

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

AGREED ORDER

Earle M. Jorgensen Company

No. DE 14143

TO: Earle M. Jorgensen Company
10650 S. Alameda St
Lynwood, CA 90262

TABLE OF CONTENTS

I. INTRODUCTION	3
II. JURISDICTION	3
III. PARTIES BOUND	3
IV. DEFINITIONS	3
V. FINDINGS OF FACT	4
VI. ECOLOGY DETERMINATIONS	7
VII. WORK TO BE PERFORMED	9
VIII. TERMS AND CONDITIONS	11
A. Remedial Action Costs	11
B. Designated Project Coordinators	12
C. Performance	13
D. Access	14
E. Sampling, Data Submittal, and Availability	14
F. Public Participation	15
G. Retention of Records	17
H. Resolution of Disputes	17
I. Extension of Schedule	19
J. Amendment of Order	21
K. Endangerment	21
L. Reservation of Rights	22
M. Transfer of Interest in Property	23
N. Compliance with Applicable Laws	23
O. Indemnification	25
IX. SATISFACTION OF ORDER	25
X. ENFORCEMENT	25

EXHIBIT A	Site Diagram
EXHIBIT B	Statement of Work
EXHIBIT C	Schedule of Deliverables

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Earle M. Jorgensen Company under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Earle M. Jorgensen Company (EMJ) to complete a remedial investigation (RI) and feasibility study (FS) and prepare a draft cleanup action plan (DCAP). Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

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

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. EMJ agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter EMJ's responsibility under this Order. EMJ 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 the Jorgensen Forge Corporation site and is generally located at 8531 East Marginal Way South, Tukwila, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. Based upon factors currently known to Ecology, the Site is generally described in the Site Diagram (Exhibit A). The Site constitutes a facility under RCW 70.105D.020(8).

B. Parties: Refers to the State of Washington, Department of Ecology and EMJ.

C. Potentially Liable Persons (PLPs): Refers to EMJ.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms "Agreed Order" or "Order" shall include all exhibits to this Order.

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

V. FINDINGS OF FACT

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

A. The Jorgensen Property consists of approximately 21.6 acres of land on the east bank of the LDW, west of East Marginal Way South. The Property's street address is 8531 East Marginal Way South, Seattle, WA 98108, and the King County tax parcel number is 000160-0023. The Jorgensen Forge Site may not be limited to the Jorgensen Property.

B. From approximately 1992 through 2016, Jorgensen Forge Corporation (JFC) owned and operated the Property. EMJ was named as Grantor and Jorgensen was named as the

Grantee in Warranty Deed No. 199206221436 for the Jorgensen Property in 1992, as filed with the King County Assessor. In 2016, JFC filed a voluntary petition for bankruptcy in the United States Bankruptcy Court for the District of Delaware. Pursuant to a settlement agreement approved by the Bankruptcy Court, on November 18, 2016, JFC transferred ownership and control of the Property to Star Forge, LLC. As part of this same settlement agreement, Star Forge has granted EMJ and Ecology access to the Site for purposes of performing or overseeing remedial actions, including the RI/FS, and EMJ recorded the access agreement in the real property records of King County on April 24, 2017 under instrument number 20170424000779.

C. The Property was developed in 1942, and operated from 1942 to 1965 as a fabricator of structural steel, and tractor and road equipment. On-property operations included forging and heat-treating by Isaacson Iron Works, which operated as a U.S. naval vessel manufacturer from 1942 to 1965. Bethlehem Steel operated a steel distribution center on the northwest portion of the Site from approximately 1951 to 1963. Bethlehem Steel operations consisted of cutting prefabricated steel rods to customer specifications. From 1965 to 1992, EMJ owned the Site and used it for operating a steel forging business. JFC owned the Property and operated the steel forging business at the Site from 1992 to 2016.

D. Ecology has received the following reports with regard to the Site:

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

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

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

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

U.S. EPA DOCKET NO. CERCLA 10-2003-0111, dated 07/10/03 by Farallon Consulting, L.L.C. and Anchor Environmental, L.L.C.

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

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

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

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

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

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

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

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

G. The Site requires further investigation to determine the nature and extent of contamination and to identify an appropriate remedial action.

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

I. EPA added the LDW to the federal NPL under CERCLA on September 13, 2001. Ecology listed the LDW on its CSCSL on February 26, 2002. An RI/FS for the LDW has been conducted under a Joint Administrative Order on Consent (JAOC) that Ecology co-administered with EPA dated April 2000. The EPA selected a final remedy for the LDW with a Record of Decision dated November 2014.

J. On the basis of the facts set forth in this Order, Ecology has determined there has been a release or threatened release of hazardous substances at the Site that requires remedial action to protect human health and the environment. This Order sets forth the measures that EMJ will take under Ecology's oversight to perform a RI/FS and prepare a DCAP for the Site.

