

Exhibit B

STATE OF WASHINGTON
DEPARTMENT OF WASHINGTON

In the Matter of the) Enforcement Order
)
)
B & L Woodwaste Site) No. DE 91IC-S267
Milton, Washington)

To: ASARCO Incorporated
Mr. Thomas L. Aldrich, Site Manager
P O. Box 1677
Tacoma, WA 98401-1677

Murray Pacific Corporation
Mr. Lowell T. Murray
3502 Lincoln Avenue East
Tacoma, WA 98421

Executive Bark, Incorporated
c/o Mrs. Camille Fjetland
1621 Marine View Drive
Tacoma, WA 98422

I.

Jurisdiction

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

II.

Statement of Facts

1. The B & L Woodwaste Site ("the Site") is located near Milton, Washington. The location and boundaries of the Site are depicted in Exhibit A to this Order. Exhibit A (Final Cleanup Action Plan, B & L Woodwaste Site, Milton, Washington, October 1991) is hereby incorporated into this Order and is an integral and enforceable part of this Order.

2. The Site is owned by Executive Bark, Inc. The Site has been used as a fill site for log sort yard woodwaste containing ASARCO slag. The Site is bordered by 77th Avenue East and the Puget Power right of way in Milton, Washington.

3. The Site, which is 18.5 acres in size, is located in the Puyallup River/Hylebos Creek Floodplain in a mixed residential and agricultural area. A system of ditches along the Site boundary collects leachate and runoff from the fill and discharges it to Surprise Lake Ditch, which drains to Hylebos Creek. Two City of Milton municipal water wells, with approximately 500 gallons/minute pumping capacities each (#3 and #4), are located approximately 750 feet and 900 feet northeast of the Site.

4. Most of the waste at the Site came from log sort yards which used ASARCO slag as ballast to support the weight of heavy log sorting machinery. In addition to the log sort yard deck debris, the landfill also received shredded car debris from General Metals of Iacoma. Volumetric calculations based on trucking invoices during the period of 1975 to 1984 suggest approximately 97 to 98 percent of the material at the B & L Landfill is deck debris, and two to three percent is shredded car debris. An undetermined quantity of soil/fill was also disposed on-site during the fall of 1989 and the winter of 1990. Ecology has no evidence thus far to indicate the shredded car debris or recent fill are sources of contamination. Volumetric calculations suggest at present the landfill currently contains approximately 350,000 cubic yards of deck debris, soil, and other wastes.

5. It is known that ASARCO slag contains several metals. One sample of the slag contained approximately 9,000 mg/kg of arsenic, 5,000 mg/kg each of lead and copper, and 18,000 mg/kg of zinc.

6. Two of four soil/fill samples taken by Ecology inspectors in 1985 showed EP toxicity results for arsenic which exceeded the five parts-per-million dangerous waste threshold per WAC 173-303-090(8)(c).

7. In 1982, the Commencement Bay Nearshore/Tideflats was added to the National Priorities List (NPL) under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). The NPL Site includes Hylebos Waterway and sites, including B & L Landfill, which are believed to contribute contamination to the Waterway. The Record of Decision for the Commencement Bay Nearshore/Tideflats Superfund Site lists the B & L Woodwaste Site as a source of arsenic, copper, and lead to the Head of Hylebos Waterway problem sediment area.

8. Ecology issued a report on January 25, 1985, characterizing Hylebos Creek metals concentration in water, sediment, and fish tissue samples. The January 25, 1985, report states that arsenic concentration of B & L leachate was 26.9 mg/l. Leachate from the site caused a 43 percent mortality rate with juvenile coho salmon exposed to water composed of 50 percent leachate.

9. The United States Environmental Protection Agency (US EPA) Field Investigations Team conducted a study of the Site in 1987 and found arsenic concentrations in soil up to 795 mg/kg, filtered ground water concentrations up to 17.6 mg/l, and unfiltered ground water samples up to 38.0 mg/l.

