

\*Site Name: SMC/cadet

Project coord: Craig Rankine  
SIC # J1023

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

RECEIVED

In the Matter of Remedial Action by:

Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660

AGREED ORDER

APR 16 2000

No. 07-IC-S DE5189

Washington State  
Department of Ecology

\* Cadet facility #85381664

\* Swan manufacturing Co. (SMC)  
previously known as Port of  
Vancouver Bldg. 2220

# 81628125

TO: Patty Boyden  
Director of Environmental Services  
Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660

\* was 2 formerly separate  
facilities on 2 different  
properties.

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## I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the Port of Vancouver (Port) and Cadet Manufacturing Company (Cadet) under this Agreed Order (Order) is to provide remedial action at the former Swan Manufacturing Company (SMC) and Cadet Manufacturing Company sites where there has been a release or threatened release of hazardous substances. Releases to groundwater of halogenated volatile organic compounds occurred at the SMC and Cadet facilities, which have migrated from those locations and become commingled, making these one cleanup site. On March 28, 2006, as part of the settlement of a claim brought by the Port against Cadet, the Port assumed responsibility for and control over the remediation at the Cadet Site outlined in Cadet's Agreed Order No. 00TCPVA-847. A document indicating the Port's role regarding Cadet's obligations under this Agreed Order is included in the October 18, 2006 letter titled *Cadet Site Remediation under Port v. Cadet Settlement* (Exhibit A). In accordance with its agreement with the Port, Cadet does not intend to be an active participant in this Agreed Order process; however Cadet remains a potentially liable person in regard to the site, and as such remains jointly and severally liable for all costs of remediation at the site. This Order is a new instrument that replaces the existing Agreed Orders No's.: DE 98-TC-S337 and DE 01-TCPVA-3257 to which the Port is a party and Order No. DE 00-TCPVA-847 to which Cadet is a party. This Order requires the Port to complete a Remedial Investigation, implement interim action clean-up at the SMC and Cadet sites and conduct a Feasibility Study in accordance with the stipulated project schedule (Exhibit B). 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), RCW 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. The Port agrees to undertake all actions required by the terms and

conditions of this Order. No change in ownership or corporate status shall alter the Port's responsibility under this Order. The Port 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 Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms in this Order.

A. **Site:** The Site consists of two formerly separate facilities on two different properties - one formerly occupied by the Swan Manufacturing Company and the other currently occupied by the Cadet Manufacturing Company. The "Port of Vancouver Building 2220 (Swan Manufacturing)" description used in previous Agreed Orders will be the "Swan Manufacturing Company" or "SMC" in this Order. The subject Site of this Order will be referred to as the SMC/Cadet Site. SMC operated in a building (now removed) located between 2001 and 2501 West Fourth Plain Boulevard, at the intersection of West Fourth Plain and Mill Plain Boulevard Extension, Vancouver, Washington, 98660 [Lat: N 45° 38' 24.5"; Long: W 122° 41' 42.4"]. Cadet operates at 2500 West Fourth Plain Boulevard, Vancouver, Washington, 98660 [Lat: N 45° 38' 30.6"; Long: W 122° 41' 50.7"]. The Site is defined by the extent of contamination caused by the release of hazardous substances at these locations. The Site's location relative to its surroundings is seen on the Site Location Figure in Exhibit C1 and the Site's Figure can be seen in Exhibit C2. The Site constitutes a Facility under RCW 70.105D.020(4).

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

C. **Potentially Liable Person (PLP):** The Port and Cadet are both PLP's for the Site and facility

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.

#### **V. FINDINGS OF FACT**

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

**Findings for the former Swan Manufacturing Company portion of the Site**

A. The SMC source area is generally located between 2001 and 2501 West Fourth Plain Boulevard at the intersection of the West Fourth Plain and Mill Plain Boulevard Extension. The Port purchased this property in 1982 and is the current owner. The Mill Plain Boulevard Extension was constructed through the site boundaries included in earlier Agreed Orders. The property consists of approximately 2.06 acres of paved and gravel-covered area in tax lot 059115-047 (see property legal description in Exhibit D1 and tax lot map at Exhibit E1).

B. An environmental investigation, which included portions of the former SMC site, was conducted by the City of Vancouver (COV) before construction of the Mill Plain Boulevard Extension. Results of the investigation are documented in the *Site Investigation – Mill Plain Boulevard Extension Project, Vancouver, Washington* report prepared in July 1997 by EMCON for the Washington State Department of Transportation Environmental Affairs Office and the COV. The report documents detections of trichloroethene (TCE) (CAS No. 79-01-6) discovered in site soil and groundwater.

C. Contamination was originally discovered in 1997 near former Port Building 2220 and earlier Agreed Orders between Ecology and the Port refer to the source area as “Building 2220. However, based on work conducted since 1997, the source of the TCE contamination was determined to be from the former SMC operations where electric heaters were manufactured. Sheet metal parts were cleaned using TCE in a vapor degreasing tank which was in use from 1956 to 1964 at the former SMC building location. In 1964 SMC moved from this location to 2500 West Fourth Plain Boulevard where heater manufacturing was continued by SMC until the company and assets were purchased in 1972 by Cadet.

D. The Port hired Parametrix, Inc in December 1997 to delineate the extent of the TCE, breakdown products and associated volatile organic compounds (VOCs) found at the former SMC property at concentrations exceeding Model Toxics Control Act Method A cleanup levels. Reports documenting Parametrix’s investigations are kept on file at Ecology’s Southwest Regional Office in Lacey, Washington.

E. The Port of Vancouver excavated approximately 13,800 cubic yards of VOC-impacted soil as a source control measure. The soil was stockpiled on-site by placing it on and covering it with plastic sheeting. This soil was treated by injecting heated-air in combination

with soil vapor extraction. Treatment was completed May 21, 1999. Ecology concurred that the treatment was completed in a letter to the Port dated July 7, 1999.

F. The Port notified Ecology of its site investigation and source control plans, and solicited input and guidance in meetings with Ecology's Vancouver Field Office and Southwest Regional Office staff prior to implementation of such investigations and source control measures. Due to the severity of the contamination present, the site investigation and source control efforts were performed in advance of an Agreed Order, with the understanding that an Agreed Order would be developed as soon as possible.

G. A Site Hazard Assessment was completed by Ecology in July of 1998, for the purpose of evaluating actual or potential environmental or public health hazards. Based on the 1998 Site Hazard Assessment, Ecology assigned the Hazardous Sites List ranking of two in July 1998. A number one ranking category represents the greatest risk to human health and/or the environment while a number five ranking indicates the lowest.

H. In 1998, subsequent to the site investigation and source control efforts, Agreed Order No. 98-TC-S337 was executed and became final after a public review period. Requirements of the 1998 Agreed Order included a Remedial Investigation and Feasibility Study (RI/FS) and an Interim Action (source soil, see item E above). Work Plans were submitted for review and received Ecology approval prior to implementation.

I. As part of the SMC RI, the Port installed 326 borings and 110 monitoring wells. Soil and groundwater sample analysis data collected by the Port from these borings and wells have reconfirmed the release of hazardous substances at the SMC site and substantiate a threat to human health and the environment. Parametrix's March 30, 2007, report entitled *Final Remediation Investigation Report Former Building 2220 Site (a.k.a. Swan Manufacturing Company Site)* documents investigation activity and contains a consolidated set of soil, groundwater, soil gas, and indoor and outdoor air contaminant concentration data from 1997 through 2006. Sampling is ongoing for media listed above. The Final RI report is a culmination of information provided in the August 2002 *Remedial Investigation* report and the April 2006 *Draft Remedial Investigation Update* report prepared by Parametrix. Ecology and the Washington State Department of Health's Site Assessment Section reviewed and provided

written comments on those reports. At the writing of this Agreed Order, Ecology has not completed review or provided written comments on the March 30, 2007 *Final Remedial Investigation Report*.

J. Another source of VOCs in groundwater identified near the SMC source area is the Cadet Manufacturing Company. The contaminant plumes from the SMC and Cadet source areas migrate to the east and then turn to the south where the plumes become commingled. Contamination in groundwater from the SMC and Cadet source areas migrated beneath residential areas labeled the South (south of West Fourth Plain Blvd.) and North (north of West Fourth Plain Blvd.) Fruit Valley Neighborhoods (FVN). The groundwater movement is in response to groundwater withdrawal at the Great Western Malting well field located over a half mile south of the SMC and Cadet contaminant source areas. Contaminant source areas at each property are the locations where the highest levels of VOCs are found in subsurface soil or groundwater in relation to the building or area where the release most likely occurred.

K. In 2001, a second Agreed Order No. 01-ICPVA-3257 was executed for the SMC portion of the Site and became final after a public review period. Requirements of this Agreed Order were to complete the RI/FS investigation and implement an Interim Action to address contaminated groundwater at the SMC source area. The action involved *in-situ* treatment via injection of oxidizing compounds. A Work Plan for this action was submitted for review and received Ecology approval prior to its implementation. This interim action work was completed.

L. In 2005, to assess the presence of solvent vapors in soil gas in areas overlying VOC-contaminated groundwater, the Port installed ten soil-gas wells on Port property. These wells were installed near six Port tenant buildings located south and east of the SMC source area. In addition, another soil gas well was installed on Port property near the South FVN and four others were installed in the South FVN. Analytical results of soil gas samples from these wells, data related to residence foundation types, and groundwater analytical data were used to select Port tenant buildings and South FVN homes for indoor air sampling. Indoor air monitoring programs were adopted in these areas to evaluate possible solvent vapor migration into indoor air from groundwater. To supplement the indoor air investigation, outdoor air sampling sites were selected at several locations on Port property and in and near the North and South FVN's. Work

plans were provided for review and received Ecology approval prior to implementation. This work mirrored work done earlier by Cadet in the North FVN.

### **Findings for the Cadet Manufacturing Company portion of the Site**

A. Cadet Manufacturing Company is located at 2500 West Fourth Plain Boulevard north and west of the intersection of West Fourth Plain and the Mill Plain Boulevard Extension. Cadet occupied this property and building after purchasing it from SMC in 1972. Cadet acquired all the SMC assets in that purchase. SMC operated at this location since 1964. **The Port of Vancouver is the current owner having purchased the property and building from Cadet in 2006.** The property consists of approximately eleven acres covered by the building, paved and unpaved parking areas and vacant ground (see property legal description in Exhibit D2). This portion of the Site consists of two tax parcels No. 059115-055 (4.227 acres) and 151956-000 (6.771 acres, see property legal plot map in Exhibit E2).

B. Since 1964, heaters have been manufactured at this building by SMC and Cadet and both used chlorinated solvents, including (but not necessarily limited to) TCE (CAS No. 79-01-6). The source of the TCE contamination is believed to be from cleaning sheet metal parts in a vapor degreasing tank which was in use at this building from 1964 until 1976.

C. In 1998 the Port initially identified Cadet as a potential source of VOCs when evaluating the presence of chlorinated solvents in shallow groundwater to the east and north of the SMC source area. TCE, tetrachloroethene (PCE) and some associated degradation products (1,1,1-trichloroethane [1,1,1-TCA], 1,1-dichloroethane [1,1-DCA], *cis* 1,2-dichloroethene [*cis* 1,2-DCE] and 1,1-dichloroethene [1,1-DCE] were discovered in groundwater beneath the Cadet property and in the neighborhood to the east of the Cadet source area. The results of this investigation can be found in Parametrix's June 1999, *Work Plan for Remedial Investigation and Feasibility Study, Former Building 2220 Site (a.k.a. Swan Manufacturing Company Site)*. TCE and PCE were found at concentrations exceeding MICA Method A cleanup levels in soil and groundwater.

