EXHIBIT – B

QUIET COVE SITE

SCOPE OF WORK AND SCHEDULE

Pursuant to the Agreed Order to which this Scope of Work and Schedule is attached, the Port of Anacortes (Port) shall take the following remedial actions at the Quiet Cove Site (Site) and these actions shall be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided herein.

The anticipated schedule for major project milestones and deliverables is outlined below. The final schedule will be determined by Ecology based on project progress and conditions. Documents become final upon written approval by Ecology.

A. Remedial Actions to be Performed

1. Preparation of a Remedial Investigation/Feasibility Study Work Plan.

The Port shall develop an RI/FS Work Plan (including draft, draft final (if necessary), and final versions) that includes a scope of work to delineate and quantify (i.e., identify the levels of contamination) the potential contaminants in all media (i.e., soil, groundwater, surface water, and adjacent marine sediments). The Work Plan shall also address the proper handling of all wastes generated from the Site during the RI/FS (e.g., soil cuttings, groundwater development and purge water, excess sediment sample material, free-product, etc.). Note that all draft documents for Ecology review may be submitted in redline strike-out format (preferably in Microsoft® WORD format) to facilitate the review. The RI/FS Work Plan shall meet the requirements of WAC 173-340-350 for upland areas and WAC 173-240-550 for in-water areas. The RI/FS Work Plan shall also evaluate whether an Interim Action is appropriate for the Site, following the requirements of WAC 173-340-430. An Interim Action may be identified and implemented at any point during

the RI/FS process, subject to the procedures in Section VI(E) and Section VII(H) of the Agreed Order.

a. Investigation of Site Background and Setting

This section of the RI/FS Work Plan shall include descriptions of the following, detailed as information is available:

(i) The property and site operational/industrial history (including current and previous ownership).

(ii) Historical sources and releases of contamination to upland and in-water areas (include a review of historical photos, Sanborn Maps, and available information on Site fill).

(iii) Current site conditions (including descriptions and mapping of surface features, stormwater features, topography, geology, soil and the vadose zone, surface water hydrology, hydrogeology, meteorology, and bathymetry of in-water areas including mean higher high water and mean lower low water contours).

(iv) Current and future land and water use, including both human and ecological uses and services.

(v) The terrestrial/aquatic ecological setting including a description of onsite and surrounding habitat types and conditions, ecological receptors, and potentially threatened/endangered species.

b. Previous Investigations

A summary of environmental investigations performed to date, including media sampled and types of analyses performed, both upland and in-water, shall be included in

the RI/FS Work Plan. In addition, this section should identify any data gaps that need to be filled to fully define the nature and extent of contamination/toxicity associated with all media of concern at the Site.

c. Development of Preliminary Conceptual Site Model (CSM)

The CSM should describe general release mechanisms from the potential primary sources of hazardous substances to secondary and tertiary sources, the exposure media and routes, and potential receptors, both human and ecological, upland and offshore. The CSM should reflect historical and current conditions as well as potential future development in assessing exposure pathways. In accordance with WAC 173-340-720(2), rationale should be included to substantiate that groundwater at the Site cannot be used, or has an extremely low probability to be used, for potable purposes (i.e. as viable drinking water aquifer).

d. Establishment of Screening Levels

Identify appropriate screening levels consistent with the exposure pathways and receptors (both human and ecological) identified in the CSM per WAC 173-340-700 through 173-340-760 and WAC 173-204-560. Note that the screening levels must consider all applicable pathways including direct contact (including inhalation); media transfer pathways (e.g. leaching to groundwater, groundwater migration to surface water, and sediment, etc.); and exposure by terrestrial and/or aquatic ecological and human receptors.

Sediment screening levels shall include both the chemical and biological standards of Chapter 173-204 WAC, and should take into account the presence of contaminants of concern identified in the CSM. Bioaccumulative pathways to higher trophic levels and human receptors must be considered, along with potential toxicity due to deleterious substances without chemical cleanup standards under SMS.

e. Evaluation of Existing Data and Identification of Preliminary Hazardous Substances

The existing analytical data should be plotted as accurately as possible on a base map using geo-referencing techniques to depict identified sources and areas where suspected releases have occurred. Review the prior sample locations with respect to identified sources and areas where suspected releases (e.g. outfalls, spills, dumping, leaks, etc.) have occurred. All of the existing analytical data collected at the Site should be evaluated in terms of data usability (analytical methods used to evaluate the effectiveness of a cleanup action shall comply with the requirements in WAC 173-340-830) and be screened against the screening levels identified based on the conceptual site model (CSM) for the Site (*see* Sections A.1.c and A.1.d above). Both non-detect and detected data should be included in the screening.

