

EXHIBIT D

TIDEWATER FUEL LINE LEAK

Public Participation Plan

Consent Decree for a Cleanup Action Plan

Prepared by:
Washington State Department of Ecology

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Getting Involved in Cleanup at the Tidewater Fuel Line Leak Site

The Washington State Department of Ecology (Ecology) encourages the public to learn and get involved in decision-making opportunities about the Tidewater Fuel Line Leak Site (Site) at the former Chevron Pipe Line Company Pasco Bulk Terminal (Pasco Bulk Fuel Terminal). Tesoro Logistics LLC now owns and operates the terminal at 2900 Sacajawea Park Road in Pasco, Franklin County, Washington (see Site map in Appendix A). Opportunities are available during specific stages of investigating and cleaning up petroleum contamination at the Site.

The Public Participation Plan (plan) explains the Model Toxics Control Act (MTCA) that guides cleanup in Washington State. The plan outlines when public notice will occur, the amount of time the public has to comment, information about the Site, which areas are affected, and ways the public may provide feedback. It also contains a community profile, and concerns expressed by community members.

Purpose of the Plan

- Promoting public understanding of Ecology's responsibility to guide Site cleanup activities.
- Gathering information from the public that assists Ecology and the Tidewater Terminal Company, Inc. (Tidewater) while investigating and planning cleanup actions to protect human health and the environment.
- Informing the community living near the Site and the general public about cleanup activities and how to participate in the decision-making process.

Public Participation Plan and Model Toxics Control Act (MTCA) Overview

The plan is required by MTCA (Chapter 173-340-600 Washington Administrative Code [WAC]), a citizen-mandated law that became effective in 1989 to provide guidelines for cleaning up contaminated sites in Washington State. This law sets standards to ensure the cleanup protects human health and the environment and includes opportunities for public input. Please see Appendix C for a glossary of MTCA terms.

Ecology's Toxics Cleanup Program investigates reports of contamination that may threaten human health and the environment. If contaminants are confirmed during an investigation, the risk is ranked in comparison to all the other known contaminated sites in Washington, and the site is added to our [Hazardous Sites List](#):
http://www.ecy.wa.gov/programs/tcp/mtca_gen/hazSites.html.

Public participation is an important part of cleanup under the MTCA process. Participation needs are assessed at each site according to the level of public interest and degree of risk posed by contaminants there. Individuals who live on or near a contaminated site, community groups, businesses, government, and any other organizations and interested parties are provided an opportunity to comment on the cleanup process.

MTCA requires Ecology to notify the public about reports and legal agreements, locations where these documents can be read, public comment periods, and public meetings or hearings related to

contaminated sites. Other forms of participation may be interviews, citizen advisory groups, questionnaires, or workshops.

The Community Background and Public Participation Activities and Timelines sections of this plan provide information about outreach to the community.

Public Participation Grants and Technical Assistance

Citizen groups living near contaminated sites may apply for [public participation grants](#) during open application periods when funding is available:

<http://www.ecy.wa.gov/programs/swfa/grants/ppg.html>. These grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues.

NOTE: Ecology currently does not have a citizen technical advisor office, as described in Chapter 173-340-600(18) WAC, for providing technical assistance to the public on issues related to the investigation and cleanup of the site. Technical questions can be addressed to the site manager [Patrick Cabbage](#) at patrick.cabbage@ecy.wa.gov or (509) 329-3543.

Amendments

This plan is reviewed and amended as cleanup progresses. Please submit suggestions for amendments to [Erika Bronson](#) at erika.bronson@ecy.wa.gov or (509) 329-3546.

Project Contacts

<p>Washington Department of Ecology Eastern Regional Office Toxics Cleanup Program 4601 N. Monroe St. Spokane, WA 99205</p> <p>Patrick Cabbage, Site Manager (509) 329-3543 patrick.cabbage@ecy.wa.gov</p> <p>Erika Bronson, Public Involvement (509) 329-3546 erika.bronson@ecy.wa.gov</p> <p>Para asistencia Espanol: (360) 407-6097, preguntas@ecy.wa.gov 若需中文翻譯: (360) 407-6956</p> <p>Liên hệ bằng tiếng Việt, xin liên lạc: (360) 407-6948</p> <p>한국어에서 지원에 대 한: (425) 649-7166</p>	<p>Tidewater Terminal Company William H. Collins, Director Environmental, Health, Safety, and Security Tidewater Terminal Company P.O. Box 1210 Vancouver, WA 98666-1210 (360) 759-0306 bill.collins@tidewater.com</p>
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SITE BACKGROUND

Ecology is proposing to enter into a legally binding Consent Decree with Tidewater Tidewater to carry out a Cleanup Action Plan at the Site. The Cleanup Action Plan identifies a final cleanup solution for the Site and detailed steps for completing the remedial action. The Consent Decree and Cleanup Action Plan are drafts until the 30-day public comment period ends. If significant changes are made due to public comments, Ecology will hold another review period.

