date of this Order: 3-16-15

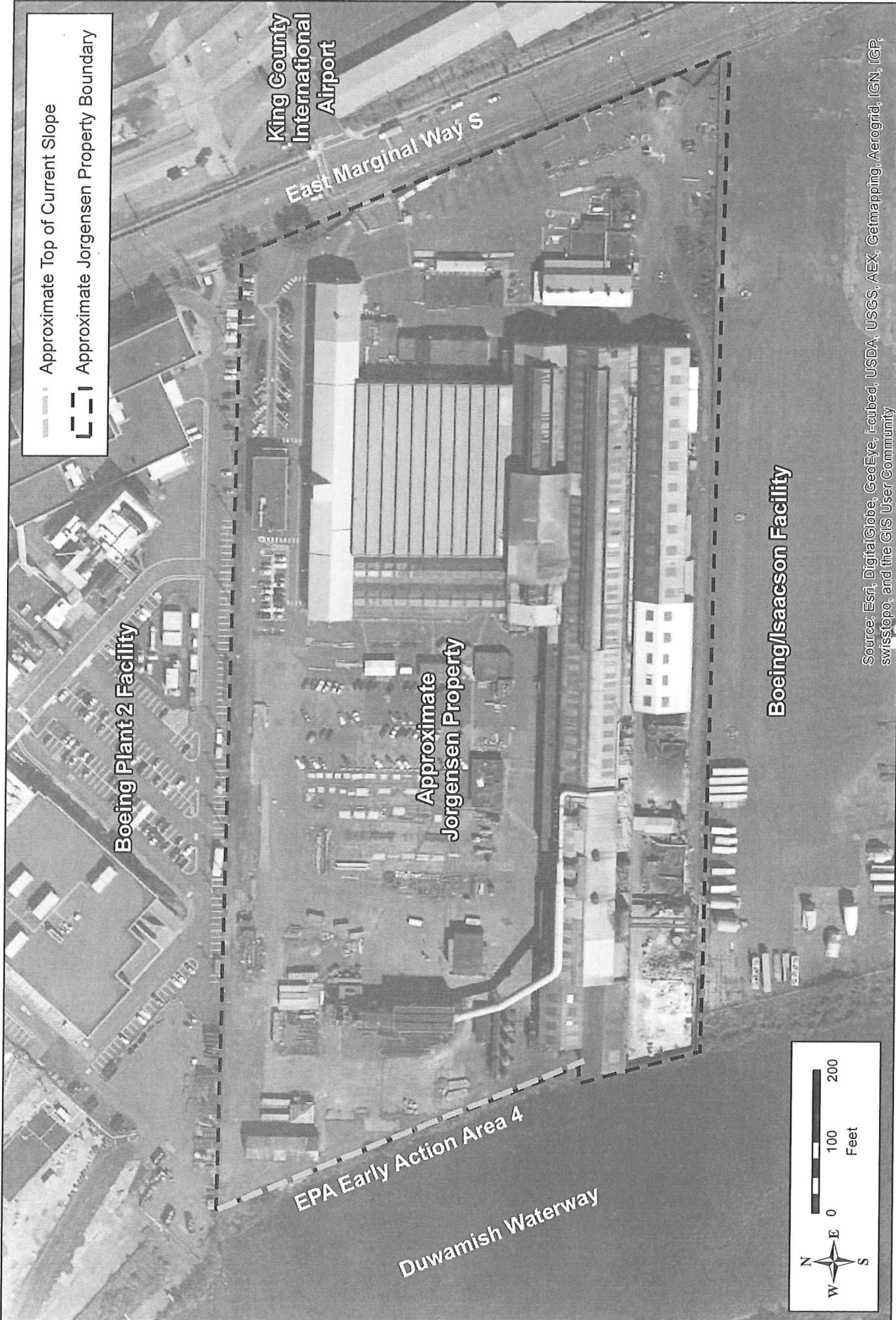
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY



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Robert Warren  
Section Manager  
Toxics Cleanup Program  
Northwest Regional Office  
Telephone: 425 649-7054





Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**EXHIBIT A:**  
 Approximate Property Boundary  
 Jorgensen Forge Corporation

# **EXHIBIT B – SCOPE OF WORK (SOW)**

## **Jorgensen Forge Corporation**

### **PURPOSE**

The work under this Enforcement Order (EO) involves conducting a Remedial Investigation (RI) and Feasibility Study (FS), including interim actions if required, and preparing a Draft Cleanup Action Plan (DCAP) to select a cleanup alternative if agreed to by Ecology. The purpose of the RI, FS, and DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The SOW is divided into eight major tasks as follows:

- Task 1. RI Work Plan
- Task 2. Remedial Investigation
- Task 3. Interim Actions (if required)
- Task 4. Feasibility Study
- Task 5. SEPA Compliance
- Task 6. Public Participation
- Task 7. DCAP
- Task 8. Progress Reports

### **TASK 1. RI WORK PLAN**

Jorgensen shall prepare a Remedial Investigation Work Plan (Work Plan). The Work Plan shall include an overall description and schedule of all RI/FS activities. The Work Plan shall clearly describe the project management strategy for implementing and reporting on RI/FS activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI/FS will be outlined.

The Work Plan shall describe general facility information; site history and conditions, including previous operations; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; a conceptual site model showing contaminants, migration pathways in all environmental media, potential receptors, and screening levels based on the conceptual site model; geology and groundwater system characteristics; past, current, and future land use; identification of natural resources and ecological receptors; hazardous substances and their sources, etc., in compliance with WAC 173-340-350 and WAC 173-204-560.

As part of the project background, existing environmental data on site soil, groundwater, surface water, and sediments will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, if necessary.

The Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. The Draft Work Plan will also contain a Health and Safety Plan (HSP) to be followed during conductance of the RI/FS.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings; groundwater monitoring wells; soil, groundwater, stormwater, seep, catch basin and sediment samples; approximate depths of soil borings, monitoring wells, and sediment samples; and includes a quality assurance project plan. The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection, and handling; data and records management; and schedule.

The QAPP will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004)<sup>1</sup> and Sediment Sampling and Analysis Plan Appendix (February 2008).<sup>2</sup> Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

The SAP, including the QAPP and HSP, will be submitted to Ecology for review and approval. As with all environmental work at the Site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

Jorgensen or their contractors shall submit all new sampling data generated under this SAP and any other recently collected data to Ecology for entry into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. All validated data will be entered into the EIM database within 30 days of submittal.

RI/FS tasks and subtasks may include, but are not limited to the following, as necessary to address data gaps identified in the Work Plan:

- Sampling and analysis of soil, groundwater, product, and seeps;
- Sampling and analysis of surface and subsurface sediments;

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<sup>1</sup> Found at <http://www.ecy.wa.gov/biblio/0403030.html>

<sup>2</sup> Found at <http://www.ecy.wa.gov/biblio/qapp.html>

- Sampling and analysis of stormwater and catch basin solids;
- Developing a conceptual site model for the Site, including evaluation of all potential pathways and potential receptors that exist for contaminants of concern at the Site;
- Defining the nature and extent of contamination based on screening levels protective of all receptors at and downgradient of the Site.

The Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the Jorgensen Forge Corporation (PLP) will implement the Work Plan according to the schedule contained in Exhibit C.

The PLP shall coordinate with Ecology throughout the development of the RI/FS and DCAP (as appropriate) and shall keep Ecology informed of changes to the Work Plan and other project plans and of issues and problems as they develop.

The PLP shall prepare two (2) copies of the Agency Review Draft Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After addressing Ecology's comments on the Agency Review Draft Work Plan and after Ecology approval, the PLP shall prepare five (5) copies of the Final Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

## **TASK 2. REMEDIAL INVESTIGATION**

The PLP shall conduct a Remedial Investigation (RI) that meets the requirements of WAC 173-340-350(7) and WAC 173-204-560 according to the Final Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding Model Toxics Control Act (MTCA) cleanup levels, Sediment Management Standards (SMS) cleanup standards, and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

Field sampling and analysis will be completed in general accordance with the SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology immediately and documented as required by Ecology.

The PLP shall provide interim data reports and updates to Ecology as new site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request. Analytical data shall be uploaded into EIM within 30 days of receipt.

The PLP shall compile the results of the Site investigation into an Agency Review Draft RI Report. The PLP shall prepare two (2) copies of the Agency Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment.

After addressing Ecology's comments on the Agency Review Draft RI Report and obtaining Ecology approval, the PLP shall prepare five (5) copies of a Public Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

After addressing Ecology's comments on the Public Review Draft RI Report, the PLP shall provide two (2) copies of a Final Remedial Investigation Report and submit them, including one electronic copy of each in Word (.doc) and Adobe (.pdf) formats, to Ecology. Electronic survey data for monitoring locations, electronic lab data, and electronic GIS and autocad files including maps of contaminant distribution shall also be provided for all Draft and Final Reports.