10. On April 27, 1987, Ecology issued an enforcement order to Mr. William Fjetland, former Site owner and fill hauler (now deceased), requiring him to remediate the Site. After reviewing Mr. Fjetland's records, it was discovered that a number of other potentially liable persons (PLPs) existed

regarding the Site. Mr. Fjetland appealed the order before the Pollution Control Hearings Board.

11. Due to the discovery of the additional PLPs, on January 27, 1988, the Fjetland Order Number DE 87-16A was canceled by Ecology.

12. On February 16, 1988, Golder Associates, working by contract for Ecology, prepared a document entitled "Work Plan for Expedited Response Action - B & L Landfill, Milton, Washington."

13. On March 1, 1989, Ecology and Murray Pacific Corporation entered into Consent Decree No. 89-2-00319-3, pursuant to Chapters 70.105B and 90.48 RCW. The Consent Decree required MP to complete a Remedial Investigation (RI) and Feasibility Study (FS) for the Site.

14. The Site RI has demonstrated the following hazardous substances are being released from the Site:

arsenic	nickel
copper	phenol
lead	antimony
chromium	zinc
benzoic acid	

15. The RI also revealed the following information:

- a. Arsenic concentrations greater than the 5 mg/l dangerous waste limit per WAC 173-303-090(8)(c) were measured in site leachate, and in a gelatinous material floating in the ditches.
- b. Arsenic concentrations up to 20,000 ppm total arsenic were measured in ditch sediments downstream of the Site. This material would also designate as a dangerous waste per WAC 173-303-090(8)(c).
- c. Samples of the fill material from the Site and ASARCO slag have been tested using the Extraction Procedure (EP) Toxicity and ICLP

tests. Two of four fill samples leached arsenic at greater than 5.0 mg/l concentrations in an EP Toxicity Test, and thus designate as a dangerous waste, four of eleven slag samples leached either arsenic or lead concentrations at or above 5.0 mg/l, the EP Toxicity and/or ICLP limit for dangerous waste designation of arsenic or lead per WAC 173-303-090(8)(c). Depending on the individual sample, these materials can designate as both federal hazardous waste and state dangerous waste, based on toxicity characteristics.

16. Ecology has notified the following persons of their proposed status as Potentially Liable Persons (PLPs) in letters dated July 26, 1990:

ASARCO Incorporated
Mr. William Fjetland
Murray Pacific Corporation
Louisiana Pacific Corporation
Cascade Timber, Incorporated
Wasser Winters, Incorporated

17. Ecology has informed the above six PLPs (except Camille Fjetland, rather than William Fjetland, has been notified) of their status as having been determined to be a PLP in letters dated December 5, 1991.

18. In a letter dated December 6, 1991, Mrs. Camille Fjetland's PLP status was transferred to Executive Bark, Inc.

19. The following PLPs have, in a separate civil court decision in U S. District Court, been assigned among them 100 percent of the liability for cleanup actions at the Site (the court decision is currently on appeal):

ASARCO Incorporated
Murray Pacific Corporation
Mr. William Fjetland/Eagle Trucking Company

However, since Mr. Fjetland is deceased and Executive Bark, Inc. is the Site owner, the following parties are hereafter referred to as "the Respondents":

ASARCO Incorporated
Murray Pacific Corporation
Executive Bark, Inc.

III.

Ecology Determinations

1. Executive Bark, Inc. is an "owner or operator," and ASARCO Incorporated, Murray Pacific Corp., Louisiana Pacific Corp., Cascade Timber, Inc., and Wasser Winters, Inc. are each a transporter/generator/manufacturer as defined at RCW 70.105D.020(6) of a "facility" as defined in RCW 70.105D.020(3).

2. The facility is known as B & L Woodwaste Site and is located between Fife Way and the Puget Power access road, approximately 400 yards south of their intersection in Milton, Washington

3. Substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(5).

4. Based on the presence of these hazardous substances at the facility and all factors known to the Department, there has been a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(10).