D. Cadet hired AGRA Earth & Environmental, Inc. (AGRA) to prepare a Phase II Environmental Site Assessment. The results of AGRA's investigation are presented in a report to Hutch Johnson of Cadet, dated March 31, 1999. The report documents concentrations of TCE



and PCE in groundwater that exceed MICA Method A cleanup levels. AGRA later became AMEC Earth & Environmental, Inc. Reports documenting Cadet investigations are kept on file at Ecology's Southwest Regional Office in Lacey, Washington.

E. Cadet notified Ecology of the results of the Phase II Investigation, and solicited guidance from Ecology's Vancouver Field Office prior to performing additional investigations. Due to concerns about the possible extent of the contamination, as well as the need to address future investigation and remediation in the context of the Chapter 11 Bankruptcy reorganization by Cadet, additional site investigation efforts were performed in advance of an Agreed Order with the understanding that an Agreed Order would be developed as soon as possible. Cadet filed for Chapter 11 Bankruptcy protection in January 1999.

F. A Site Hazard Assessment was completed by Ecology in February of 2000, for the purpose of evaluating actual or potential environmental or public health hazards associated with the Cadet source. Based on the Site Hazard Assessment, Ecology assigned a Hazardous Site Listing ranking of two in February 2000. A number one ranking category represents the greatest risk to human health and/or the environment while a number five ranking indicates the lowest.

G. In 2000, Agreed Order No. 98-TC-S337 was executed with Cadet and became final after a public review period. Requirements of the 2000 Agreed Order were to perform a RI/FS and an Interim Action (source investigation). Work Plans were submitted for review and received Ecology approval prior to implementation.

H. As part of the RI, Cadet installed 99 groundwater monitoring wells and drilled 163 additional borings. Soil and groundwater sample analyses data collected by Cadet from these wells and borings reconfirmed the release of hazardous substances at the Cadet source and substantiated a threat to human health and the environment. AMEC's February 2003 report entitled *Draft Remediation Investigation Report* and August 2005 *Remediation Investigation Update Report* documents investigation activity and contains a consolidated set of soil, groundwater, soil gas, and indoor and outdoor air contaminant concentration data from 1999 to 2005. Sampling is ongoing for media listed above. Ecology and the Washington State Department of Health Site Assessment Section reviewed and provided comments on the Update

Report. At the writing of this Agreed Order, finalization of the *Draft Remedial Investigation Report* has not been completed.

I. The character of the contaminated groundwater plume from the SMC and Cadet source areas is documented in paragraph J in the findings of the SMC portion of the Site listed above.

J. In 2000 and 2001, to assess the presence of solvent vapors in soil gas in areas overlying contaminated groundwater, soil gas samples were collected from soil borings in the North FVN, on Cadet property, and beneath the Cadet building. Based on chemical analyses of those samples and the results of a health assessment evaluating the potential for solvent vapor migration into indoor air, in 2002 two indoor air sampling events were conducted at residences in the North FVN. In 2003, at Ecology's request based on those indoor air sampling event results, Cadet installed soil vapor vacuum systems in six homes in the North FVN to prevent solvent vapors from migrating from the soil into indoor air. Operation of those systems is ongoing. Work Plans were submitted for review and received Ecology approval prior to implementation.

K. In 2002 thirteen soil vapor extraction (SVE) wells were installed to remove solvent vapor contamination from vadose zone soil in the source area beneath the facility building. The SVE system operated until June 2003, when the system was expanded to include air sparging capability. This new system was installed beneath and around the perimeter of the Cadet building. The new system injects ambient air into groundwater through 73 air sparging wells and captures solvent vapors via 41 SVE wells. The system effluent is discharged through granular activated carbon to remove solvent vapors. At the writing of this Order this system is in operation. A Work Plan for this action was submitted for review and received Ecology approval prior to its implementation.

L. In 2004 Cadet installed twelve soil gas wells. These wells were installed in the street right-of-way of the North FVN to the north and east of the Cadet source area. Analytical results of soil gas samples from these wells and indoor air samples results and the residence foundation survey were used to select North FVN homes for additional indoor air sampling. An indoor air monitoring program was adopted to evaluate possible solvent vapor migration into indoor air from VOC-contaminated groundwater. To supplement the indoor air investigation,

outdoor air sampling sites were selected at several locations in and around the North FVN and later on Port property and in the South FVN. Work plans were provided for review and received Ecology approval prior to implementation. This work pioneered soil gas and indoor air monitoring techniques that were later used by the Port on Port property and in South FVN area.

M. In 2004 pilot testing of recirculating groundwater remediation wells (RGRW's) was successfully conducted and seven RGRW's were installed. These wells use *in-situ* treatment via injection of oxidizing compounds to cleanup contaminated groundwater beneath the North FVN. Operation of these wells is ongoing. A Work Plan for this action was submitted for review and received Ecology approval prior to its implementation.

## VI. ECOLOGY DETERMINATIONS

A. The Port of Vancouver is an "owner or operator" as defined in RCW 70.105D.020(12) of a "facility" as defined in RCW 70.105D.020(4).

B. Based upon all factors known to Ecology, a "release" or "threatened release" of "hazardous substance(s)" as defined in RCW 70.105D.020(20) and RCW 70.105D.020(7), respectively, has occurred at the Site.

C. Based upon credible evidence, **Ecology issued a PLP status letter to the Port** dated March 3, 1998, pursuant to RCW 70.105D.040, -.020(16) and WAC 173-340-500. After providing for PLP 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 the Port is a PLP under RCW 70.105D.040 and notified the Port of this determination by letter dated April 14, 1998.

**Ecology issued a PLP status letter to Cadet** dated September 15, 1999 pursuant to RCW 70.105D.040, -.020(16) and WAC 173-340-500. By letter dated September 17, 1999, Cadet voluntarily waived its rights to notice and comment and accepted Ecology's determination that Cadet is a PLP 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. Previous Orders required interim actions for the SMC and Cadet properties and some are ongoing. This Order requires the implementation of an additional interim action based on sampling data included in and beyond those contained in the Remedial Investigation Reports that reconfirm the release of hazardous substances at the SMC and Cadet properties and substantiate a threat to human health and the environment. The data findings warrant an interim action consistent with WAC 173-340-430.

## **VII. WORK TO BE PERFORMED**

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the Port take the following remedial actions at the Site and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein:

- A. The required Work to be performed includes the following:
1. Cooperate in Public Participation Plan efforts in accordance with paragraph H of Section VIII ("Terms and Conditions"), including the preparation of documents requested by Ecology.
  2. Complete Remedial Investigation Reports for the SMC and Cadet portions of the Site.
  3. Complete data reporting tasks outlined below from ~~in the~~ previous Agreed Orders in addition to reporting requests made in this Agreed Order.
    - a. For the SMC site Agreed Order DE 98-TC-S337
      - i. Remedial Investigation Reports are in Ecology review
      - ii. Feasibility Study Work Plan

- iii. Feasibility Study Report
  - b. For the Cadet site Agreed Order DE 00-ICPVA-847
    - i. Interim action submittals are ongoing
    - ii. Remedial Investigation Reports are in Ecology review
    - iii. Feasibility Study Work Plan
    - iv. Feasibility Study Report
4. Monitor appropriate media (groundwater, soil gas, indoor and outdoor air) for chemical contaminants and other pertinent parameters on a regular basis in accordance with Ecology-approved sampling plans. Tabulated analytical results of each sampling shall be submitted to Ecology following each monitoring event.
5. Submit a Draft Groundwater Pump and Treat Interim Action Work Plan to Ecology for review. This interim action work plan will outline the design, installation and operation of a groundwater pump and treat system used to contain and treat groundwater contamination from the Site.
6. Submit a Final Groundwater Pump and Treat Interim Action Work Plan to Ecology for review and approval, incorporating Ecology's comments on the draft plan.
7. Submit draft Interim Action Engineering Design Reports to Ecology for review.
8. Submit final Interim Action Engineering Design Reports to Ecology for review and approval, incorporating Ecology's comments on the draft reports.
9. Submit draft multi-media monitoring plans to Ecology for review and approval.
10. Submit on a negotiated schedule with Ecology updates on the Interim Action activity and monitoring results.
11. Submit a Draft Interim Action Summary report to Ecology for review and approval, and submit a final report incorporating Ecology's comments.
12. Submit a revised Comprehensive Vapor Intrusion Evaluation and Indoor Air Monitoring Plan for Ecology's review and approval.
13. Submit a Draft Feasibility Study (FS) report to Ecology for review. This document shall consolidate by inclusion or reference, all necessary information upon which conclusions in the report are based, and be consistent with WAC 173-340-350.
14. Submit a Final Feasibility Study report for the Site to Ecology for review and approval. The final report submitted shall incorporate the recommendations contained in Ecology's comments on the respective draft reports. When approved this document becomes an integral and enforceable part of this Order.

B. Unless otherwise approved by Ecology pursuant to the Section VIII. K. all performance and/or deliverables shall be completed as indicated in Exhibit B, the "Project Schedule."

C. The Port is required to produce semi-annual groundwater monitoring reports, task specific progress reports (on a negotiated schedule), Quality Assurance/Quality Control plans (with work plans), plus any other Ecology-requested reports, plans, and performance tasks. Pursuant to WAC 173-340-350(7)(c)(iv), a Health and Safety Plan and a Sampling and Analysis Plan shall be prepared as part of the Remedial Investigation and Feasibility Study products and shall conform to the requirements specified in WAC 173-340-810 and WAC 173-340-820, respectively. The Health and Safety Plan and Sampling and Analysis Plan shall be submitted to Ecology for review and comment prior to implementation. Analytical procedures shall be in accordance with WAC 173-340-830.

D. If, at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this Section (VII), Ecology may complete and issue the final deliverable(s).

## VIII. TERMS AND CONDITIONS OF ORDER

### A. Public Notice

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect.

### B. Remedial Action Costs

The Port 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 Chapter 70.105D RCW, 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). The Port shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the

project. A general 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.

Pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

**C. Implementation of Remedial Action**

If Ecology determines that the Port has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to the Port, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of the Port's failure to comply with its obligations under this Order, the Port shall reimburse Ecology for the costs of doing such work in accordance with Paragraph B (Remedial Action Costs), provided that the Port is not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, the Port 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.

**D. Designated Project Coordinators**

The project coordinator for Ecology is:

Craig Rankine, Site Manager  
Washington Department of Ecology  
SWRO – Vancouver Field Office  
2108 Grand Blvd.  
Vancouver, WA 98661-4622  
(360) 690-4795  
[cran461@ecy.wa.gov](mailto:cran461@ecy.wa.gov)

The project coordinator for the Port is:

Patty Boyden  
Director of Environmental Services  
Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660  
(360) 992-1103  
[pboyden@portvanusa.com](mailto:pboyden@portvanusa.com)

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 Port, 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 Decree.

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.

**E. Performance**

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in 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 in 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 Chapter 18.220 RCW or RCW 18.43.130.

The Port 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.

**F. Access**

Ecology or any Ecology authorized representative shall have the full authority to enter and freely move about all property at the Site that the Port 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 the Port'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 the Port. The Port shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the Port 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 the Port 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.

