

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Carson Oil Company, Incorporated
Chevron Environmental Management
Company
Temple Distributing, Inc.
Temple Family Credit Shelter Trust
Temple Family Survivor Trust
(Collectively known as the PLP)

ENFORCEMENT ORDER

No. DE 14134

TO: Carson Oil Company, Inc.
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Tacoma, WA 98402

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Temple Distributing, Inc.
C/O Connie Sue Martin
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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 Temple Distributing, Inc., Carson Oil Company, Incorporated, Chevron Environmental Management Company, on behalf of its affiliate Chevron U.S.A. Inc., Temple Family Credit Shelter Trust, and Temple Family Survivor Trust (PLPs) to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. 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 the Subject PLPs to the extent allowed by law, changes in ownership or corporate status shall not alter the PLP's responsibility under this Order. The Subject PLPs shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

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 Temple Distributing Incorporated. The Site constitutes a facility under RCW 70.105D.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located at 808 S Columbus Avenue, Goldendale, 98620 as shown in the Site Location Diagram (Exhibit A).

B. Potentially Liable Person (PLP): Refers to Temple Distributing, Inc., Temple Family Survivors Trust, Carson Oil, Inc., Chevron U.S.A., and Temple Family Credit Shelter Trust.

C. Subject PLP(s): Refers to PLP(s) subject to the Order, Carson Oil Company, Incorporated, Chevron Environmental Management Company, on behalf of its affiliate Chevron U.S.A. Inc., Temple Distributing, Inc., Temple Family Credit Shelter Trust, and Temple Family Survivor Trust.

D. Enforcement Order or Order: Refers to this Order and each of the exhibits to the Order. All exhibits are an integral and enforceable part of this Order.

V. FINDINGS OF FACT

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

A. According to the results of a 2014 title search, Standard Oil Company acquired the property in 1916. In 1977, Standard Oil Company merged with Chevron U.S.A., Inc. Edward W. Temple and Joyce I. Temple acquired the property from Chevron U.S.A., Inc. in 1980.

B. In 1994, Edward W. Temple and Joyce I. Temple granted the deed to the property to the Temple Family Trust. The Temple Family Credit Shelter Trust acquired the property in 1997.

C. The property was operated as a bulk petroleum fuel distributor (leaded gasoline, diesel, unleaded gasoline) from the late 1920s until 2012 when operations ceased. From 1916 to 1980, Chevron U.S.A. or its predecessors in interest operated at the property. From 1980 to 2011, Temple Distributing, Inc. was the operator.

D. In June, 2011, Carson Oil Company, Inc. acquired all above-ground equipment at the property from Temple Distributing, Inc., including tanks, a card reader system, high speed satellite dispensers, transfer pumps, meters, and dispensers. Carson Oil was an operator at the site from 2011 to 2012.

E. The property presently consists of a fenced and locked parcel containing a building, concrete pads, and underground piping infrastructure.

F. Carson Oil Company supplied and delivered fuel to above ground storage tanks it owned on the property on April 29, 2012. That day, approximately 970 gallons of gasoline was released from an above ground storage tank onto the gravel parking lot of the property. The release was likely due to overfilling of an above ground storage tank on the Site by Carson Oil Company. A site investigation conducted in 2012 confirmed that Site soils and groundwater contained gasoline, diesel, lube oil, benzene, toluene, ethylbenzene, total xylenes, naphthalene and other petroleum constituents in concentrations exceeding MTCA Cleanup Levels. Since the release in 2012 was identified as gasoline, the presence of diesel and lube oil on the Site may be due to historical operations and releases at the Site.

G. In 2015, soil and groundwater samples were obtained from the adjacent right of way (ROW), directly north of the Temple Distributing property. Analysis of the soil samples revealed concentrations of petroleum constituents exceeding MTCA Method A cleanup levels. Further investigation is necessary to determine if contamination from the release came to be located within the ROW.

VI. ECOLOGY DETERMINATIONS

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

A. The Subject PLPs are an “owner or operator” as defined in RCW 70.105D.020(22) of a “facility” as defined in RCW 70.105D.020(8) because it formerly operated the Site.

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 all Subject PLPs 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 notified via certified letter that it has determined all Subject PLPs are PLPs under RCW 70.105D.040.

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. Either party may propose an interim action under this Order. If the Parties are in agreement concerning the interim action, the

F. Parties will follow the process in Section VII.E. If the Parties are not in agreement, 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 The Subject PLPs take the following remedial actions at the Site. These remedial actions must be conducted in accordance with WAC 173-340:

A. Within 90 days of the Effective Date of this Order, the Subject PLPs shall submit to Ecology a Draft RI Work Plan, which shall include a combined Sampling and Analysis Plan and Quality Assurance Project Plan (SAP/QAPP) and a Site Health and Safety Plan (HASP) consistent with the requirements specified in WAC 173-340-820 (Sampling and Analysis Plans) and WAC 173-340-810 (Worker Safety and Health). The Draft RI Work Plan, SAP/QAPP, and HASP shall comply with all requirements for a Site RI set forth in WAC 173-340-350. While Ecology does not approve Site HASPs, such plans must comply with the requirements of the

Washington State Department of Labor and Industries' Division of Occupational Safety and Health regulations and standards.