Identify sampling points containing exceedances on a map, and discuss the adequacy of the reporting limits (i.e., Method Detection and Practical Quantification Limits) in terms of achieving the Site screening levels. Constituents exceeding the screening levels should be identified as preliminary indicator hazardous substances. Additionally, where no existing and or valid data is available, preliminary indicator hazardous substances will be identified based on historical site use.

f. RI Study Approach

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the RI for the Site. Based on the background information gathered and the evaluation of existing data, discuss by medium (e.g. soil, sediment, surface water, etc.) the data required to complete an RI for the Site. The RI approach shall be consistent with WAC 173-340-350 and WAC 173-204-550.

Identify data gaps and the overall approach for conducting the RI. The Sampling Analysis Plan (SAPs) (*see* Section A.1.h below) will provide the details on numbers and locations of samples for each medium and associated analytical or toxicity testing requirements. The RI field investigation will be designed to identify the full nature and extent of contaminants and toxic and bioaccumulative effects in upland and in-water areas.

The Port shall provide Ecology with the results of the field investigation in the form of a Data Report Technical Memorandum so that a determination can be made with regard to whether additional investigation is required to define the full nature and extent of contamination. The information provided to Ecology should describe the analytical results of the field activities including the identification of indicator hazardous substances, the affected media, preliminary cleanup levels, the extent of contamination (plotted on maps), and any data gaps that need to be filled to define the nature and extent of contamination, impacts to site habitat, and toxic/bioaccumulative effects. Note that the preliminary cleanup levels may be different than the screening levels used in the RI/FS Work Plan based on a better understanding of the CSM (e.g., contaminants in soil may not be impacting Site groundwater) for the Site. Additional field investigation (if necessary, based on initial results) will be conducted to further define the nature and extent of contamination and toxic/bioaccumulative effects based on findings during the initial investigation.

g. FS Approach

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the FS for the Site. The FS approach shall be consistent with WAC 173-340-350 and WAC 173-204-550 and should consist of the following sections:

(i) **Establishment of Cleanup Levels, Points of Compliance, and Remediation Levels.**

The Port will work with Ecology to develop indicator hazardous substances, cleanup levels and points of compliance consistent with Model Toxics Control Act (MTCA) and Sediment Management Standards (SMS) regulations. The Port may also consider establishing potential remediation levels as defined per WAC 173-340-355. Cleanup levels, site boundaries, and site units for aquatic areas should be established in accordance with WAC 173-204-560 and -570.

(ii) **Applicable or Relevant and Appropriate Requirements.**

The FS should identify all applicable federal, state, and local requirements, including requirements to obtain necessary permits, to comply with applicable laws, except as provided in RCW 70.105D.090. The FS should also include information on actions to be taken to meet these requirements.

(iii) **Delineation of Media Requiring Remedial Action.**

Based on the results of the RI, determine areas and/or volumes of affected media to which remedial action objectives might be applied.

(iv) **Development of Remedial Action Objectives.**

Remedial action objectives are established on the basis of extent and magnitude of the contamination, the resources that are currently and potentially threatened, and the potential for human and ecological (both terrestrial and aquatic) exposures at the Site. The Remedial Action Objectives should provide general descriptions of what the Site cleanup is designed to accomplish. The FS approach section must clearly define a

basis and rationale for Remedial Action Objectives for each medium at the Site.

(v) **Screening and Evaluation of Cleanup Action Alternatives.**

A reasonable number and type of cleanup action alternatives should be evaluated, taking into account the characteristics and complexity of the Site, including current site conditions and physical constraints. Evaluation of cleanup action alternatives and the selection of a preferred cleanup alternative must meet the requirements of WAC 173-340-360, WAC 173-204-550, WAC 173-204-560 and WAC 173-204-570. A detailed evaluation of the following criteria should be included in the RI/FS report for each cleanup alternative:

- 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
- Potential habitat restoration (should sediment contamination be identified)

Short-term effectiveness

- Long-term effectiveness (Must include a recontamination evaluation)
- 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 RI/FS report.

h. Development of a Site-Specific Health and Safety Plan and Sampling and Analysis Plan