**G. Sampling, Data Submittal, and Availability**

With respect to the implementation of this Order, the Port 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 Port shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the Port pursuant to implementation of this Order. The Port shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the Port 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 (Access), Ecology shall notify the Port 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 Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

**H. Public Participation**

A Public Participation Plan is required for this 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 the Port.

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

1. If agreed to by Ecology, develop appropriate mailing list, 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 the Port 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 the Port that do not receive prior Ecology approval, the Port 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:

- a. Fort Vancouver Regional Library  
1007 E. Mill Plain Blvd.  
Vancouver, WA 98663
  
- b. Ecology's Southwest Regional Office  
300 Desmond Dr  
Lacey, WA 98504-7775

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

**I. 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, the Port 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 Port shall make all records available to Ecology and allow access for review within a reasonable time.

**J. Resolution of Disputes**

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section VIII (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, the Port has fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. The Port may then request regional management review of the decision. This request shall be submitted in writing to the Southwest Region Toxics Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of the Port's request for review. The Section Manager's decision 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.

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

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the Port 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 (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 (Endangerment).

**L. 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 (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 the Port. The Port 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 a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII (Resolution of Disputes).

**M. Endangerment**

In the event Ecology determines that any activity being performed at the Site 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 Port to cease such activities for such period of time as it deems necessary to abate the danger. The Port shall immediately comply with such direction.

In the event the Port determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the Port may cease such activities. The Port 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 Port shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the Port's cessation of activities, it may direct the Port to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII (Endangerment), the Port'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 (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.

**N. Reservation of Rights**

This Order is not a settlement under Chapter 70.105D RCW. 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 the Port to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the Port regarding remedial actions required by this Order, provided the Port complies with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, 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.

**O. 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 the Port 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 the Port's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the Port 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 Port shall notify Ecology of said transfer. Upon transfer of any interest, the Port shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

**P. Compliance with Applicable Laws**

1. All actions carried out by the Port 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. The permits or specific

federal, state or local requirements that the agency has determined are applicable and that are known at the time of entry of this Order have been identified in Exhibit F.

2. Pursuant to RCW 70.105D.090(1), the Port is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the Port shall comply with the substantive requirements of such permits or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals, as they are known at the time of entry of this Order, have been identified in Exhibit F.

The Port 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 the Port 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 Port shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the Port 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 Port and on how the Port must meet those requirements. Ecology shall inform the Port in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The Port 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 the Port 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.

**Q. Land Use Restrictions** [not applicable under this order]

**R. Financial Assurances**

Pursuant to WAC 173-340-440(11), the Port shall maintain sufficient and adequate financial assurance mechanisms to cover all costs associated with the operation and maintenance

of the remedial action at the Site, including institutional controls, compliance monitoring, and corrective measures.

Within sixty (60) days of the effective date of this Order, the Port shall submit to Ecology for review and approval an estimate of the costs that it will incur in carrying out the terms of this Order, including operation and maintenance, and compliance monitoring. Within sixty (60) days after Ecology approves the aforementioned cost estimate, the Port shall provide proof of financial assurances sufficient to cover all such costs in a form acceptable to Ecology.

The Port shall adjust the financial assurance coverage and provide Ecology's project coordinator with documentation of the updated financial assurance for:

Inflation, annually, within thirty (30) days of the anniversary date of the entry of this Order; or if applicable, the modified anniversary date established in accordance with this Section, or if applicable, ninety (90) days after the close of the Port's fiscal year if the financial test or corporate guarantee is used.

**S. Periodic Review**

As remedial action, including groundwater monitoring, continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of remedial action described in Section VII of this Agreed Order at the Site the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. At least ninety (90) days prior to each periodic review, the Port shall submit a report to Ecology that documents whether human health and the environment are being protected based on the factors set forth in WAC 173-340-420(4). Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

**T. Indemnification**

The Port 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 for death or injuries to persons or for loss or damage to property to the extent arising from or on account of negligent acts or omissions of the Port, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the Port 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 the Port's receipt of written notification from Ecology that the Port has completed the remedial activity required by this Order, as amended by any modifications, and that the Port has complied with all other provisions of this Agreed Order.

### X. ENFORCEMENT

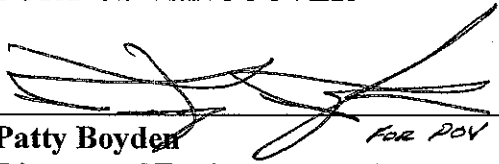
Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- 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. In the event the Port refuses, without sufficient cause, to comply with any term of this Order, the Port will be liable for:
  - a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and
  - b. 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.

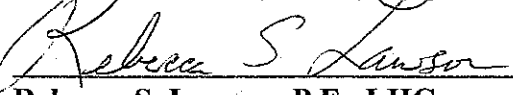
This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: 5/1/08

#### PORT OF VANCOUVER

  
\_\_\_\_\_  
Patty Boyden *for POV*  
Director of Environmental Services  
Port of Vancouver, USA  
(360) 693-3611

#### STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

  
\_\_\_\_\_  
Rebecca S. Lawson, P.E., LHG  
Section Manager  
Toxics Cleanup Program  
Southwest Regional Office  
Telephone: (360) 407-6241

**EXHIBIT A**

**Cadet Site Remediation under Port V. Cadet Settlement Letter**

3103 NW Lower River Road, Vancouver, WA 98660 ♦ (360) 693-3611 ♦ Fax (360) 735-1565 ♦ www PortVanUSA.com



October 18, 2006

OCT 20 2006

Craig D. Rankine  
Site Manager / Hydrogeologist  
Department of Ecology  
2108 Grand Blvd., MS S-70  
Vancouver, WA 98661-4622

**Re: Cadet Site Remediation under Port v. Cadet Settlement**

Dear Craig:

As you requested in your email dated 9/12/06, this letter clarifies the Port's role and responsibility for the Cadet site remediation now that the Port has settled its claim with Cadet. As part of the settlement of the Port's claim against Cadet, the Port assumed responsibility for and control over the remediation at the Cadet site subject to Agreed Order No. 00TCPVA-847. Under the Settlement Agreement, "Court Approval" occurred on March 28, 2006. The Port's assumption of responsibility includes activities required by Ecology, the Washington Department of Health, or other agency related to environmental claims.

The intent is that the Port conduct all remedial activities or other required activities at the Cadet site and Swan site, and that Cadet should have no further responsibilities related to the chlorinated solvent contamination in soil, air, and groundwater at and around the Cadet and Swan sites. Thus, the Port maintains responsibility for the Swan site and has taken on responsibility for remediating chlorinated solvent contamination at and emanating from the Cadet site. All of the provisions in which the Port took control of the Cadet site can be found in paragraphs 2.10 and 2.13(a) of the Settlement Agreement.

**2.10 Cleanup Activities** Upon Court Approval, the Port shall take full responsibility for and control over the investigation, monitoring, reporting, remediation, and any other remedial or mitigation related activities that are subject to the Agreed Orders defined in Sections 1.3 and 1.19, including areas impacted by the groundwater plumes from the Swan Site or the Cadet Site, including the so-called commingled groundwater plume emanating from the Swan Site and the Cadet Site, and including any activities required by Ecology, the Washington Department of Health, or any Government Agency for Environmental Claims. At the Port's sole option and with the full cooperation of Cadet, the Port may seek amendment of Cadet's Agreed Order. The intent of this provision is that the Port shall conduct all remedial activities or

other required activities at the Cadet Site and/or the Swan Site and any remedial activities required due to any migration of any contaminants from these sites, whether or not required by the current Agreed Orders, and that Cadet, Anderson Realty, the Participating Insurers and their respective Released Related Parties (as defined in Section 2.5) shall have no further responsibility for any such activity. The Port further acknowledges that it has received the notice required by Section V, Paragraph 11 of the Cadet Agreed Order.

**2.13 Court Approval** The entire settlement documented in this Agreement is contingent on Court Approval by the District Court in the Coverage Action and by the US Bankruptcy Court in the Bankruptcy Claims. Cadet, the Port, and the Participating Insurers agree to cooperate and to seek such approval promptly, and without delay. Motions and supporting memoranda must be filed by all Parties to this Agreement within five (5) days of execution of this Agreement. Court Approval must occur within sixty (60) days of execution of this Agreement, or this Agreement is void and of no further effect.

(a) Upon Court Approval, the Port shall assume costs of operation of all IRAM Systems currently being operated by Cadet and its consultant AMEC, and the Port shall be responsible for any monitoring or other remedial or investigative activity that would otherwise be undertaken by Cadet under its Agreed Order with Ecology, and for any other remedial or investigative activity required by any Government Agency that would otherwise be the responsibility of Cadet for activities at or related to the Cadet Site that is related to Environmental Claims.

If you have any questions, feel free to contact me at my direct line: (360) 992-1103.

Sincerely,

PORT OF VANCOUVER



Patricia L. Boyden  
Environmental Director

Cc: Larry Paulson, POV

**EXHIBIT B**  
**Project Schedule**

**EXHIBIT B**

**Project Schedule**

Refer to Sections I and VII (Work To Be Performed)

<b>Performance or Deliverable</b>	<b>Timing</b>
Submit Draft Interim Action Work Plan	Completed November 20, 2007
Ecology provide comments on Draft IA Work Plan	By February 1, 2008
Submit Final Interim Action Work Plan	Within 4 months of effective date of AO
Implementation of Interim Action	Within 18 months of effective date of AO
Submit Draft IA Summary Report	Within 18 months of start of IA operation
Ecology will provide comments on Draft IA Summary Report	Within 6 months of submittal of draft IA Report
Submit Final IA Summary Report	Within 3 months of receiving Ecology's Comments on the Draft IA Summary Report
Ecology approve Final IA Summary Report	Within 3 months of receiving Final IA Summary Report
Submit Final SMC RI Report	Within 3 months of receiving Ecology's comments on the Draft Final SMC RI Report
Submit Draft Cadet RI Report	To be determined
Ecology provide comments on Draft Cadet RI Report	Within 3 months of receiving Draft Cadet RI Report
Submit Final Cadet RI Report	Within 3 months of receiving Ecology's comments on the Draft Cadet RI Report

Ecology approve Final Cadet RI Report	Within 3 months of receiving Final Cadet RI Report
Submit Draft FS Report	Within 6 months of approval of Final IA Summary Report
Ecology will provide comments on Draft FS Report	Within 3 months of receiving Draft FS Report
Submit Final FS Report	Within 3 months of receiving Ecology's comments on the Draft FS Report
Ecology approve Final FS Report	Within 3 months of receiving Final FS Report

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"AO" = Agreed Order,	"IA" =	Interim Action
"FS" = Feasibility Study,	"RI" =	Remedial Investigation