The Site is located on the bank of the Snake River just upstream from where it merges with the Columbia River. The approximate physical address is 2900 Sacajawea Park Road in Pasco, Franklin County, Washington (see Site map in Appendix A). Tidewater owns and operates pipelines located on a three-acre easement that crosses the Pasco Bulk Fuel Terminal site.

In 1976, Chevron reported a release of 665 barrels, or about 28,000 gallons of petroleum, at the Pasco Bulk Fuel Terminal. Since the 1976 release, Chevron documented at least 10 additional releases at the Pasco Bulk Fuel Terminal.

In July 2000, gasoline leaked from a hole in one of Tidewater's fuel transfer pipelines. Ecology investigated the site and added it to the Hazardous Sites List in late 2000. The Franklin County Health District ranked the Site a three after their Site Hazard Assessment in August 2001. A rank of one represents the highest level of concern and five the lowest.

Current and former owners or operators, as well as any other parties potentially liable for Site contamination, may be held responsible for cleanup based on MTCA. Ecology identified Tidewater as being responsible for contamination related to pipelines they operate under an easement at this Site.

Tidewater conducted soil and groundwater investigations and started cleanup activities to address the contaminants from 2000 to 2003 under Ecology's Voluntary Cleanup Program. Tidewater also began monitoring groundwater in 2000, and submitted reports quarterly through 2003. They completed additional monitoring in 2006 and 2010. Results showed that petroleum in groundwater has reduced.

In 2009, Ecology entered into an Agreed Order with Chevron and Tidewater requiring the companies to complete a remedial investigation and feasibility study to determine the extent and locations of contamination at the Site and present alternatives for cleaning it up. The companies completed the investigation and study in 2012, finding that while past cleanup efforts had reduced petroleum contamination in groundwater, some still remained in localized areas.

Chevron sold the Pasco Bulk Fuel Terminal to Tesoro in 2013. Groundwater monitoring showed that contamination from past releases due to Chevron and Tidewater's operations had not mixed. The Site was then split into two: the Chevron Pipe Line Company Pasco Bulk Terminal (Cleanup Site ID 4867) and the Tidewater Fuel Line Leak (Cleanup Site ID 2331).

Contaminants of Concern

The primary contaminants of concern are petroleum products in soil and groundwater.

COMMUNITY BACKGROUND

Pasco is located where the Columbia, Snake, and Yakima rivers merge. Pasco is one of Washington's fastest growing cities with a population around 68,000. In 2012, the population was approximately 64,112, with 59 percent being minority populations. In 2012, roughly 57 percent of people were white, 54 percent were of Hispanic or Latino origin, 2 percent were Black, 2 percent were Asian, and 1 percent American Indian. Forty-nine percent, or 27,876 people, reported not speaking English at home. The largest percentage of non-English speakers indicated Spanish is their first language.

The Site is located near Sacajawea State Park on the southeastern edge of Pasco, and is surrounded mainly by industrial property with the exception of a low-income mobile home park about one mile southwest. Industries in the area are agriculture and transportation, including a rail line that travels along the Snake River next to the site. The federal government's Hanford Nuclear Reservation is located upstream from the site along the Columbia River.

Community Concerns

Interviews were conducted on June 27, 2009, with people living in the Lakeview Manufactured Home Community at 1505 S. Road 40 E, Pasco, Washington. A local Spanish interpreter assisted in conducting the interviews. Ecology conducted 15 interviews and knocked on 12 other doors with no answers. All of the residents were Spanish-speaking, with three being bilingual.