The RI/FS Work Plan shall include a site-specific Health and Safety Plan (HSP), describing worker safety during the project will be developed in accordance with WAC 173-340-810, as well as a site-specific Sampling and Analysis Plan (SAP), which includes quality assurance/quality control requirements. An upland SAP and a sediment SAP, consistent with WAC 173-340-350(7)(c)(iv), shall be submitted to Ecology for review and approval prior to any sampling being conducted. The SAP should be based on the type, quality, and quantity of data necessary to support selection of a cleanup action. The SAP should provide the details on numbers and locations of samples for each media and the analytical requirements. The SAP shall conform to the requirements specified in WAC 173-340-820. Sediment sampling is also required under the Sediment Management Standards (SMS; Chapter 173-204 WAC) to fully investigate the nature and extent of potential marine sediment contamination released at the Site. In addition, any sampling of the marine sediments must be done in accordance with the SMS and the "Sediment Sampling and Analysis Plan Appendix," Ecology Publication No. 03-09-043.

i. Public Involvement

This section shall present the general process for public involvement (in accordance with WAC 173-340-600). See '**Section F. Public Participation'** of the Order.

j. Project Management

This section shall discuss project staffing and coordination associated with the RI/FS activities for the Site. The organizational structure and responsibilities are designed to provide project control and quality assurance for the duration of the project.

k. Schedule & Reporting

This section should contain the schedule and reporting requirements for the RI/FS Work Plan as defined in this Agreed Order.

2. Data Report Technical Memorandum.

The Port shall provide Ecology with the results of the field investigation in the form of a Data Report Technical Memorandum so that a determination can be made with regard to whether additional investigation is required to fully define the nature and extent of contamination. The information provided to Ecology should describe the analytical results of the field activities, the affected media, the extent of contamination (plotted on maps and screened against preliminary cleanup levels (if appropriate), and identification of data gaps that need to be filled to complete the RI/FS with respect to the nature and extent of contamination and toxic/bioaccumulative effects.

3. Prepare Draft RI/FS Report.

A draft, draft final (if necessary), and final RI/FS report meeting the requirements of WAC 173-340-350, WAC 173-340-560, WAC 173-204-550 and WAC 173-204-560 shall be prepared and submitted to Ecology for review and approval. The RI/FS report

shall contain the results of the RI and will provide information regarding the full extent and magnitude of soil, groundwater, surface water, and/or adjacent marine sediment contamination including toxic and bioaccumulative effects. The FS portion of the report will present and evaluate cleanup action alternatives to address the identified contamination at the Site. Based on the evaluation of alternatives (WAC 173-340-350(8) and WAC 173-204-570), the FS will identify a preferred cleanup action alternative for the Site in compliance with WAC173-340-360 and WAC 173-204-560.

4. Develop a Draft Cleanup Action Plan (CAP).

Upon Ecology approval of the RI/FS report, the Port shall prepare a draft and draft final CAP in accordance with WAC 173-340-380 and WAC 173-204-570. The draft CAP shall address the proposed cleanup action alternatives for the remediation of all impacted media in the upland and in-water portions of the Site, respectively, based on the results of the RI/FS. The draft CAP shall include a general description of the proposed cleanup actions along with the following sections:

- A general description of the proposed cleanup action and the rationale for selection, including results of any remedial technology pilot studies, if necessary.
- A summary of the other alternatives evaluated in the RI/FS.
- Identification and summary of the applicable local, state, and federal laws pertinent to the proposed cleanup.
- Identification of Cleanup standards and the points of compliance along with a rationale regarding their selection for each hazardous substance and for each medium of concern at the Site based on the results of the RI/FS.
- Descriptions of any institutional/engineering controls, if proposed.
- A preliminary schedule for implementation of field construction work and subsequent maintenance and monitoring.

B. Schedule

The Port shall perform the actions required by this Order according to the schedule below. The Port shall address Ecology comments on all deliverables through written responses. When Ecology provides comments in red-line strikeout format (i.e., comments made directly within the electronic version of the document), the Port may respond to those comments directly within the same electronic document. Ecology will strive to review documents within 45 calendar days of receipt from the Port. If Ecology determines additional time for review is necessary, it will attempt to notify the Port within 10 calendar days of the close of the 45 day deadline.