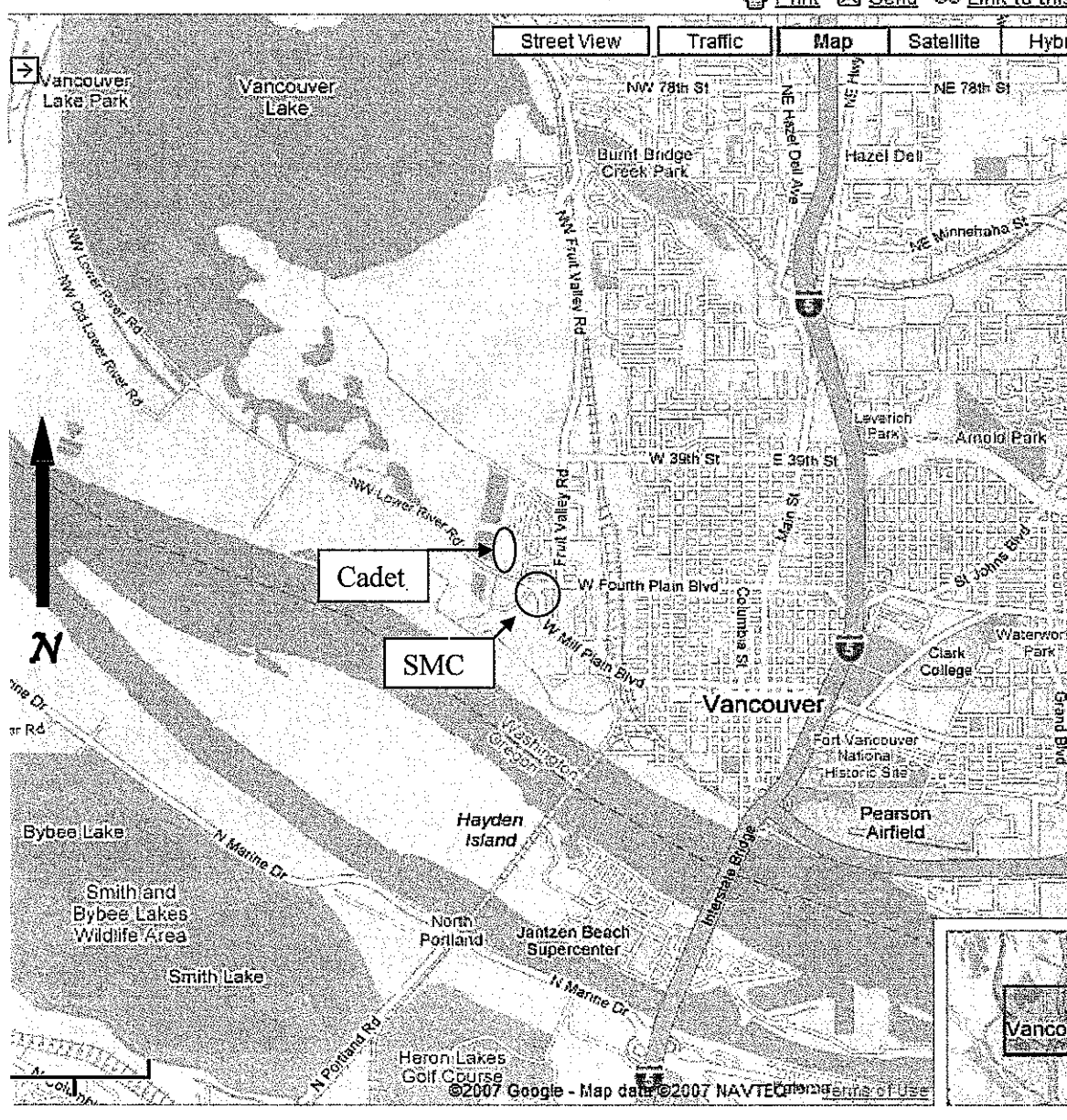
**EXHIBIT C1**

**SMC and Cadet Site Locations Figure**



### EXHIBIT C1

#### SMC and Cadet Site Locations Figure



**EXHIBIT C2**

**SMC and Cadet Sites Figure**

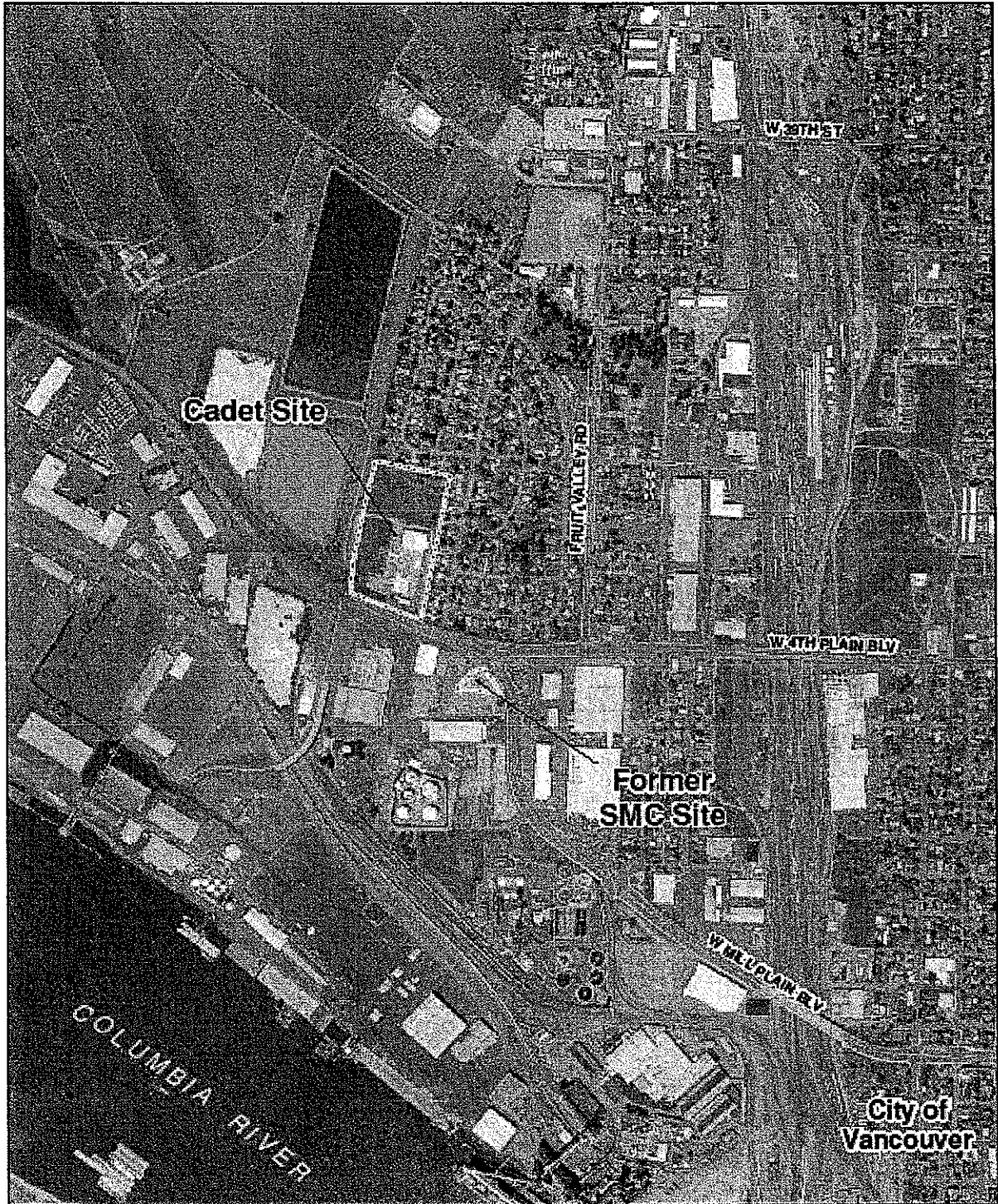


PHOTO BY: H. POLYMER SERVICES LTD. UNCORRECTED - FOR USE AS REFERENCE ONLY. NOT FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER PROJECT. © 2007 H. POLYMER SERVICES LTD.



 Approximate Site Location

SMC and Cadet  
Sites Figure

0 1,000 2,000  
Feet

**EXHIBIT D1**

**Port of Vancouver Legal Property Description for SMC Site**



After recording return document to:  
City of Vancouver  
Purchasing/Contracts  
Attn: Lynn Reude  
PO Box 1995  
Vancouver WA 98668-1995

Real Estate Excise Tax  
Ch 11 Rev. Laws 1951  
EXEMPT  
Affd # 530475 Date 10/29/03  
For details of tax paid see  
Affd # \_\_\_\_\_  
Doug Lasher  
Clark County Treasurer  
By RS  
Deputy

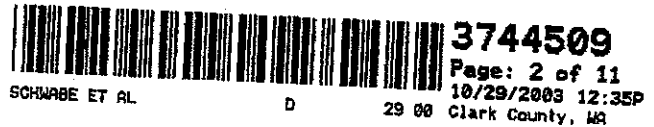
**Document Title: Warranty Deed**  
**Reference Number of Related Document:**  
**Grantor: Port of Vancouver**  
**Grantee: City of Vancouver**  
**Legal Description: SW \_ Sec. 21, T2N, R1 E**  
**Additional Legal Description is on Pages 4, 5, 6, 7, 8, and 9 of Document**  
**WSDOT Parcel No.: 4-06466**  
**Assessor's Tax Parcel Numbers:** <sup>059115-050</sup> ~~059115-053~~ (TL 21), ~~059115-050~~ (TL 18),  
~~059115-040~~ (TL 16), ~~059115-020~~ (TL 7), and ~~058653-000~~ (TL 5)  
<sup>058653-000</sup>

**WARRANTY DEED**

State Route 501, City of Vancouver, Mill Plain Extension

The Grantor, THE PORT OF VANCOUVER, WASHINGTON, a Municipal corporation under the laws of the State of Washington, for and in consideration of TEN AND NO/100 (\$10.00) Dollars, and other valuable consideration, hereby conveys and warrants to the City of Vancouver, the following described real estate situated in Clark County, in the State of Washington, to the same extent and purpose as if the rights herein granted had been acquired under Eminent Domain statutes of the State of Washington:

See Exhibit A attached hereto and made a part hereof



**WARRANTY DEED**

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Vancouver unless and until accepted and approved hereon in writing for the City of Vancouver, by the Mayor of the City of Vancouver

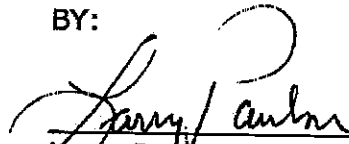
Dated January 8, 2002

Accepted and Approved

**PORT OF VANCOUVER, U.S.A.,  
a Washington State Municipal  
Corporation**


**CITY OF VANCOUVER,  
WASHINGTON, a Municipal  
Corporation**

BY:

  
Larry Paulson  
Title: Executive Director

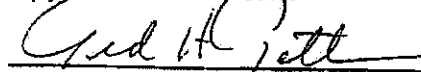
Date: 1/8/02

BY:

  
Royce Pollard *Pat McInnell*  
Mayor, City of Vancouver  
*Manager*

Date: 02-12-02

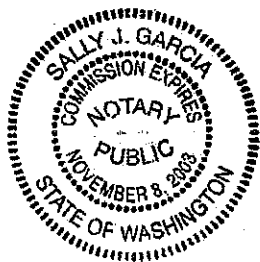
Approved as to form

  
Ted H. Gathe, City Attorney



State of Washington  
County of Clark

On this 9<sup>th</sup> day of April, 2002, Pat McDonnell personally appeared before me, known to be the City Mgr, City of Vancouver and signer of the attached instrument, and he/she acknowledged and signed it.