5. By letters dated July 26, 1990, Ecology notified the PLPs listed in Statement of Facts, item 19 above, of their proposed status as "potentially liable persons" under RCW 70.105D.040, which provided notice and opportunity for comment.

6. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.

7. Based on the foregoing facts, Ecology believes the remedial action required by this Order is in the public interest.

8. It must be understood by all parties that Ecology has not issued this Order due to recalcitrance of the Respondents or due to any other shortcoming on the part of the Respondents. The reason Ecology has issued this Order, as opposed to negotiation of a Consent Decree, is because an Order can be implemented much more rapidly than a Consent Decree, and will make Ecology's proposed dry season 1992 remedial action completion time frame achievable. A good faith effort must be made by all Respondents to enter into a Consent Decree by April 8, 1992.

9. Cleanup of the B & L Woodwaste Site, as described herein, does not relieve the PLPs of liability with respect to the cleanup of the Hylebos Waterway superfund sediment cleanup, or with respect to any natural resource damages.

IV.

Work to be Performed

Based on the foregoing facts and determinations, it is hereby ordered that the Respondents take the following remedial actions:

The Respondents shall carry out the provisions of the Workplan in a manner and time frame as described herein. The term "Workplan" is defined to consist of:

- a. This Section (Work to be Performed), and

- b. The Cleanup Action Plan (Exhibit A, enclosed).

The Respondents shall implement the tasks detailed in the Workplan in accordance therewith and within the due dates specified, including, but not limited to, the following deliverables:

Workplan Deliverables:

Phase 1 - Preliminary Cap Design

Deliverable Due Date:

January 15, 1992.

1. Provide a preliminary design for the Site cap system, as specified in the "Selected Alternative" section of the Cleanup Action Plan (Exhibit A), including:
 - a. A detailed description of each of the proposed cap layers or components, including, but not limited to, the following cap layers: 2 ft clay layer compacted to a maximum of 1×10^{-7} cm/sec permeability, Flexible Membrane Cover (FMC) (minimum FMC thickness is 40 mil, except if HPDE, then 60 mil), drainage layer, soil layer, gas vent layer, etc.
 - b. Proposed methane venting system.
 - c. A map showing the areas to be excavated and capped, and the proposed placement of the detention basin.
2. Submit a proposed schedule for major Remedial Action milestones, including proposed Remedial Action construction completion date. Remedial Action construction will begin within two (2) months of Ecology's approval of the Engineering Design Report. Ecology has targeted the dry season (July-October) for construction. A good faith effort must be made by the Respondents to complete major site construction work during the 1992 dry season.

Phase 2 - Natural Background Plan

Deliverable Due Date:

February 15, 1992.

1. If the Respondents wish to establish natural background per WAC 173-340-708(11), submit a plan for determining natural background levels for any of the media (i.e., soil, ground water, surface water, and sediment) for any of the parameters listed in Table 4 of the Cleanup Action Plan (i.e., arsenic, copper, lead, nickel, and phenol). Include:
 - a. Proposed locations for the ten required samples (this may include existing data/locations).
 - b. Proposed media and parameters.
 - c. Proposed sampling and analytical methodologies and protocols.
 - d. Proposed statistical method(s) which will be used to calculate natural background levels based upon the ten (or more) above referenced sampling results.
 - e. Proposed schedule for implementation of this plan.

Phase 3 - Engineering Design Report

Deliverable Due Date:

May 1, 1992.

The report shall be prepared by or under the direct supervision of a registered professional engineer and shall be submitted in accordance with WAC 173-340, sections 400 and 410, including:

- a. Goals of the cleanup action, including specific cleanup or performance requirements (including cleanup levels listed in Table 4 of the Cleanup Action Plan as amended by Ecology);