The following are some of the concerns expressed by residents:

- Several individuals indicated their tap water smelled or tasted bad, and they were using tap water for cooking only, were using water filters, or were on bottled water. One homeowner indicated yellow water was coming out of the tap.
- A couple of women stated that their children were not allowed to play in the sprinkler water used in the yards at the trailer court. They said the water smelled bad and left a white residue on cars. They had been told by the trailer court manager not to let the children play in the sprinkler water. They wanted to know if there was something from the Site or from pesticides in the water.
 - Ecology staff explained to residents that current information about groundwater indicates that Site contaminants are not moving toward the trailer park area. Residents were encouraged to contact their local health district about drinking water and sprinkler/irrigation water to determine what might be the source of the problem. Ecology provided information about these concerns to the Washington State Department of Health and the Pasco Regional Health District.
- Several residents asked if they could be harmed by an explosion from the white tanks at the Site. They were worried about the tanks exploding or pipes leaking.

- Ecology staff explained that the companies were following regulatory standards to ensure safety of the tanks and the local residents.
- A man asked about the fish in the river near the Site. He wanted to know if the fish had been tested for contamination and if they were safe to eat. He also asked about swimming and recreating on the shore near the Site. He indicated a lot of people eat the fish and swim, boat, and use the shoreline near Hood Park and Wallula Lake across from the Site as well as the river and shoreline by the Site.
- A few individuals asked if security on Sacajawea Road could be improved. They said the road is used for street racing at night and a car wrecked and exploded last year killing a person. They were concerned that a car street racing could impact one of the petroleum tanks and create an explosion that would hurt them and their families.
 - Ecology staff explained that these types of issues are not under Ecology's authority and are not part of this environmental project. Residents were encouraged to contact local law enforcement for help reducing street car racing.

Public Participation Activities and Timeline

The following public participation efforts will occur until the cleanup is complete:

- **Mailing lists** are developed to notify people living or working in close proximity to the Site. People in these areas will receive fact sheets about the cleanup process via first-class mail. Additionally, individuals, organizations, and local, state, and federal governments will be added to the mailing list. Please contact Erika Bronson at erika.bronson@ecy.wa.gov or (509) 329-3546 to be added to the mailing list.
- **Document Repositories** are locations where documents related to cleanup sites may be reviewed. The following locations will have copies of any documents that go through the public review process related to this Site:

Washington State Department of Ecology
4601 N. Monroe St.
Spokane, WA 99205-1295
(509) 329-3445

Mid-Columbia Library
1320 W. Hopkins St.
Pasco, WA 99301-5097
(509) 545-1019

Ecology's Website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2331>

- **Fact sheets** explaining the stage of cleanup, the Site background, and what happens next in the cleanup process are distributed by Ecology during each public comment period. Fact sheets are mailed to individuals on the mailing list and to the penitentiary for distribution to staff and offenders. Fact sheets will have information in English and Spanish and will also contain phone numbers for assistance in Chinese, Korean, and Vietnamese.

Summarized information from these fact sheets is also published in a statewide **Site Register** (http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html). To receive the Site Register

via email, please contact Erika Bronson at 509-329-3546 or erika.bronson@ecy.wa.gov, or [sign up](http://listserv.wa.gov/cgi-bin/wa?SUBED1=Siteregister&A=1) at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=Siteregister&A=1>.

The fact sheets are also posted on [Ecology's website](http://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=2331):
<https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=2331>.

- **30-day public comment periods** allow interested parties time to review and comment on proposed cleanup actions. The fact sheet contains contact information about where to submit comments and where and when public meetings or hearings will be held if requested.
- **Display ads or legal notices** will be published in the *Tri-City Herald*, ethnic newspapers when available, and on Ecology's Public Events Calendar (<https://fortress.wa.gov/ecy/publiccalendar/>) to inform the general public. Display ads or legal notices are published at the beginning of the 30-day comment period.
- **Public meetings, workshops, open houses, and hearings** are held based on the level of community interest. In cases when Ecology has not already planned public events during a comment period, we will schedule them if 10 or more people request it. These meetings, workshops, or hearings will be held at a location that meets Americans with Disabilities Act standards for accessibility and is close to the Site. They may be held away from the Site if it is necessary to accommodate large numbers of people. These events are announced with display ads or legal notices in the *Tri-City Herald*, ethnic newspapers when available, and on Ecology's Public Events Calendar (<https://fortress.wa.gov/ecy/publiccalendar/>).
- **Informational flyers** may also be made available in various locations throughout the community (for example, postings at local businesses, schools, libraries, etc.) to announce public comment periods, meetings, workshops, etc.