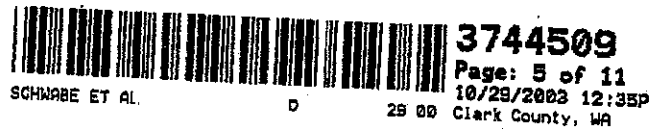
Sally J. Garcia  
Signature of Notary Public

Sally J. Garcia  
Name of Notary (typed or printed)

Notary Public, State of Washington  
My Commission Expires November 8, 2003







**WARRANTY DEED**

**EXHIBIT A**

Parcel No. 4-06466

All that portion of the hereinafter-described Parcel "A" that lies between the following described lines 1 and 2:

Line 1:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) FP16 +52.96 on the Fourth Plain Boulevard line survey of SR 501, City of Vancouver, Mill Plain Blvd. Extension and 21.74 feet Southerly therefrom; thence Southerly to a point opposite said HES and 60 feet Southerly therefrom; thence Westerly parallel with said line survey to a point opposite HES FP 15+10 thereon; thence Southwesterly to a point opposite HES MP 108+38.34 on the "M.P." line survey of said highway and 100.88 feet Northeasterly therefrom; thence Southwesterly to a point opposite HES MP 108+53.93 on said line survey and 79.07 feet Northeasterly therefrom; thence Southerly to a point opposite HES MP 108+78.45 on said line survey and 60 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 109+50 thereon; thence Southeasterly to a point opposite HES MP 110+05.00 on said line survey and 70 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 110+35.00; thence Southwesterly to a point opposite said HES and 55 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 110+50 thereon; thence Southerly along a 107 foot radius curve to the right with a central angle of 12°51'49" an arc distance of 24.02 feet to a point opposite HES MP 110+71.84 on said line survey and 52.76 feet Northeasterly therefrom; thence Southerly to

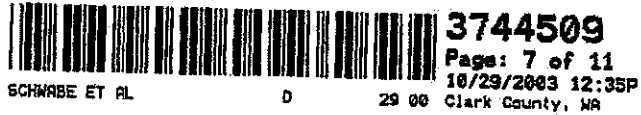


## WARRANTY DEED

a point opposite HES MP 111+16.80 on said line survey and 45.48 feet Northeasterly therefrom; thence Southerly along a 93 foot radius curve to the left with a central angle of 05°27'17" an arc distance of 8.85 feet to a point opposite HES MP 111+25 on said line survey and 45 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 119+00 thereon; thence Northeasterly to a point opposite said HES and 60 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 121 +05 thereon; thence Northeasterly to a point opposite said HES and 70 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 121+30 thereon; thence Southwesterly to a point opposite said HES and 55 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP PC 121+50 thereon; thence Southeasterly along a 107 foot radius curve to the right with a central angle of 09°48'34" an arc distance of 18.32 feet to a point opposite HES MP121+68.23 thereon and 53.44 feet Northeasterly therefrom; thence Southeasterly to a point opposite HES MP 122+09.15 on said line survey and 46.36 feet Northeasterly therefrom; thence along a 93 foot radius curve to the left with a central angle of 09°48'55" an arc distance of 15.93 feet to a point opposite HES MP PT122+25 on said line survey and 45 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 125+59.77 thereon; thence Northeasterly to a point opposite HES MP 125+92.74 on said line survey and 97.17 feet Northeasterly therefrom, said point being on the Easterly line of said Parcel "A" and the end of this line 1 description.

Line 2:

Beginning at HES 102+06.06 on the MP line survey of SR 501, City of Vancouver, Mill Plain Extension, said point being on the East line of the Beard Fruit Company tract as recorded in Clark County Deed Records in Book 52, Page 220; thence Southwesterly along the East line of said tract to a point opposite HES MP 102+09.58 on said line survey and 24 feet Southwesterly therefrom; thence Southeasterly in a straight line to a point opposite HES MP 104+36.43 on said line survey and 45 feet Southwesterly therefrom, said point being on the East line of that parcel conveyed to Leonard Vemon & Associates by deed recorded under Auditor's File No.



**WARRANTY DEED**

G 473219, records of said county; thence Southwesterly along the East line of said Vernon parcel to a point opposite HES MP 104+38.14 on said line survey and 75 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES MP 105+45.81 on said line survey and 75 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES MP 106+27.21 on said line survey and 141.4 feet Southwesterly therefrom; thence Southwesterly to a point opposite HES FP 10+33.19 on the FP line survey of said highway and 25 feet Northwesterly therefrom; thence Southeasterly to a point opposite HES FP 10+33.19 and 25 feet Southeasterly therefrom; thence Northeasterly to a point opposite HES MP 107+05.42 on the "M.P." line survey of said highway and 110.81 feet Southwesterly therefrom; thence Easterly to a point opposite HES MP 107+57.49 on said line survey and 75 feet Southwesterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 109+15.00 thereon; thence Southwesterly to a point opposite said HES and 80 feet Southwesterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 109+45.00 thereon; thence Northeasterly to a point opposite said HES and 75 feet Southwesterly therefrom; thence Southeasterly and Southerly parallel with said line survey to a point opposite HES MP 117+87.76 thereon; thence Southerly to a point opposite HES MP 118+27.05 on said line survey and 89.77 feet Southwesterly therefrom; thence Southwesterly to a point opposite HES B48+67.78 on the "B" line survey of said highway and 30 feet Northwesterly therefrom; thence Southwesterly and Westerly parallel with said "B" line survey to a point opposite HES B46+92.55 thereon; thence Southerly to a point opposite HES B46+92.55 on said line survey and 30 feet Southerly therefrom; thence Easterly to a point opposite HES B47+78.48 on said line survey and 34.55 feet Southerly therefrom; thence Northeasterly to a point opposite HES B48+67.78 on said line survey and 36.72 feet Southeasterly therefrom; thence Northeasterly to a point opposite HES B48+94.44 on said line survey and 42.23 feet Southeasterly therefrom; thence Southeasterly to a point opposite HES MP 119+34.52 on the "M.P." line survey of said highway and 134.11 feet Southwesterly therefrom; thence Northeasterly along a radius curve to the left with a central angle of 07°27'42" an arc distance of 35.81 feet to a point-opposite HES MP 119+47.77 on said line survey and 101.93 feet Southwesterly therefrom; thence Northeasterly to a point opposite HES MP 119+57.95 on said line survey and 75 feet Southwesterly therefrom; thence Northeasterly to a point opposite HES MP 119+70.16 on said line survey and 45.41 feet Southwesterly therefrom; thence Southeasterly along a radius curve to the left with a central angle of 17°01'41" an arc distance of



**WARRANTY DEED**

254.10 feet to a point opposite HES MP 122+14.05 on said line survey and 75 feet Southwesterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES MP 122+19.36 thereon; thence Easterly to a point opposite HES MP 123+07 on said line survey and 10.01 feet Southwesterly therefrom; thence Southeasterly to a point opposite HES MP 124+76.78 on said line survey and 33.09 feet Southwesterly therefrom, said point being on the Southerly line of said Parcel "A"; thence Easterly along the Southerly line of said Parcel "A" to a point on the Easterly line of said Parcel "A" and the end of this line 2 description.

**PARCEL "A":**

**Tract I:**

059115-040 (16)

That certain portion of Section 21, Township 2 North, range 1 East, Willamette Meridian, lying within the George Malick Donation Land Claim being more particularly described as follows:

Beginning at a point on the Southerly line of West 26<sup>th</sup> Street, that is South 23.83 feet and West 524.69 feet from a concrete monument marking the Northwest corner of the Amos Short Donation Land Claim, said point of beginning also being the Northwest corner of that certain tract of land conveyed to George Mellor by deed recorded under Clark County Auditors File No. G 145106 and running thence South along said tract 146.89 feet; thence North 87°37'15" West 295.78 feet; thence North 3°00'15" East 173.82 feet to the Southerly line of the aforementioned West 26<sup>th</sup> Street; thence Southeasterly along said street along the arc of a curve to the left having a radius of 2322.00 feet, through a central angle of 7°08'14" an arc distance of 289.25 feet to the point of beginning.

**Tract II:**

059115-050 (18)

Beginning at the Northwest corner of the Amos Short Donation Land Claim in Section 21, Township 2 North, Range 1 East of the Willamette Meridian in Clark County; thence South 0°45' West 30.2 feet; thence West 345.9 feet to



**WARRANTY DEED**

the True Point of Beginning; thence South 324.0 feet; thence West 179.0 feet; thence North 330.0 feet to a point in the Southerly right of way boundary of West 26<sup>th</sup> Street, said point being 30.0 feet Southerly from the center line of said street; thence Easterly along said Southerly boundary on a curve with a radius of 2322.0 feet a distance of 171.6 feet; thence East 9.8 feet to the True Point of Beginning. Except County Roads.

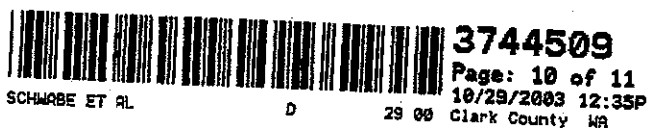
Tract III:

059115-053 (21)

Beginning at the Northwest corner of the Amos Short Donation Land Claim in Section 21, Township 2 North, Range 1 East of the Willamette Meridian, and running thence South 0°45' West a distance of 30.0 feet to an intersection with the South line of West 26<sup>th</sup> Street Extension and the West line of the Amos Short Donation Land Claim; thence West along the South line of West 26<sup>th</sup> Street a distance of 355.1 feet; thence Westerly along the South line of West 26<sup>th</sup> Street on the arc of a 2322.0 foot radius curve a distance of 371.6 feet to a point which is the True Point of Beginning; thence continuing Westerly along the South Line of West 26<sup>th</sup> Street on the arc of a 2322.0 foot radius curve a distance of 433.5 feet to an intersection of the South line of West 26<sup>th</sup> Street and the East line of the Beard Fruit Company tract; thence South 9°47' West along the East line of the Beard Fruit Company tract a distance of 832.6 feet; thence East a distance of 932.3 feet, more or less, to the point of intersection with a line, which line bears South from a point on the South line of said West 26<sup>th</sup> Street, said point on said South line being South 0°45' West, 30.00 feet and West 345.9 feet from the Northwest corner of said Amos Short Donation Land Claim; thence North 358.34 feet, more or less, to a point which is South 324.0 feet from the South line of said West 26<sup>th</sup> Street; thence West 179.0 feet; thence North 230.2 feet to a point 100 feet South of the South line of 26<sup>th</sup> Street; thence Westerly on a curve parallel to the South line of 26<sup>th</sup> Street, 200 feet; thence North 100 feet to the Point of Beginning.

Except that portion dedicated to the City of Vancouver by deed recorded under Auditor's File No. G 195198, records of said County.

**WARRANTY DEED**



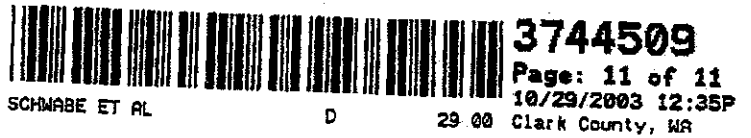
Tract IV:

058653-000,059115-020 (5,7)

That portion of the Amos Short and George Malick Donation Land Claims, lying in Section 21, Township 2 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the intersection of the South line of West 26<sup>th</sup> Street in the City of Vancouver, and the West line of said Amos Short Donation Land Claim (being 30 feet South of the Northwest corner of said Claim); thence South 89°23'30" East, along the South line of said 26<sup>th</sup> Street, 297 feet to the Northwest corner of HOME ADDITION TO THE CITY OF VANCOUVER, according to the plat thereof, recorded in Book "D" of Plats, at page 45, records of said county; thence South 0°44'45" West along the West line of said Home Addition, 1526.9 feet, more or less, to an intersection of said West line of said Home Addition, with the Easterly prolongation of the North line of the tract conveyed to the City of Vancouver, Washington, by deed recorded in Book "398", at page 247, records of said County; thence West along said Easterly prolongation of the North line and the North line of said City tract 904.20 feet; thence North 0°44'45" East 848.1 feet, more or less, to the South line of the tract acquired by the United States of America, as described in Declaration of Taking, recorded under Auditor's File No. F 0981; thence East along the South line of said last mentioned tract 607.2 feet to the Southeast corner thereof; thence North 0°44'45" East along the East line of said Government tract 682.4 feet to the true point of beginning.