- b. General information on the Site, including a summary of information in the state remedial investigation/feasibility study updated as necessary to reflect the current conditions;
- c. Identification of who will own, operate, and maintain the Site and the cleanup action during and following construction;
- d. Facility maps, of minimum dimensions two feet square, showing existing Site conditions and proposed location of the cleanup action/components, including surface water drainage ditches;
- e. Location of materials to be treated or otherwise managed, including areas of contaminated soil and sediment;
- f. A schedule for construction of the remedial action and monitoring systems, including a critical timing chart for accomplishment of major milestones. Remedial Action construction shall begin within two months of Ecology approval of the Engineering Design Report. Target substantial completion of construction date is November 1, 1992;
- g. A description and conceptual plan of the cleanup action, as outlined in the "Selected Alternative" section of the Cleanup Action Plan (Exhibit A), treatment units, facilities, and processes required to implement the cleanup action;
- h. Engineering justification for design parameters, including: Design criteria, assumptions, and calculations for all components of the cleanup action; demonstration that the cleanup action will achieve compliance with cleanup requirements by citing pilot or treatability test data, results from similar operations, or scientific evidence from the literature;

- i. Design features for control of hazardous materials spills and accidental discharge (for example, containment structures, leak detection devices, run-on and run-off controls);
- j. Design features to assure long-term safety of workers and local residences as applicable (for example, hazardous substances monitoring devices, pressure valves, bypass systems, safety cutoffs);
- k. A discussion of methods for management or disposal of any treatment residual and other waste materials containing hazardous substances generated as a result of the cleanup action;
- l. Facility specific characteristics which may affect design, construction, or operation of the selected cleanup action, including: Relationship of the proposed cleanup action to existing area and facility operations; probability of flooding, waste settling/subsidence, temperature extremes, planned post remedial site uses/activities, local planning and development issues; soil characteristics and surface and ground water system characteristics;
- m. Any information not provided in the state remedial investigation/feasibility study needed to fulfill all, if any, applicable requirements of the State Environmental Policy Act (Chapter 43 21C RCW) and any additional information needed to address the applicable state, federal, and local requirements;

- n. A property access agreement from Respondents which will allow implementation of the cleanup action and long-term site monitoring and maintenance (subject to terms and conditions of the forthcoming MICA Consent Decree);
- o. A copy of all, if any, required permits;
- p. Detailed final construction plans and procedural material specifications necessary for construction of the cleanup system as specified in the "Selected Alternative" section of the Cleanup Action Plan (Exhibit A) prepared in conformance with currently accepted engineering practices and techniques;
- q. Specific quality control (QC) tests to be performed to document the construction as applicable, including specification for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods. This section shall include QC testing during landfill cap construction and monitoring system installation;
- r. Start-up procedures and criteria to demonstrate the cleanup system is prepared for routine operation;
- s. A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during construction and operation, as applicable, and a sampling and analysis plan meeting the requirements of WAC 173-340-820.
 - s-1. This section shall include a Protection Monitoring Plan, per WAC 173-340-410(1)(a), to confirm that human health and the environment are protected during cleanup action construction.

s-2. This section shall include a detailed Performance Monitoring Plan, per WAC 173-340-410(1)(b), for verifying that soil cleanup limits listed in the Cleanup Action Plan (as amended by Ecology) (Exhibit A) will be achieved at Site areas outside the final cover system (including Site excavation areas, adjacent residential and agricultural land, and the adjacent and downstream ditch system, as appropriate) from where woodwaste, soils, slag, and ditch sediments will be excavated and transferred to the consolidated area to be capped. The Performance Monitoring Plan shall utilize a grid system approach, except for the ditches which will utilize a periodic linear sampling approach.

s-3 This section shall also include a Confirmation Monitoring Plan, per WAC 173-340-410(1)(c). This plan will include a proposed ground water monitoring system for the Site designed to ensure conformance with ground water cleanup levels listed in the Cleanup Action Plan (as amended by Ecology). The plan shall include a monitoring system designed to verify that ground water contaminants at the Site are within cleanup goals. The plan will define and map in three dimensions the area and depth of ground water(s) outside of which the ground water cleanup levels will be attained. The plan shall include proposed well locations, construction, sampling and analysis methodology, and sampling frequency. The plan shall also include surface water monitoring locations and protocol.