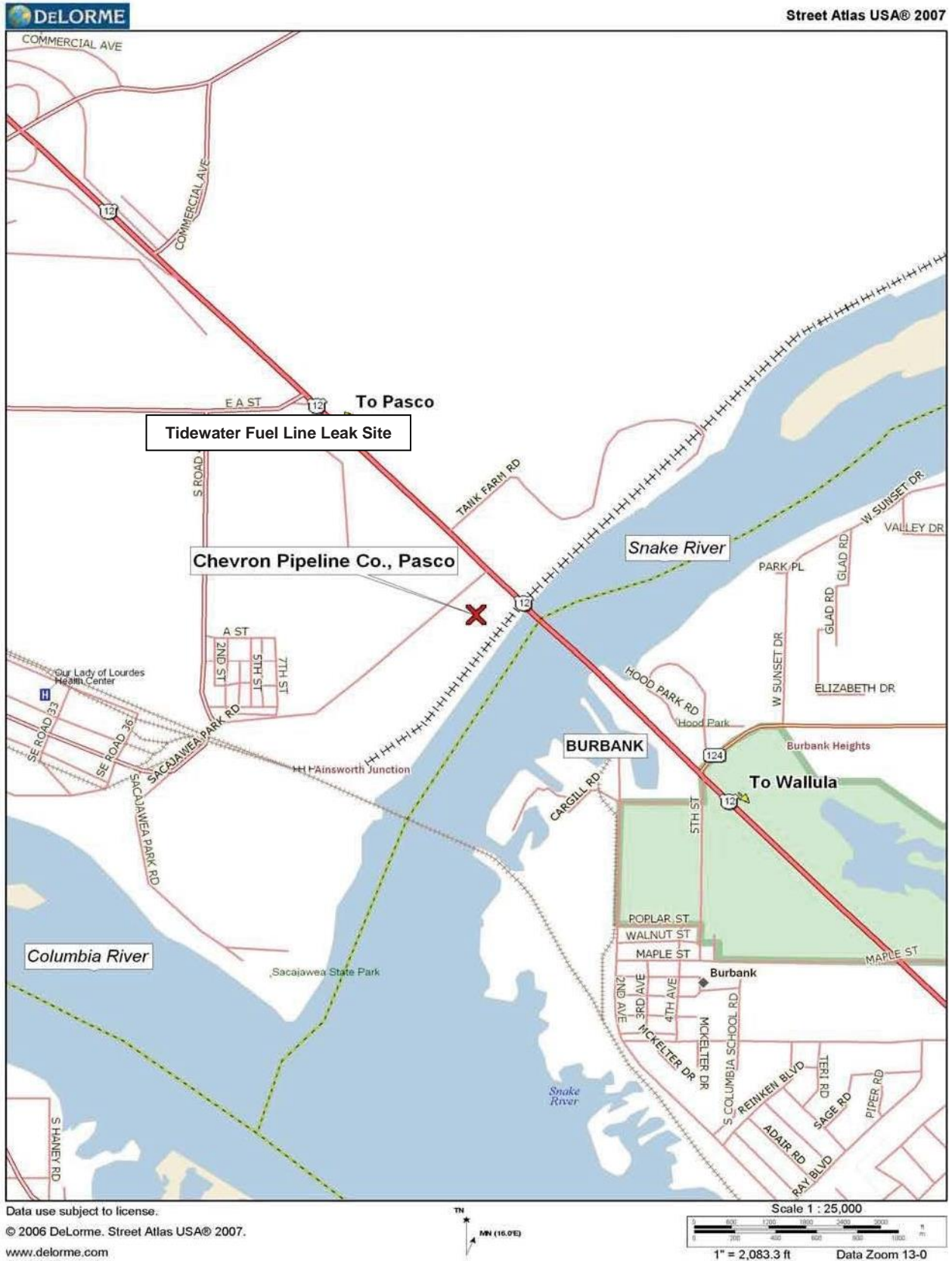
Answering Questions from the Public

If you have questions about fact sheets, documents available for public comment, public events, or the general cleanup process, please contact one of the individuals listed in the Project Contacts section of this plan.