ALSO, beginning at the Northwest corner of the Amos Short Donation Land Claim in Section 21, Township 2 North, Range 1 East of the Willamette Meridian, and running thence South 0°45' West a distance of 30.0 feet to an intersection with the South line of West 26<sup>th</sup> Street Extension and the West line of the Amos Short Donation Land Claim, said point being the True Point of Beginning; thence West along the South line of West 26<sup>th</sup> Street, a distance of 345.9 feet; thence South a distance of 682.34 feet,



**WARRANTY DEED**

more or less, to the point of intersection with a line, which line bears West from a point on the West line said Amos Short Donation Land Claim, said point on said West line being South 0°45' West 682.4 feet, more or less, from the True Point of Beginning; thence East 343.9 feet, more or less, to the point on the West line of said Amos Short Donation Land Claim, which point bears South 0°45' West 682.4 feet from the True Point of Beginning; thence North 0°45' East 682.4 feet to the True Point of Beginning.

EXCEPTING therefrom a parcel of 0.46 acres, more or less as described in that certain Warranty Deed from California Packing Corporation to the State of Washington dated January 9, 1961, recorded February 1, 1969, under Auditor's File No. G 301358.

**EXHIBIT D2**

**Port of Vancouver Legal Property Description for Cadet Site**



4172955 D

Rec Fee - \$33.00 Pages: 2 - CASCADE TITLE  
Clark County, WA 5/28/06 11:48 AM

When recorded return to:  
Port of Vancouver  
3103 NW Lower River Road  
Vancouver, WA 98660  
Escrow No :00220702

Real Estate Excise Tax  
Ch. 11 Rev. Laws 1951  
591718 \$43,537.70 has been paid  
Recp.# \_\_\_\_\_ Date 5/26/06  
Sec 61. see Affd. No. \_\_\_\_\_  
Doug Lasher  
Clark County Treasurer  
By \_\_\_\_\_ LM  
Deputy

Statutory Warranty Deed

THE GRANTOR ANDERSON REALTY INVESTMENTS, L.L.C., a Washington Limited Liability Company for and in consideration of Ten Dollars and other valuable consideration in hand paid, conveys and warrants to PORT OF VANCOUVER, a municipal corporation organized and existing under the laws of the State of Washington the following described real estate, situated in the County of CLARK, State of Washington:

Pin of W 1/2 21-2-1E, WM

Tax Parcel Number(s): 151956-000

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any

Dated this 19th day of MAY, 2006

ANDERSON REALTY INVESTMENTS, LLC  
a Washington Limited Liability Company

Richard E. Anderson  
BY: RICHARD E. ANDERSON, Manager

STATE OF WASHINGTON } ss  
COUNTY OF CLARK

I certify that I know or have satisfactory evidence that RICHARD E. ANDERSON IS the person who appeared before me, and said person acknowledged that HE signed this instrument, on oath stated that HE IS authorized to execute the instrument and acknowledged it as the MANAGER of ANDERSON REALTY INVESTMENTS, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument

Dated: MAY 19th, 2006



Macey A. Nelson  
Notary Public in and for the State of Washington  
Residing at Battle Ground  
My appointment expires: 9/29/2009

**EXHIBIT "A"**

That portion of the Malick Donation Land Claim and of the Charles Proulx Donation Land Claim lying within Section 21, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the Southwest corner of Lot 28, Block 11, FRUIT VALLEY HOMES, according to the plat thereof, recorded in Volume "E" of Plats, at page 52, records of said County, thence North 11°18'00" East, along the West line of said Block 11, a distance of 668.38 feet to the Northeast corner of the tract conveyed to Cadet Manufacturing Company by deed recorded under Auditor's File No. 9801270162, said point being the TRUE Point of Beginning hereof; thence continuing North 11°18'00" East, along said West line, 349.58 feet to an inner corner thereof; thence North 79°19'58" West, along the South line of said Block 11, a distance of 520.78 feet to the East line of the tract conveyed to Clark County, Washington by deed recorded under Auditor's File No. G 48754; thence South 13°16'12" West, along the East line of said County Tract, 848.58 feet to the North line of said West 26th Street; thence South 66°27'50" East, along said North line, 260.90 feet to the Southwest corner of said Cadet tract; thence North 11°17'42" East, along the West line of said Cadet Tract, 556.29 feet to the Northwest corner thereof; thence South 79°19'58" East, along the North line of said Cadet Tract, 295.00 feet to the TRUE Point of Beginning.

EXCEPT that portion conveyed to the City of Vancouver, a Washington Municipal Corporation, by Warranty Deed recorded June 22, 2001, under Auditor's File No. 3336685, records of Clark County, Washington

Situate in the County of CLARK, State of WASHINGTON

End of Exhibit "A"

When recorded return to:  
Port of Vancouver, USA  
3103 NW Lower River Road  
Vancouver, WA 98660

**4172956 D**  
Rec Fee - \$33.00 Pages: 2 - CASCADE TITLE 11:40 AM  
Clark County, WA 5/26/06

Real Estate Excise Tax  
Ch. 11 Rev Laws 1951  
\$23400 - has been paid  
591719 Recp.# Date 5/26/06  
Sec 61, see Affd. No.  
Doug Lasher  
Clark County Treasurer  
By WL  
Deputy

**Statutory Warranty Deed**

THE GRANTOR CADET MANUFACTURING COMPANY, a Washington corporation for and in consideration of Ten Dollars and other valuable consideration in hand paid, conveys and warrants to PORT OF VANCOUVER USA, a municipal corporation organized and existing under the laws of the State of Washington the following described real estate, situated in the County of CLARK, State of Washington:

Portion of N 1/2, SW 1/4, 21-2-1E, WM

Tax Parcel Number(s): 059115-055

See Exhibit A attached hereto and made a part hereof

SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any

Dated this 24th day of MAY, 2006

CADET MANUFACTURING COMPANY,  
a Washington Corporation

[Signature]  
BY: J. H. Johnson, President

STATE OF WASHINGTON } ss  
COUNTY OF CLARK

I certify that I know or have satisfactory evidence that J. H. JOHNSON IS the person who appeared before me, and said person acknowledged that HE signed this instrument, on oath stated that HE authorized to execute the instrument and acknowledged it as the PRESIDENT of CADET MANUFACTURING COMPANY to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument

Dated: MAY 24th, 2006



[Signature]  
Notary Public in and for the State of Washington  
Residing at Battle Ground  
My appointment expires: 9/29/2009

**EXHIBIT "A"**

That portion of the Malick Donation Land Claim in Section 21, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

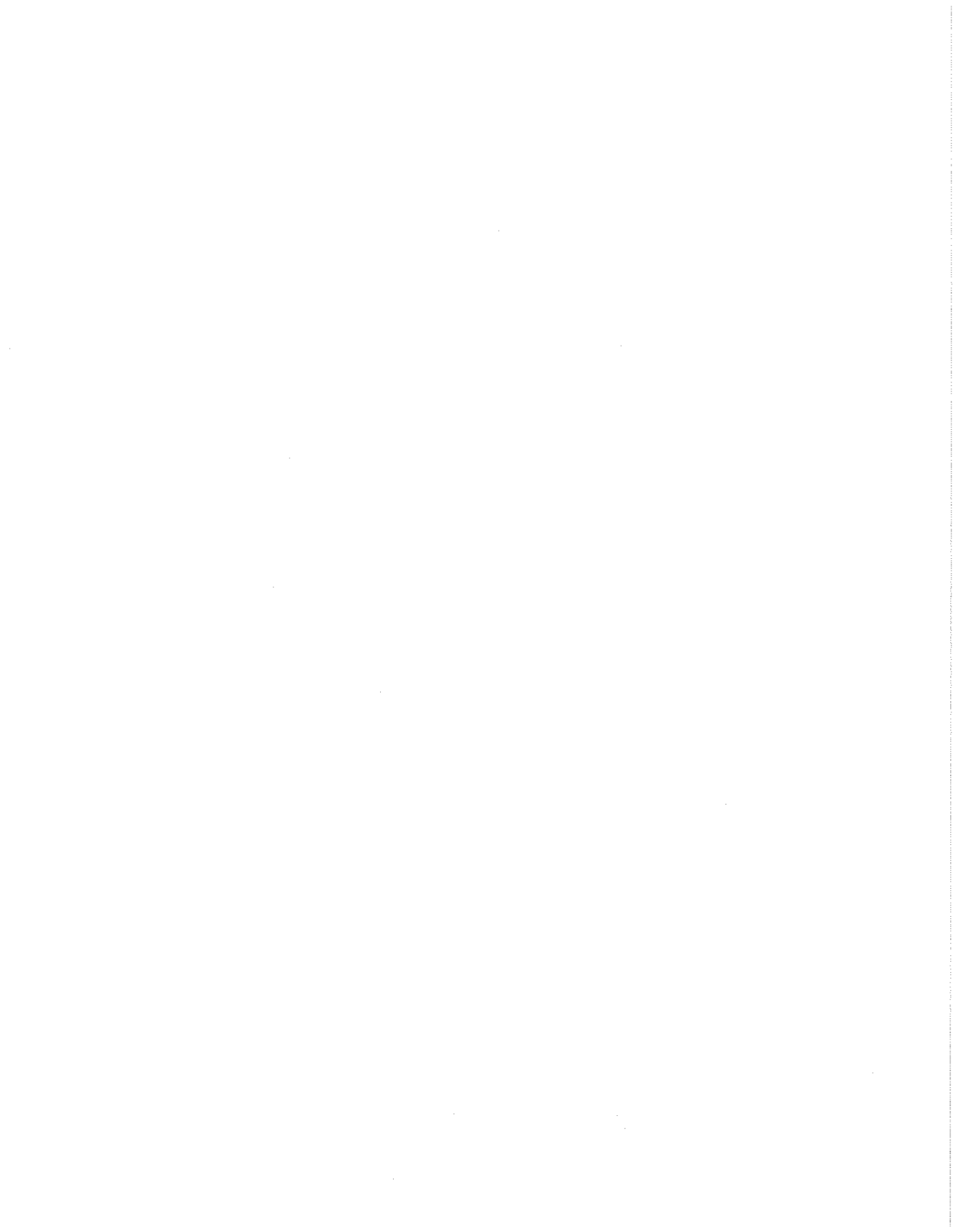
BEGINNING at the Southwest corner of Lot 28, Block 11, FRUIT VALLEY HOMES, according to the plat thereof, recorded in Volume "E" at page 52, records of said County, thence North  $11^{\circ}18'00''$  East, along the West line of said Block 11, a distance of 45.76 feet to the North line of West 26th Street, also known as State Route 501, as established by deed recorded under Auditor's File No. G 33307, said point being the TRUE Point of Beginning hereof, thence continuing North  $11^{\circ}18'00''$  East, along said West line, 622.62 feet to the Northeast corner of tract conveyed to Cadet Manufacturing Company by deed recorded under Auditor's File No. 9801270162; thence North  $79^{\circ}19'58''$  West, along the North line of said Cadet tract, 295.00 feet to the Northwest corner thereof; thence South  $11^{\circ}17'42''$  West, along the West line of said 556.29 feet to the North line of said West 26th Street; thence South  $66^{\circ}27'50''$  East, along said North line 239.44 feet; thence along said North line along the arc of a curve to the left, having a radius of 2,217.00 feet, thru a central angle of  $01^{\circ}36'25''$  for an arc length of 62.18 feet TRUE Point of Beginning.