VI. ECOLOGY DETERMINATIONS

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

A. EMJ is an "owner or operator" as defined in RCW 70.105D.020(22) of a "facility" as defined in RCW 70.105D.020(8) because EMJ had an ownership interest in the Site

generally located at 8531 East Marginal Way South, Seattle, Washington at a time when hazardous substances were disposed or released at the Site.

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s),” as those terms are 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 EMJ and JFC dated November 16, 2005, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that EMJ and JFC are PLPs under RCW 70.105D.040 and notified EMJ and JFC of this determination by letter dated February 10, 2006.

D. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.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 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 EMJ take the following remedial actions at the Site and that these actions be conducted in accordance with WAC 173-340 unless otherwise specifically provided for herein:

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

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

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

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

- A description of the actions taken to comply with this Order.
- Summaries of sampling and testing reports and other data reports received by EMJ.
- Summaries of deviations from approved work plans.
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments.
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan.
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays.
- Changes in key personnel.
- A description of work planned for the next reporting period.

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

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

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

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

I. Following review of the RI and FS reports and the DCAP, Ecology will select the further remedial actions it determines appropriate for the Site. EMJ and Ecology may amend this Order or enter a new agreed order for EMJ to perform the selected remedial actions.

VIII. TERMS AND CONDITIONS

A. Remedial Action Costs

EMJ 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, negotiation, 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). Ecology has accumulated \$9,038.74 in remedial action costs related to this Site as of March 31, 2017. Payment for this amount shall be submitted within thirty (30) days of the effective date of this Order. For all costs incurred subsequent to March 31, 2017,

EMJ 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.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Maureen Sanchez
Washington Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008
Telephone: (425) 649-7254
Fax: (425) 649-7161

The project coordinator for EMJ is:

Meg Strong
Shannon & Wilson, Inc.
400 N. 34th St., Suite 100
Seattle, WA 98103-8636
Telephone: (206) 695-6787
Fax: (206) 695-6777

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 EMJ, 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.

C. 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.

EMJ 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.

D. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that EMJ either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing EMJ's progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology 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 EMJ. EMJ shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by EMJ where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by EMJ unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any applicable health and safety plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, EMJ 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, EMJ shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by EMJ pursuant to implementation of this Order. EMJ shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow EMJ 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 EMJ 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.

F. Public Participation

A Public Participation Plan is required for the Site. Ecology shall review any existing Public Participation Plan to determine its continued appropriateness and whether it requires amendment, or if no plan exists, Ecology shall develop a Public Participation Plan alone or in conjunction with EMJ.

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

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify EMJ prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by EMJ that do not receive prior Ecology approval, EMJ shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

Seattle Public Library - South Park Branch
8604 Eighth Ave S. at South Cloverdale St.
Seattle, WA 98108

Ecology's Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related

to this Site shall be maintained in the repository at Ecology's Northwest Regional Office in Bellevue, Washington.

G. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, EMJ 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 shall require its contractors to insert a similar record retention requirement into all subcontracts. Upon request of Ecology, EMJ shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right EMJ may have under applicable law to limit disclosure of documents protected by the attorney work-product doctrine or the attorney-client privilege. If EMJ withholds any requested records based on an assertion of privilege, EMJ 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.

H. Resolution of Disputes

1. In the event that EMJ elects to invoke dispute resolution EMJ 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), EMJ has 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; EMJ's position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. EMJ may then request regional management review of the dispute. This request ("Formal Dispute Notice") must be submitted in writing to the Northwest Region 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 agree to only utilize the dispute resolution process in good faith and agree to 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 (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and 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 EMJ 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. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of EMJ including delays caused by unrelated third parties or Ecology, such as (but not limited to) (i) delays by Ecology in reviewing, approving, or modifying documents submitted by EMJ or (ii) the failure of Star Forge or

other owner of the Facility to allow EMJ timely, adequate or reasonable access to the Facility.

- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.L (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 EMJ.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give EMJ written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.J (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.K (Endangerment).

J. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.L (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and EMJ. EMJ shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to the proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H (Resolution of Disputes).

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

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

If Ecology concurs with or orders a work stoppage pursuant to this section, EMJ's obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.I(Extension of Schedule) for such periods 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.

L. Reservation of Rights

This Order is not a settlement under RCW 70.105D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against EMJ to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against EMJ regarding remedial actions required by this Order provided EMJ complies with this Order.

Ecology nevertheless reserves its rights under RCW 70.105D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, EMJ does not admit to any liability for the Site. Although EMJ is committing to conducting the work required by this Order under the terms of this Order, EMJ expressly reserves all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by EMJ 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 EMJ's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, EMJ 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, EMJ shall notify Ecology of said transfer. Upon its transfer of any interest, EMJ 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.