B. The Draft RI Work Plan shall contain sufficient information to determine the nature and extent of contamination that has resulted from the release(s) of hazardous substances at the Site in all affected or potentially affected media (soil, interstitial air in soil, air, groundwater, drinking water, and/or surface water if applicable). The RI Work Plan shall include all sampling necessary to complete development of a Conceptual Site Model and fully delineate the nature and extent of contamination in all affected and potentially affected media at the Site to the satisfaction of Ecology.

C. Ecology will endeavor to provide comments on the Draft RI Work Plan for revision by the Subject PLPs within 30 days of receipt of the Draft RI Work Plan.

D. Within 30 days of receipt of review comments from Ecology on the Draft RI Work Plan, the Subject PLPs shall, as necessary, submit to Ecology a Revised RI Work Plan including the SAP/QAPP and HASP satisfactory to Ecology and responsive to Ecology's comments.

E. Ecology will endeavor to respond regarding approval status within 30 days of receipt of the documents. Upon approval by Ecology, the Revised RI Work Plan, SAP/QAPP, and HASP shall be considered final and become integral and enforceable parts of this Order.

F. If the Revised Draft RI Work Plan (including the proposed SAP/QAPP) submitted to Ecology is not satisfactory to Ecology after the completion of two rounds of review and comment, Ecology may at its sole discretion complete the RI Work Plan (including the proposed SAP/QAPP) or contract with an Ecology contractor for completion of the RI Work Plan (including the proposed SAP/QAPP) at the expense of the Subject PLPs under Sec. VIII of this Order. The Final RI Work Plan (including the SAP/QAPP) approved by Ecology shall be appended to this Order and become an integral and enforceable part of this Order.

G. Within 60 days of Ecology's acceptance of the Final RI Work Plan, the Subject PLPs shall initiate implementation of the investigation work described in the Final RI Work Plan. The Subject PLPs shall complete the investigation work described in the Final RI Work Plan within 180 days after such initiation.

H. Within 90 days of completion of the RI activities, the Subject PLPs shall submit to Ecology a Draft RI Report.

I. Ecology will endeavor to provide comments on the Draft RI Report within 30 days of receipt.

J. Within 60 days of receipt of comments by Ecology on the Draft RI Report, the Subject PLPs shall, as necessary, deliver to Ecology a Revised Draft RI Report satisfactory to Ecology and responsive to Ecology's comments.

K. Ecology will endeavor to respond on approval status within 30 days.

L. If the Revised Draft RI Report submitted to Ecology is not satisfactory to Ecology after the completion of two rounds of review and comment, Ecology may at its sole discretion complete the RI Report at the expense of the Subject PLPs under Sec. VIII of this Order. The Final RI Report approved by Ecology shall be appended to this Order and become an integral and enforceable part of this Order. Report approved by Ecology shall be appended to this Order and become an integral and enforceable part of this Order.

M. Within 120 days after approval of the Final RI Report, the Subject PLPs shall submit a Draft Feasibility Study (FS). The Draft FS must comply with the requirements of WAC 173-340-350.

N. Ecology will endeavor to provide comments on the Draft FS within 30 days of receipt.

O. Following review and comment by the Ecology Project Coordinator, within 60 days of receipt of comments from Ecology on the Draft FS, the Subject PLPs shall, as necessary, submit to Ecology a Revised FS Report satisfactory to Ecology and responsive to Ecology's comments.

P. Ecology will endeavor to respond on approval status within 30 days.

Q. If the Revised Draft FS submitted to Ecology is not satisfactory to Ecology after the completion of two rounds of review and comment, Ecology may at its sole discretion complete the FS at the expense of the Subject PLPs under Sec. VIII of this Order. The Final FS approved by Ecology shall be appended to this Order and become an integral and enforceable part of this Order.

R. Within 90 days of Ecology's approval of the Final FS, the Subject PLPs shall submit to Ecology a draft Cleanup Action Plan (dCAP).

S. Ecology will endeavor to provide comments on the dCAP Report within 30 days of receipt.

T. Within 60 days of receipt of comments from Ecology on the dCAP, the Subject PLPs shall, as necessary, submit to Ecology a revised draft CAP satisfactory to Ecology and responsive to Ecology's comments.

U. If the Revised Draft dCAP submitted to Ecology is not satisfactory to Ecology after the completion of two rounds of review and comment, Ecology may at its sole discretion complete the CAP at the expense of the Subject PLPs under Sec. VIII of this Order. The Final CAP approved by Ecology shall be appended to this Order and become an integral and enforceable part of this Order.

V. Any plans or other deliverables submitted by the Subject PLPs for Ecology's review and approval shall, upon Ecology's approval, become integral and enforceable parts of this Order.

W. The Subject PLPs shall submit to Ecology written quarterly Progress Reports that describe the actions taken during the previous quarter to implement the requirements of this Order.