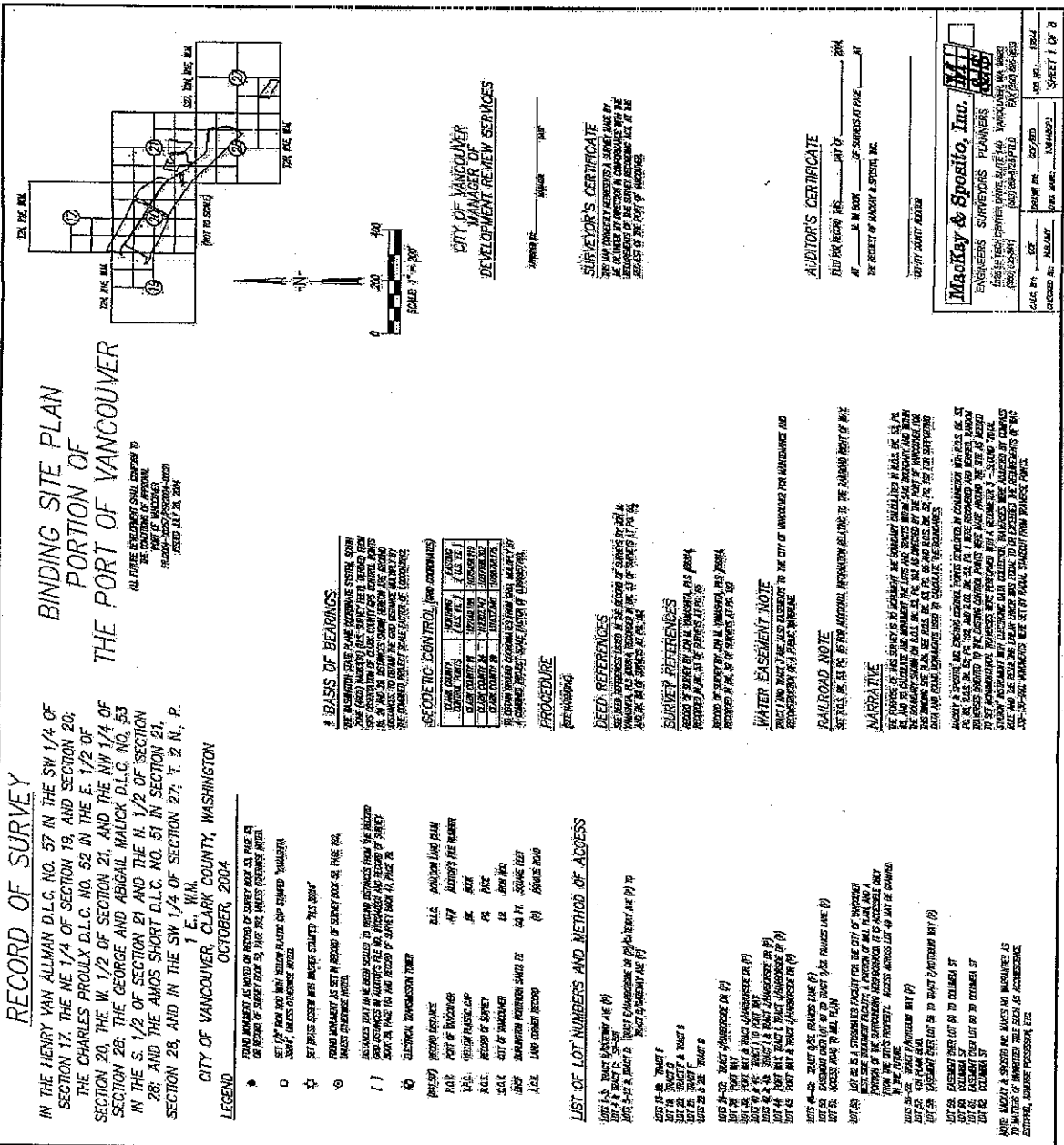
Situate in the County of CLARK, State of WASHINGTON

End of Exhibit "A"

**EXHIBIT E1**

**SMC Legal Property Plot Map**





**BINDING SITE PLAN  
PORTION OF  
THE PORT OF VANCOUVER**

ALL FUTURE DEVELOPMENT SHALL conform TO  
THE ZONING OF PORTLAND  
RECORD 2202-2000-0000  
ADOPTED JULY 28, 2004

**RECORD OF SURVEY**

IN THE HENRY VAN ALLMAN D.L.C. NO. 57 IN THE SW 1/4 OF SECTION 17, THE NE 1/4 OF SECTION 18, AND SECTION 20; THE CHARLES PROULX D.L.C. NO. 52 IN THE E. 1/2 OF SECTION 20, THE W. 1/2 OF SECTION 21, AND THE NW 1/4 OF SECTION 28; THE GEORGE AND ABIGAIL MALICK D.L.C. NO. 53 IN THE S. 1/2 OF SECTION 21 AND THE N. 1/2 OF SECTION 28; AND THE AMOS SHORT D.L.C. NO. 51 IN SECTION 21, SECTION 28, AND IN THE SW 1/4 OF SECTION 27; T. 2 N., R. 1 E., W.M.

CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON  
OCTOBER, 2004

- LEGEND**
- \* FOUND MONUMENT AS NOTED ON RECORD OF SURVEY AND ON PAGE 14 OF RECORD OF SURVEY FROM 54, THIS DATE HAS BEEN DETERMINED TO BE A BENCH MARK.
  - o SET IN 2004 WITH WILSON PLASTIC COP STAMPED "MALICKIAN 2004" UNDER OBSERVANCE POINT
  - ☆ SET BRASS SPOKE AND WELLS STAMPED "THIS DATE"
  - o FOUND MONUMENT AS SET IN RECORD OF SURVEY FROM 54, THIS DATE HAS BEEN DETERMINED TO BE A BENCH MARK.
  - ( ) MONUMENT THAT HAS BEEN SCALED TO FORWARD BEARING FROM THE FOLLOWING DEED REFERENCES IN ALPHABETIC ORDER OF RECORDING AND BEARING TO BEARING FROM THE RECORD OF SURVEY FROM 54, THIS DATE HAS BEEN DETERMINED TO BE A BENCH MARK.
  - o BENCHMARK DETERMINATION TIME
  - PLANNED PROPERTY BOUNDARIES
  - PROP. POINT OF VANCOUVER
  - VEH. YELLOW PLASTIC COP
  - RACE, RECORD OF SURVEY
  - COLE, CITY OF VANCOUVER
  - OTHER BOUNDARY MONUMENTS SHOWN ON THE ORIGINAL RECORD
  - LINE, LAND CORNER MONUMENT

**LIST OF LOT NUMBERS AND METHOD OF ACCESS**

LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**BASIS OF BEARINGS:**

THE MEASUREMENTS MADE FROM THE SURVEY POINTS, SHOWN ON THIS PLAN, WERE MADE BY THE SURVEYOR IN THE FIELD, BY MEANS OF A THEODOLITE, AND ARE BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**METEORIC CONTROL:**

THE METEORIC CONTROL RECORDS ON THIS PLAN WERE OBTAINED FROM THE METEORIC CONTROL RECORDS OF THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, AND ARE BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**DEED REFERENCES:**

THE DEEDS REFERENCED ON THIS PLAN WERE OBTAINED FROM THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND ARE BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**SURVEY REFERENCES:**

THE SURVEYS REFERENCED ON THIS PLAN WERE OBTAINED FROM THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND ARE BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**WATER EASEMENT NOTE:**

THE WATER EASEMENT REFERENCED ON THIS PLAN WAS OBTAINED FROM THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND IS BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**RAILROAD NOTE:**

THE RAILROAD REFERENCED ON THIS PLAN WAS OBTAINED FROM THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND IS BEING REPRODUCED ON THIS PLAN IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARY LINES OF THE LOTS, AND TO LOCATE AND MONUMENT THE CORNERS THEREOF. THE SURVEY WAS MADE BY MEANS OF A THEODOLITE, AND THE MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**SUPERVISOR'S CERTIFICATE**

I, \_\_\_\_\_, SUPERVISOR OF THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE RECORD OF SURVEY AS FILED IN THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND THAT THE SAME IS IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**AUDITOR'S CERTIFICATE**

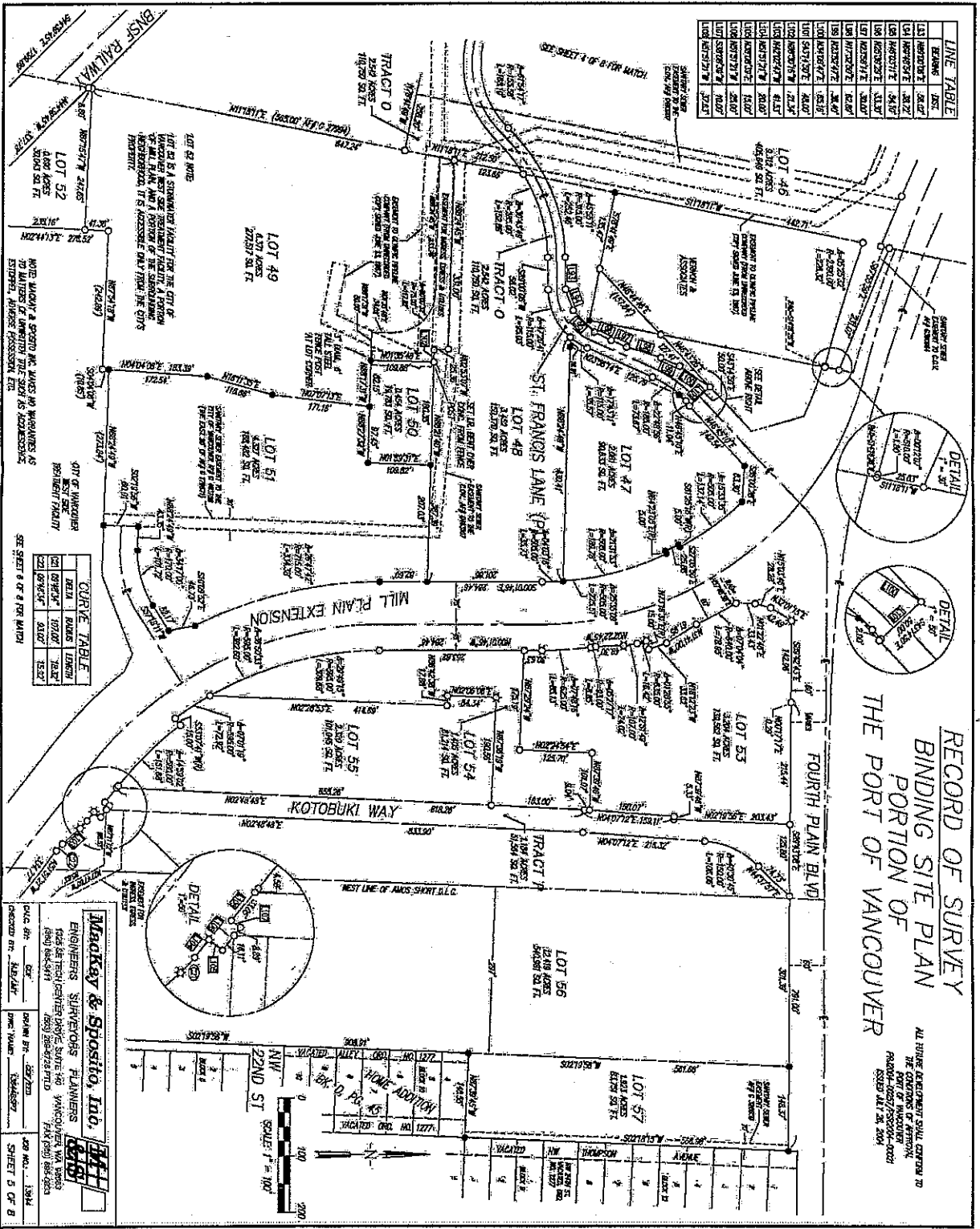
I, \_\_\_\_\_, AUDITOR OF THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE RECORD OF SURVEY AS FILED IN THE PUBLIC RECORDS OF CLARK COUNTY, WASHINGTON, AND THAT THE SAME IS IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET FORTH IN THE STANDARD PRACTICE SPECIFICATIONS FOR SURVEYING.