If the data collected during this investigation is insufficient to define the full nature and extent of contamination, an additional phase of investigation shall be conducted to define the extent of contamination.

### **TASK 3. INTERIM ACTIONS (if required)**

Remedial actions implemented prior to completion of the RI/FS, including those that:

- are 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;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action

will be considered interim actions, will be implemented in accordance with WAC 173-340-430 and the EO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required. Remedial actions for contaminated sediments will be designated partial cleanup actions and will be implemented pursuant to WAC 173-204-550(3)(d).

If required by Ecology, the PLP will implement an interim action. Based upon information in the Draft RI report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

The scope of the interim actions may include, but not be limited to, typical source control or containment elements such as:

- Soil or sediment removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduit, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes



- Removal of old drain fields or former surface impoundments
- Proper abandonment of old wells
- Removal of contaminated building or other structural material
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing.

If an interim action is to be performed, the PLP will prepare and submit for Ecology approval a Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Draft IAWP shall include, as appropriate:

- Description of the interim action, including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant RI/FS information, including at a minimum existing site conditions and alternative interim actions considered;
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- SAP/QAPP;
- Permits required.

The PLP will also submit a copy of the Health and Safety Plan for the project. The PLP will be responsible for complying with the State Environmental Policy Act (SEPA) Rules, including preparing and submitting an environmental checklist for the interim action, and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

Once approved by Ecology, the PLP will implement the interim action according to the schedule contained in the IAWP.

The PLP shall prepare two (2) copies of the Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. After the public notice and comment period, addressing Ecology's and the public's comments on the Draft Interim Action Work Plan, and after Ecology approval, the PLP shall prepare five (5) copies of the Final Interim Action Work Plan submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

Upon successful completion of the work, a Draft Interim Action Report will be prepared as a separate deliverable. The PLP shall prepare two (2) copies of the Draft Interim Action Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. After addressing Ecology's comments on the Draft Interim Action Report and after Ecology approval, the PLP shall prepare five (5) copies of the Final Interim Action Report and submit them, including one

electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology. Electronic GIS and autocad files shall also be provided for all Draft and Final Reports.

#### **TASK 4. FEASIBILITY STUDY**

The PLP shall use the information obtained in the RI to prepare a Feasibility Study (FS) that meets the applicable requirements of WAC 173-340-350(8) according to the approved Work Plan and Schedule (Exhibit C).

The FS will evaluate remedial alternatives for site cleanup, consistent with MTCA and SMS requirements to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

The FS will provide a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-350, MTCA Remedial Investigation and Feasibility Study, and WAC 173-204-560, SMS Cleanup Study. The remedial alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360, Selection of Cleanup Actions, and WAC 173-204-560(4), including a detailed evaluation of remedial alternatives relative to the following criteria:

- Compliance with Cleanup Standards and Applicable Laws
- Protection of Human Health
- Protection of the Environment
- Provision for a Reasonable Restoration Time Frame
- Use of Permanent Solutions to the Maximum Extent Practicable
- The Degree to which Recycling, Reuse, and Waste Minimization are Employed
- Short-Term Effectiveness
- Long-Term Effectiveness
- Net Environmental Benefit
- Implementability
- Provision for Compliance Monitoring
- Cost-Effectiveness
- Prospective Community Acceptance

The remedial alternative that is judged to best satisfy the evaluation criteria will be identified. Justification for the selection will be provided, and the recommended remedial alternative further developed, in the FS Report.

The PLP shall prepare two (2) copies of the Agency Review Draft FS Report and submit them, including one electronic copy in Word (.doc) and Adobe (.pdf) formats, to Ecology for review.

After addressing Ecology's comments on the Agency Review Draft FS Report and after Ecology approval, the PLP shall prepare five (5) copies of the Public Review Draft FS Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

After addressing Ecology's comments on the Public Review Draft FS Report and after Ecology approval, the PLP shall prepare two (2) copies of the Final FS Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology. Electronic GIS and autocad files shall also be provided for both the Draft and Final Reports.