- s-4. The Respondents shall propose (an) appropriate municipal drinking water well(s) for quarterly arsenic and lead monitoring. Well analytical data shall be reported to the Ecology Project Coordinator on a quarterly basis.
- t. Provisions to assure safety and health requirements of WAC 173-340-810 are met; and
- u. Operation and maintenance plan. An operation and maintenance plan which presents technical guidance and regulatory requirements to assure effective operations under both normal and emergency conditions. The operation and maintenance plan shall include the following elements, as appropriate:
 - u-1. Name and phone number of the responsible individuals;
 - u-2. Process/remedial action description and operating principles;
 - u-3. Design criteria and operating parameters and limits;
 - u-4. A discussion of the detailed operation of individual treatment units, including methane venting equipment, and a description of various controls, recommended operating parameters, safety features, and any other relevant information;
 - u-5. Procedures and sample forms for collection and management of operating and maintenance records;
 - u-6. Spare part and repair materials inventory, addresses of suppliers of spare parts, equipment warranties, and appropriate equipment catalogues;

- u-7. Equipment and cap maintenance procedures, and maintenance schedules incorporating manufacturers' recommendations;
- u-8. Contingency procedures for spills, releases, and personnel accidents;
- u-9. Procedures for the maintenance of the facility after completion of the cleanup action, including a methodology and schedule for removal of unneeded appurtenances, and the maintenance of covers, caps, containment structures, and monitoring devices;
- u-10. A compliance monitoring plan prepared under WAC 173-340-410, describing monitoring to be performed during operation, designed to track compliance with remedial action objectives. Sampling and analysis plan meeting the requirement of WAC 173-340-820;
- u-11. Description of procedures which assure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate.

Ecology intends to require the following two elements as part of the implementation of the CAP:

- (1) Methodology for determining if or when additional or modifications to the cleanup action are needed, and
- (2) A contingency plan for design and construction of a system for pumping and treatment of ground water, should this become necessary per section s-3 above.

Ecology will pursue this requirement during Consent Decree negotiation with Respondents.

V.

Terms and Conditions of Order

1. Definitions

Unless otherwise specified, the definitions set forth in Chapter 70 105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

2. Public 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 such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

3. Remedial Action Costs

The Respondents shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities; e.g., employee salary, laboratory costs, travel costs, contractor fees, and employee benefit packages; and agency indirect costs of direct activities. The Respondents shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be

prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs may result in interest charges.

4. Designated Project Coordinators

The project coordinator for Ecology is:

Dom Reale
Department of Ecology
Southwest Regional Office
LU 11
P.O. Box 47775
Olympia, WA 98504-7775

The project coordinator for the Respondents is:

Mr. Thomas L. Aldrich
Site Manager
ASARCO Incorporated
P. O. Box 1677
Tacoma, WA 98401-1677

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the Respondents, 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 coordinator(s). The Respondents' project coordinator shall be responsible for advising Murray Pacific's representative, Chuck Schenk, and Camille Fjetland, or other representative of Executive Bark, Inc., of any major planning or construction activities and any decision points regarding implementation of this Order. Should Ecology or the Respondents change project coordinator(s), written notification shall be provided to Ecology or the Respondents at least ten (10) calendar days prior to the change.

5. Performance

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

Except when necessary to abate an emergency situation, the Respondents shall not perform any remedial actions at the Site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

WAC 173-340-400(7)(b)(i) requires that "construction" performed on the Site must be under the supervision of a professional engineer registered in Washington.

6. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about all property at the Site 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 the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the Respondents. Ecology shall provide reasonable notice before entering property unless an emergency

prevents notice. Ecology shall allow split or replicate samples to be taken by the Respondents during an inspection unless doing so would interfere with Ecology's sampling. The Respondents shall allow split or replicate samples to be taken by Ecology and shall provide Ecology seven (7) days notice before any sampling activity or reasonable notice before any unscheduled sampling.

7. Public Participation

The Respondents shall prepare and/or update a public participation plan for the Site. Ecology shall maintain the responsibility for public participation at the Site. The Respondents shall help coordinate and implement public participation for the Site.