1. Project Schedule

RI/FS Work Plan
The Draft RI/FS Work Plan shall be submitted to Ecology within 120 calendar days of the effective date of this order.
The Final RI/FS Work Plan shall be submitted to Ecology within 90 calendar days of the receipt of Ecology's comments on the draft RI/FS Work Plan or the draft final RI/FS Work Plan (if it became necessary to produce). The Port shall confer with Ecology about its comments and the Port shall incorporate all of Ecology's final comments into the Final RI/FS Work Plan.
The total time for Ecology review of the RI/FS Work Plan is no more than 90 calendar days, unless Ecology determines that additional review time is necessary. Ecology will attempt to review and provide comments on the draft within 45 calendar days. Ecology will attempt to review and approve the final within 45 calendar days.
Field RI
Field RI activities shall be commenced within 60 calendar days of Ecology approval of the Final RI/FS work plan. It is recognized that sediment sampling will require a Corps permit and conditions of the permit will require sampling to be completed within the in-water work window that may fall outside of the specified 60 day period. Separate mobilizations and field schedules may be required to complete the Site investigation as approved by Ecology.
Data Report Technical Memorandum The field RI results shall be provided to Ecology 60 calendar days after the validation of all RI/FS analytical data.
Additional field RI activities (if needed) Additional field RI activities may be required to adequately delineate the nature and extent of contamination at the Site, and/or to conduct pilot testing of a remedial alternative. The scope, schedule, and submittal requirements for additional field RI activities shall be developed by the Port, and shall be submitted to Ecology for review and concurrence within 60 calendar days of Ecology's determination that the Data Report Technical Memorandum warrants additional RI activities.
RI/FS Report
The Draft RI/FS Report shall be submitted within 180 calendar days of Ecology approval of the Final RI/FS Work Plan. If Ecology review of the Data Report Technical Memorandum finds that significant data gaps have not been filled, at Ecology's discretion, the date of the Draft RI/FS Report submittal may be extended.
The Final RI/FS Report shall be submitted to Ecology within 45 calendar days from receipt of Ecology comments on the Draft RI/FS Report or draft final RI/FS Report (if it became necessary to produce) . The final RI/FS report will undergo a 30-

day public comment period. Ecology will complete a responsiveness summary to public comment on the final RI/FS Report before approving the document.
The total time for Ecology review of the RI Report is no more than 90 days, unless Ecology determines that additional review time is necessary. Ecology will attempt to review and provide comments on the draft within 45 calendar days. Ecology will attempt to review and approve the final within 45 calendar days.
Draft Cleanup Action Plan
The preliminary Draft Cleanup Action Plan shall be submitted within 120 calendar days after the RI/FS report is finalized.
The Final Draft Cleanup Action Plan shall be submitted within 60 calendar days from the date of issuance of Ecology comments to the preliminary Draft Cleanup Action Plan. The Final Draft Cleanup Action Plan will then undergo a 30-day public comment review period.
The total time for Ecology review of the Draft CAP is no more than 90 days, unless Ecology determines that additional review time is necessary. Ecology will attempt to review and provide comments on the draft within 45 calendar days. Ecology will attempt to review and approve the final within 45 calendar days.

2. Environmental Data Submittals

- All sampling data (including any historical data described in 'Section V. Findings of Fact' in the Agreed Order that is used in the RI for decision purposes) shall be submitted to Ecology in both printed (e.g. summarized in report tables) and electronic formats in accordance with Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements) and/or any subsequent procedures specified by Ecology for data submittal.
- Historical data that is used in the RI/FS Work Plan and/or RI/FS Report, to the extent available and determined to be suitable for cleanup action decision-making, shall be supplied to Ecology in electronic format (i.e. EIM) as part of the first draft RI/FS Work Plan deliverable.
- New data collected as part of the initial or first phase of the RI/FS, shall be supplied to Ecology in electronic format (i.e. EIM) 60 calendar days after the new data has been validated. Data collected as part of additional RI/FS activities shall also be supplied to Ecology in electronic format (i.e. EIM) 60 calendar days after the data has been validated.

Based on the work schedule presented above, the Port shall develop an overall cleanup schedule for the site starting from the RI/FS Work Plan to final cleanup construction and long-term compliance monitoring. The Port shall provide Ecology with an updated cleanup schedule when events are identified that may result in significant project schedule changes, or at a minimum, on April 1st and October 1st. It is important that Ecology maintains updated cleanup schedules for project planning, and for periodically updating the public, tribes, and resources/permitting agencies.

C. Progress Reports

The Port shall submit to Ecology a progress report the first week of each month addressing the progress of RI/FS work during periods of field activity until such time as the Port has completed the work required in the RI/FS Work Plan. For the remaining time period, the Port shall submit to Ecology a quarterly report due the first week of the first month per quarter. The progress report shall include work completed to date, problems encountered and how they were resolved, any supporting documentation, and work scheduled for the subsequent time period. Electronic submittals of progress reports are acceptable.