Quarterly progress reports shall continue to be submitted on a quarterly basis during the RI process until Ecology notifies the Subject PLPs in writing that quarterly report submission can be ended. Document submissions must be approved by Ecology and are not final until approved. Emergency situations and any conditions significantly delaying work must be reported to Ecology within 24 hours. Unless otherwise specified by Ecology, 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. The Progress Reports shall include the following:

1. A list of on-site activities that have taken place during the quarter;
2. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests;
3. Description of all deviations from the Scope of Work and Schedule during the current month and any planned deviations in the upcoming month;
4. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule;
5. All raw data (including laboratory analyses) received during the past quarter and an identification of the source of the sample; and
6. A list of deliverables for the upcoming quarter if different from the schedule.

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

Y. Except where necessary to abate an emergency situation, the Subject PLPs 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.

Z. If the Parties agree on an interim action under Section VI.E, The Subject PLPs 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). The Subject PLPs 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 the Subject PLPs is required to conduct the interim action in accordance with the approved Interim Action Work Plan.

VIII. TERMS AND CONDITIONS

Remedial Action Costs

The Subject PLPs 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. 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). For all Ecology costs incurred, the Subject PLPs 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.

Designated Project Coordinators

The project coordinator for Ecology is:

Mary Monahan
Toxics Cleanup Program
Washington State Department of Ecology
Central Regional Office
1250 W. Alder Street, Union Gap, WA 98903
Tel: 509-454-7840
Fax: 509.575.2809
mary.monahan@ecy.wa.gov

The project coordinator for the Subject PLPs is:

Eric Roehl
Chevron Environmental Management
145 S. State College Boulevard
Brea, CA 92821

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 the Subject PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project

coordinators. 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.

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.

The Subject PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

Access

RCW 70.105D.030(1)(a) authorizes Ecology or any Ecology authorized representative to enter all property at the Site that the Subject PLPs either owns, controls, or has access rights to, after reasonable notice unless an emergency prevents such notice. The Subject PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the Subject PLPs where remedial activities or investigations will be performed pursuant to this Order.

Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the Subject PLPs 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, the Subject PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the Subject PLPs pursuant to the implementation of this Order. The Subject PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the Subject PLPs 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. Without limitation on Ecology's rights under Section VIII.E (Access), Ecology shall notify the Subject PLPs 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.

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, the Subject PLPs 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, the Subject PLPs 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 the Subject PLPs may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If the Subject PLPs withhold any requested records based on an assertion of privilege, the Subject PLPs 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.

Resolution of Disputes

1. In the event that the Subject PLPs elect to invoke dispute resolution, the Subject PLPs must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the Subject PLPs have fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; the Subject PLPs position with regards to the dispute; Ecology's

position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. The Subject PLPs may then request regional management review of the dispute. This request (Formal Dispute Notice) must be submitted in writing to the Central Regional Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

2. The Parties shall only utilize the dispute resolution process in good faith and shall expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII.E (Work to be Performed) or initiating enforcement under Section X (Enforcement).

Extension of Schedule

1. the Subject PLPs request for 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 the Subject PLPs 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:

d. Circumstances beyond the reasonable control and despite the due diligence of the Subject PLPs 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 the Subject PLPs;

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

f. 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 the Subject PLPs.

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

4. At the Subject PLPs' request, 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.J (Endangerment).

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 the Subject PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The Subject PLPs shall immediately comply with such direction.

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

If Ecology concurs with or orders a work stoppage pursuant to this section, the Subject PLPs' 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.

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 or 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.

Transfer of Interest in Property

Before any voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the Subject PLPs, the Subject PLPs shall provide 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.

Further, prior to the Subject PLPs' transfer of any interest in all or any portion of the Site, the Subject PLPs shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and at least thirty (30) days prior to any transfer, the Subject PLPs shall notify Ecology of said transfer. Upon transfer of any interest, the Subject PLPs shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

Compliance with Applicable Laws

1. All actions carried out by the Subject PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70.105D.090. The Subject PLPs has a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or the Subject PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLP must implement those requirements.

2. All actions carried out by the Subject PLPs pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. If additional relevant and appropriate requirements are identified by Ecology or the Subject PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLP must implement those requirements.

3. Pursuant to RCW 70.105D.090(1), the Subject PLPs may be 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, the Subject PLPs shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70.105D.090(1) that have been issued by local government, Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals.

4. The Subject PLPs have 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 either Ecology or the Subject PLPs 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 the other party of its determination. Ecology shall determine whether Ecology or the Subject PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the Subject PLPs 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 the Subject PLPs and on how the Subject PLPs must meet those requirements. Ecology shall inform the Subject PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The Subject PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

5. 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 the Subject PLPs 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 the Subject PLPs' receipt of written notification from Ecology that the Subject PLPs have completed the remedial activity required by this Order, and that the Subject PLPs have 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.

Effective date of this Order: APR 28 2017

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Valerie Bound
Section Manager
Toxics Cleanup Program
Central Regional Office