8. Retention of Records

The Respondents shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the Respondents, a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.

9. Progress Reports

The Respondents shall submit to Ecology written monthly progress reports which describe the actions they have taken during the previous month to implement the requirements of this Order for the first twelve months after Order issuance. Thereafter, reports shall be quarterly. Progress reports shall also describe the activities scheduled to be taken during the next month. All progress reports shall be submitted by the tenth day of the month in which they are due after the effective date of this Order. The progress

reports shall include a detailed statement of the manner and extent to which the requirements and time schedules set out in the Order are being met. Unless otherwise specified, progress reports and any other documents submitted pursuant to this Order shall be sent by certified mail, return receipt requested, to Ecology's project coordinator.

10. Dispute Resolution

The Respondents may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory of this Order. Ecology resolution of the dispute shall be binding and final. The Respondents are not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

11. Reservation of Rights

Ecology reserves all rights to issue additional orders or take any action authorized by law in the event or upon the discovery of a release or threatened release of hazardous substances not addressed by this Order, upon discovery of any factors not known at the time of issuance of this Order, in order to abate an emergency, or under any other circumstances deemed appropriate by Ecology.

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 from the Site.

In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the environment, Ecology

may Order the Respondents to stop further implementation of this Order for such period of time as needed to abate the danger.

12. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the Respondents without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the Respondents may have in the Site or any portions thereof, the Respondents shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the Respondents shall notify Ecology of the contemplated transfer.

13. Compliance With Other Applicable Laws

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

14. Monthly Design Meetings

Beginning January 1992, the project coordinators or their designees shall meet monthly to discuss progress being made by the Respondents with respect to the Engineering Design Report. Camille Fjetland and Chuck Shenk shall also be invited by the Respondents' project coordinator to attend these meetings. The date, place, and time for each meeting shall be set prior to the 25th day of the previous month by the project coordinators or their designees. The goal of these meetings is to ensure the Engineering Design

Report (Phase 2 deliverable of this Order) is prepared by the Respondents in a way which complies with this Order and is acceptable to Ecology. These meetings shall be discontinued after Ecology approval of the Engineering Design Report. The Ecology project coordinator may cancel a monthly meeting if the meeting is felt to be unnecessary.

VI.

Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon the Respondents' receipt of written notification from Ecology that the Respondents have completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Order have been complied with.

VII

Enforcement

1. Pursuant to RCW 70 105D 050, this Order may be enforced as follows:
 - A. The Attorney General may bring an action to enforce this Order in a state or federal court.
 - B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site
 - C. In the event the Respondents refuse, without sufficient cause, to comply with any term of this Order, the Respondents will be liable for:
 - (1) up to three times the amount of any costs incurred by the state of Washington as a result of their refusal to comply;and

(2) civil penalties of up to \$25,000 per day for each day they refuse 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.

Effective date of this Order: 10.01.1991

Megan White

Megan White, P.E.
Southwest Region Supervisor
Toxics Cleanup Program

EXHIBIT C
LEGAL DESCRIPTION

That portion of the Southeast quarter of the Southwest quarter of Section 5, Township 20 North, Range 4 East of the Willamette Meridian lying South and East of the right of way of the Puget Sound Electric Railway Company. EXCEPT that portion thereof described as follows: Beginning at the Northeast corner of the Southeast quarter of the Southwest quarter of Section 5, Township 20, Range 4 East of the Willamette Meridian; thence South 843 feet to a stone monument; thence North 72° 41' West 502.5 feet to a stone monument; thence North 36° 18' West 311.9 feet to a stone monument on the right of way of the Puget Sound Electric Railway Company; thence Northeasterly along said right of way to a point on the North boundary line of said quarter quarter Section; thence East 20 feet along the North boundary of said quarter quarter Section to the point of beginning. ALSO, EXCEPT that portion thereof lying Easterly of 77th Avenue East (Fife Way); and ALSO, EXCEPT 77th Avenue East (Fife Way).