Public Notice and Comment Periods Timeline

DATE	ACTION TAKEN
May 12 – June 10, 2016	Notice published in Site Register about negotiations for a Consent Decree for a draft Cleanup Action Plan
September 12, 2016	Beginning of 30-day Public Comment Period for a Consent Decree for a draft Cleanup Action Plan
October 12, 2016	End of 30-day Public Comment Period for a Consent Decree for a draft Cleanup Action Plan

APPENDIX A: TIDEWATER FUEL LINE LEAK SITE MAP



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www.delorme.com

Scale 1 : 25,000
1" = 2,083.3 ft Data Zoom 13-0

APPENDIX B: CURRENT MAILING LIST
(to be included in final hard copy of the Agreed Order)

APPENDIX C: GLOSSARY

Agreed Order: A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed to assess contamination and possible cleanup options at a Site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

Applicable State and Federal Law: All legally applicable requirements and other requirements that Ecology determines are relevant and appropriate.

Area Background: The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a Site as a result of human activities unrelated to releases from that Site.

Carcinogen: Any substance or agent that produces or tends to produce cancer in humans.

Chronic Toxicity: The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action, except interim actions, taken at a Site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document that identifies the cleanup action and specifies cleanup standards and other requirements for a Site. After completion of a comment period on a draft Cleanup Action Plan, Ecology issues a final Cleanup Action Plan.

Cleanup Level: The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste Sites.

Consent Decree: A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a Site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Containment: A container, vessel, barrier, or structure, whether natural or constructed, that confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Enforcement Order: A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), groundwater, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the State of Washington.

Exposure: Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

Exposure Pathways: The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the Site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

Facility: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any Site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

Feasibility Study (FS): A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

Free Product: A hazardous substance that is present as a liquid that is not dissolved in water, also known as a non-aqueous phase liquid. Petroleum products floating on the top of a body of water are one example.

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

Hazardous Sites List: A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action, with 1 being considered the greatest potential threat to human health and the environment. The Hazardous Sites List can be downloaded from Ecology's website:
http://www.ecy.wa.gov/programs/tcp/mtca_gen/hazSites.html

Hazardous Substance: Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

Hazardous Waste Site: Any facility where there has been a confirmed or threatened release of a hazardous substance that requires remedial action.

Independent Cleanup Action: Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

Initial Investigation: An investigation to determine that a release or threatened release may have occurred that warrants further action.

Interim Action: Any remedial action that partially addresses the cleanup of a site.

Mixed Funding: Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

Model Toxics Control Act (MTCA): Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known as Initiative 97. The implementing regulation is WAC 173-340.

Monitoring Wells: Wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

Natural Background: The concentration of a hazardous substance consistently present in the environment that has not been influenced by localized human activities.

National Priorities List (NPL): The U.S. Environmental Protection Agency's (EPA) list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

Owner or Operator: Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned, operated or exercised control over the facility any time before its abandonment.

Polycyclic Aromatic Hydrocarbon (PAH): A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and combusting fossil fuels.

Potentially Liable Person (PLP): Any person or company whom Ecology finds, based on credible evidence, to be liable for contamination at a site under authority of RCW 70.105D.040.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Recovery By-Products: Any hazardous substance, water, sludge, or other materials collected in the free-product removal process in response to a release from an underground storage tank.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and

monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

Remedial Investigation (RI): A study to define the extent and locations of contamination at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a remedial investigation/feasibility study (RI/FS). In both cases, a public comment period on the draft report is required.

Responsiveness Summary: A document compiling all questions and comments to a document open for public comment and their respective answers/replies by Ecology. A responsiveness summary is mailed, at a minimum, to those who provided comments, posted on Ecology's website, and announced in the Site Register.

Risk Assessment: Determining the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

Sensitive Environment: An area of particular environmental value, where a release could pose a greater threat than in other areas, including wetlands; critical habitat for endangered or threatened species; national or state wildlife refuges; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic rivers; rookeries; riparian area; and big game winter ranges.

Site: See facility.

Site Characterization Report: A written report describing a site and the nature of a release from an underground storage tank, as described in WAC 173-340-450(4)(b).

Site Hazard Assessment (SHA): Gathering information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (509) 329-3546 or email erika.bronson@ecy.wa.gov.

Surface Water: Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within or under the jurisdiction of the State of Washington.

TCP: Toxics Cleanup Program at the Washington State Department of Ecology.

Total Petroleum Hydrocarbons (TPH): A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The "petroleum hydrocarbons" include compounds of carbon and hydrogen that are derived

from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

Toxicity: The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants, and animals.

Underground Storage Tank (UST): An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

Washington Ranking Method (WARM): Method used to rank sites placed on the Hazardous Sites List. A fact sheet describing this method is available from Ecology:
<https://fortress.wa.gov/ecy/publications/publications/ftc91107.pdf>