N. Compliance with Applicable Laws

1. All actions carried out by EMJ pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), EMJ is exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, EMJ shall comply with the

substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

EMJ has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or EMJ 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 EMJ shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, EMJ 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 EMJ and on how EMJ must meet those requirements. Ecology shall inform EMJ in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. EMJ shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and EMJ 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.

O. Indemnification

EMJ agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of EMJ, its officers, employees, agents, or contractors in entering into and implementing this Order. However, EMJ shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon EMJ's receipt of written notification from Ecology that EMJ has completed the remedial activity required by this Order, as amended by any modifications, and that EMJ has complied with all other provisions of this 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: 7/28/17

EARLE M. JORGENSEN COMPANY

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY



Gil Leon
Vice President, Chief Financial Officer
Telephone: (323) 923-6120



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

**EXHIBIT A
LOWER DUWAMISH WATERWAY
SITE DIAGRAM**



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

EXHIBIT A:
 Approximate Property Boundary
 Jorgensen Forge Corporation

Coordinate System: NAD 1983 StatePlane Washington North FIPS 4501 Feet Prepared By: mlf; File: Jorgensen Agreed_Order_Figure.mxd; Illustrative purposes only.

EXHIBIT B
STATEMENT OF WORK

PURPOSE

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

The SOW is divided into eight major tasks as follows:

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

TASK 1. RI WORK PLAN

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

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

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

The Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance

with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. The Work Plan will also contain a Health and Safety Plan (HSP) to be followed during conductance of the RI/FS.

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

The QAPP will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004, <http://www.ecy.wa.gov/biblio/0403030.html>). Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

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

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

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

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

The Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, EMJ will implement the Work Plan according to the schedule contained in Exhibit C.

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

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

TASK 2. REMEDIAL INVESTIGATION

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

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

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

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

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

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

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

TASK 3. INTERIM ACTIONS (if required)

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

- are technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the RI/FS or design of the cleanup action

will be considered interim actions, will be implemented in accordance with WAC 173-340-430 and this Order, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

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

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

- Soil or sediment removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduits, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes
- Removal of old drain fields or former surface impoundments
- Proper abatement of old wells
- Removal of contaminated building or other structural material
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing

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

- Description of the interim action, including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant RI/FS information, including at a minimum existing site conditions and alternative interim actions considered;

- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- SAP/QAPP;
- Permits required.

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

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

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

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

TASK 4. FEASIBILITY STUDY

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

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

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

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

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

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

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

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

TASK 5. SEPA COMPLIANCE

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

TASK 6. PUBLIC PARTICIPATION

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

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

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

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

TASK 7. DRAFT CLEANUP ACTION PLAN

Upon completion of Task 6 and Ecology approval of the Final RI and the Final FS Reports, with Ecology concurrence EMJ may prepare a DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present at the Site. The DCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

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

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

TASK 8. PROGRESS REPORTS

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

- A description of the actions which have been taken to comply with the Order;

- Summaries of sampling and testing reports and other data reports received by EMJ;
- Summaries of deviations from approved Work Plans;
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments;
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan;
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays;
- Changes in key personnel;
- A description of work planned for the next reporting period.

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

EXHIBIT C
SCHEDULE OF DELIVERABLES

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

Table 1 – Schedule for Submission of Major Deliverables

	Deliverable	Due Date^a
1.	Agency Review Draft RI Work Plan	90 days after the Order ^b Effective Date
2.	Final RI Work Plan	30 days after receipt of Ecology comments
3.	Additional Field Investigation Activities to Fill Identified Gaps (if any)	Completed within 365 days of RI Work Plan approval
4.	Validated Data Finalized	60 days following completion of field activities
5.	Agency Review Draft RI Report	90 days following receipt of the final set of RI validated data
6.	Public Review Draft RI Report	30 days after receipt of Ecology comment
7.	Final RI Report	30 days after receipt of Ecology's comments, subsequent to public comment. ^c
8.	Agency Review Draft FS Report	90 days following Ecology approval of Public Review RI Report
9.	Public Review Draft FS Report	30 days following approval of Agency Review Draft FS Report
10.	Final FS Report	30 days after receipt of Ecology comments, subsequent to public comment
11.	Agency Review DCAP ^d	90 days following Ecology approval of Final FS Report
12.	Public Review Draft Cleanup Action Plan ^e	30 days following approval of Agency Review DCAP

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

^b The Order is effective upon signature by Ecology.

^c The public comment periods in Tasks 7, 10, and 12 can be combined.

^d Dependent on Ecology and EMJ concurrence.

^e Dependent on Ecology's approval of EMJ's initial DCAP submittal.