#### **TASK 5. SEPA COMPLIANCE**

The PLP shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules, including preparing and submitting an environmental checklist. If the result of the threshold determination is a determination of significance (DS), the PLP shall be responsible for the preparation of Draft and Final Environmental Impact Statements. The PLP shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

#### **TASK 6. PUBLIC PARTICIPATION**

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

The PLP shall support Ecology in presenting the Public Review Draft RI, Public Review Draft Final FS Reports, Public Review Draft CAP, and SEPA evaluations at one public meeting or hearing for each document. A combined public meeting or hearing may be held with Ecology approval. The PLP will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

After the public comment periods are completed, the PLP shall prepare a Draft Responsiveness Summary that addresses public comments. The PLP shall prepare two (2) copies of the Draft Responsiveness Summary and submit them to Ecology for review and approval, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

After addressing Ecology's comments and after Ecology approval, the PLP shall prepare two (2) copies of the Final Responsiveness Summaries and Final RI and FS Reports after public comments are incorporated and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.



**TASK 7. DRAFT CLEANUP ACTION PLAN**

Upon completion of Task 6 and Ecology approval of the Final Remedial Investigation and Final Feasibility Study Reports, with Ecology concurrence the PLP may prepare a Draft Cleanup Action Plan (DCAP) in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. Where contaminated sediments are included in the remedial action, the cleanup plan will comply with WAC 173-204-580, in addition to the MTCA requirements cited above. The DCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the Remedial Investigation/Feasibility Study and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The PLP shall prepare two (2) copies of the Agency Review DCAP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review DCAP, if any, the PLP shall revise the DCAP to address Ecology's comments and submit five (5) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats. Electronic GIS and autocad files shall also be provided for both the Draft Reports.

**TASK 8. PROGRESS REPORTS**

The PLP shall submit Progress Reports monthly. Progress Reports shall be submitted to Ecology until satisfaction of the EO in accordance with Section IX of the EO. Progress Reports shall be submitted to the Ecology project coordinator by the 15<sup>th</sup> of the month following the reporting month. If this day is a weekend or holiday, deliverables will be submitted to Ecology on the next business day. At a minimum, Progress Reports shall contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the EO;
- Summaries of sampling and testing reports and other data reports received by the PLP;
- Summaries of deviations from approved Work Plans;
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments;
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan;
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays;

- Changes in key personnel;
- A description of work planned for the next reporting period.

Progress reports will be submitted as separate documents or as an attachment to an email distribution list.

**EXHIBIT C – SCHEDULE OF DELIVERABLES**  
**Jorgensen Forge Corporation**

The schedule for notifications to Ecology or submission of major deliverables to Ecology for this SOW is described below. If the date for submission of any item or notification required by this SOW occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date Jorgensen Forge Corporation received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

Table 1 - Schedule for Submission of Major Deliverables

**Table 1****Schedule for Submission of Major Deliverables**

	<i>Deliverable</i>	<i>Due Date<sup>a</sup></i>
1.	Agency Review Draft Remedial Investigation (RI) Work Plan	90 days after the EO <sup>b</sup> effective date
2.	Final Remedial Investigation Work Plan	30 days after receipt of Ecology comments
3.	Additional Field Investigation Activities to Fill Identified Data Gaps (if any)	Completed within 365 days of Remedial Investigation Work Plan approval
4.	Validated Data Finalized	60 days following completion of field activities
5.	Agency Review Draft Remedial Investigation Report	90 days following receipt of remedial investigation validated data
6.	Public Review Draft Remedial Investigation Report	30 days after receipt of Ecology comment
7.	Final Remedial Investigation Report	30 days after receipt of Ecology comments, subsequent to public comment <sup>c</sup>
8.	Agency Review Draft Feasibility Study Report	90 days following Ecology approval of Public Review Remedial Investigation Report
9.	Public Review Draft Feasibility Study Report	30 days following approval of Agency Review Draft Feasibility Study Report
10.	Final Feasibility Study Report	30 days after receipt of Ecology comments, subsequent to public comment <sup>c</sup>
11.	Agency Review Draft Cleanup Action Plan <sup>d</sup>	90 days following Ecology approval of Final Feasibility Study
12.	Public Review Draft Cleanup Action Plan <sup>d,e</sup>	30 days following approval of Agency Review Draft CAP <sup>c</sup>

<sup>a</sup> Due dates shown are for initial draft and final deliverables. This schedule assumes only a single revised document will be submitted following receipt of comments from Ecology. Documents become final only upon approval by Ecology.

<sup>b</sup> EO (Enforcement Order) is effective upon signature by Ecology.

<sup>c</sup> These public comment periods can be combined.

<sup>d</sup>*Dependent on concurrence between Ecology and PLP.*

<sup>e</sup>*Dependent on Ecology approval of initial submittal of Draft Cleanup Action Plan by Jorgensen Forge Corporation.*