**Mackley & Sposito, Inc.**

ENGINEERS SURVEYORS PLANNERS

1000 1st Avenue, Suite 100, Vancouver, WA 98660  
509.525.8100

CALA BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
JOB NO.: \_\_\_\_\_  
SHEET 1 OF 8



**LINE TABLE**

LINE	BEARING	DIST.
1	N 89° 00' 00" W	10.00
2	S 89° 00' 00" E	10.00
3	N 89° 00' 00" W	10.00
4	S 89° 00' 00" E	10.00
5	N 89° 00' 00" W	10.00
6	S 89° 00' 00" E	10.00
7	N 89° 00' 00" W	10.00
8	S 89° 00' 00" E	10.00
9	N 89° 00' 00" W	10.00
10	S 89° 00' 00" E	10.00
11	N 89° 00' 00" W	10.00
12	S 89° 00' 00" E	10.00
13	N 89° 00' 00" W	10.00
14	S 89° 00' 00" E	10.00
15	N 89° 00' 00" W	10.00
16	S 89° 00' 00" E	10.00
17	N 89° 00' 00" W	10.00
18	S 89° 00' 00" E	10.00
19	N 89° 00' 00" W	10.00
20	S 89° 00' 00" E	10.00
21	N 89° 00' 00" W	10.00
22	S 89° 00' 00" E	10.00
23	N 89° 00' 00" W	10.00
24	S 89° 00' 00" E	10.00
25	N 89° 00' 00" W	10.00
26	S 89° 00' 00" E	10.00
27	N 89° 00' 00" W	10.00
28	S 89° 00' 00" E	10.00
29	N 89° 00' 00" W	10.00
30	S 89° 00' 00" E	10.00
31	N 89° 00' 00" W	10.00
32	S 89° 00' 00" E	10.00
33	N 89° 00' 00" W	10.00
34	S 89° 00' 00" E	10.00
35	N 89° 00' 00" W	10.00
36	S 89° 00' 00" E	10.00
37	N 89° 00' 00" W	10.00
38	S 89° 00' 00" E	10.00
39	N 89° 00' 00" W	10.00
40	S 89° 00' 00" E	10.00
41	N 89° 00' 00" W	10.00
42	S 89° 00' 00" E	10.00
43	N 89° 00' 00" W	10.00
44	S 89° 00' 00" E	10.00
45	N 89° 00' 00" W	10.00
46	S 89° 00' 00" E	10.00
47	N 89° 00' 00" W	10.00
48	S 89° 00' 00" E	10.00
49	N 89° 00' 00" W	10.00
50	S 89° 00' 00" E	10.00
51	N 89° 00' 00" W	10.00
52	S 89° 00' 00" E	10.00
53	N 89° 00' 00" W	10.00
54	S 89° 00' 00" E	10.00
55	N 89° 00' 00" W	10.00
56	S 89° 00' 00" E	10.00
57	N 89° 00' 00" W	10.00
58	S 89° 00' 00" E	10.00
59	N 89° 00' 00" W	10.00
60	S 89° 00' 00" E	10.00
61	N 89° 00' 00" W	10.00
62	S 89° 00' 00" E	10.00
63	N 89° 00' 00" W	10.00
64	S 89° 00' 00" E	10.00
65	N 89° 00' 00" W	10.00
66	S 89° 00' 00" E	10.00
67	N 89° 00' 00" W	10.00
68	S 89° 00' 00" E	10.00
69	N 89° 00' 00" W	10.00
70	S 89° 00' 00" E	10.00
71	N 89° 00' 00" W	10.00
72	S 89° 00' 00" E	10.00
73	N 89° 00' 00" W	10.00
74	S 89° 00' 00" E	10.00
75	N 89° 00' 00" W	10.00
76	S 89° 00' 00" E	10.00
77	N 89° 00' 00" W	10.00
78	S 89° 00' 00" E	10.00
79	N 89° 00' 00" W	10.00
80	S 89° 00' 00" E	10.00
81	N 89° 00' 00" W	10.00
82	S 89° 00' 00" E	10.00
83	N 89° 00' 00" W	10.00
84	S 89° 00' 00" E	10.00
85	N 89° 00' 00" W	10.00
86	S 89° 00' 00" E	10.00
87	N 89° 00' 00" W	10.00
88	S 89° 00' 00" E	10.00
89	N 89° 00' 00" W	10.00
90	S 89° 00' 00" E	10.00
91	N 89° 00' 00" W	10.00
92	S 89° 00' 00" E	10.00
93	N 89° 00' 00" W	10.00
94	S 89° 00' 00" E	10.00
95	N 89° 00' 00" W	10.00
96	S 89° 00' 00" E	10.00
97	N 89° 00' 00" W	10.00
98	S 89° 00' 00" E	10.00
99	N 89° 00' 00" W	10.00
100	S 89° 00' 00" E	10.00

**RECORD OF SURVEY  
 BINDING SITE PLAN  
 PORTION OF  
 THE PORT OF VANCOUVER**

ALL RIGHTS RESERVED SHALL CONTINUE TO  
 THE PORT OF VANCOUVER  
 PROJECT NO. 10000-0001  
 ISSUED DATE: 05.20.2004

**MacKay & Spostio, Inc.**  
 ENGINEERS SURVEYORS PLANNERS  
 1000 WEST CENTER DRIVE, SUITE 100  
 VANCOUVER, BC V6C 3K9  
 TEL: (604) 681-1111 FAX: (604) 681-1111  
 WWW.MACKAYANDSPOSTIO.COM

DATE: 05/20/04  
 SHEET NO.: 1384  
 SHEET 5 OF 8

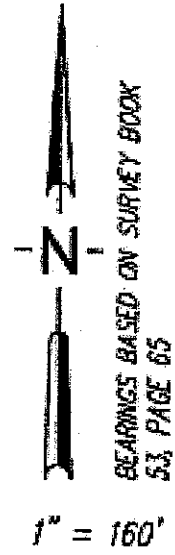
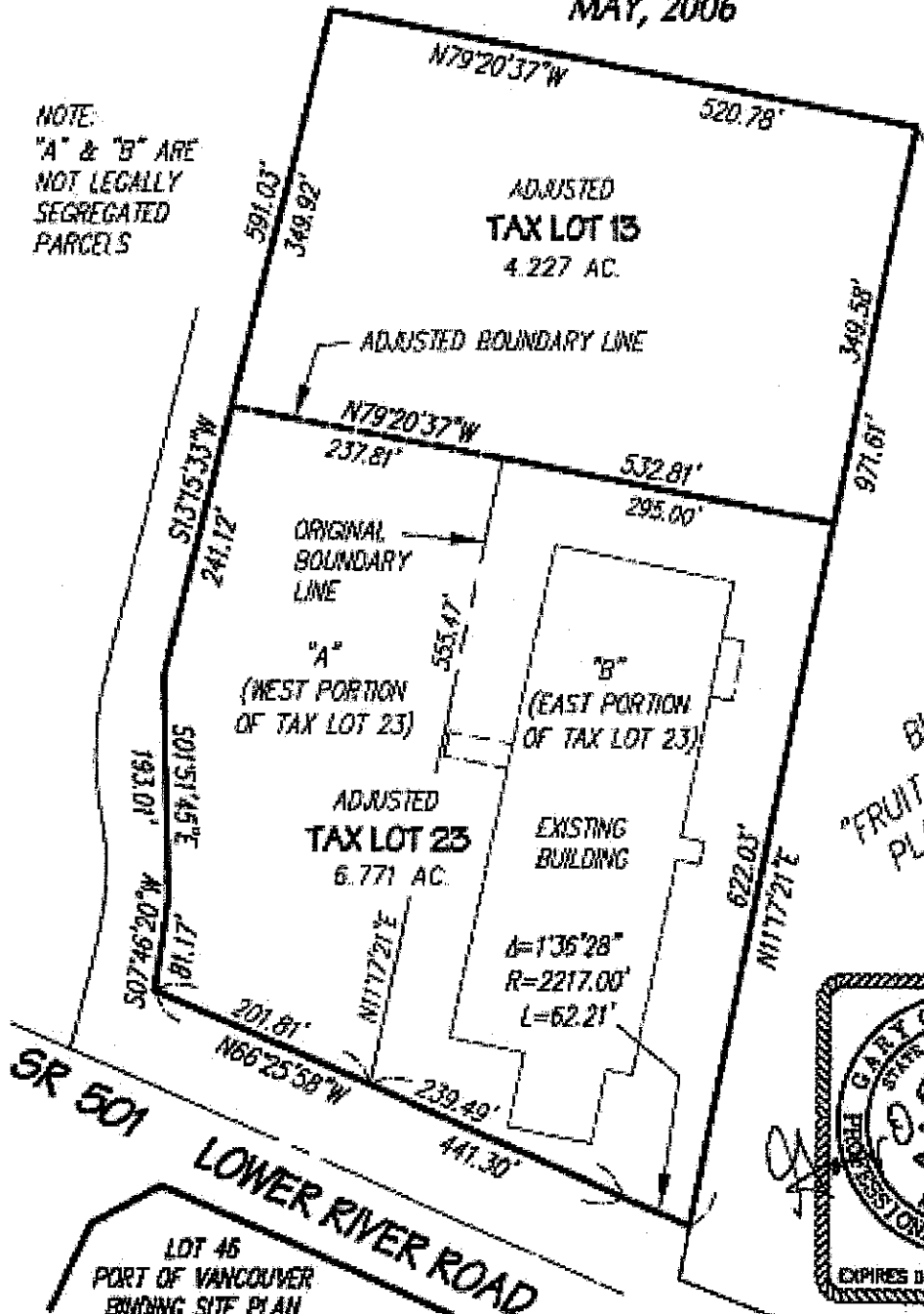


**EXHIBIT E2**

**Cadet Legal Property Plot Map**

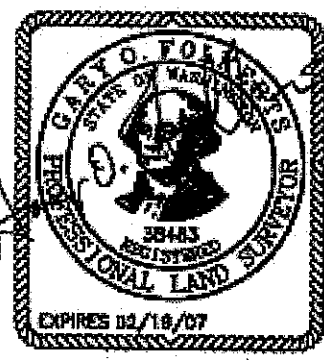
**BOUNDARY LINE ADJUSTMENT SKETCH**  
**TAX LOT 13 AND TAX LOT 23**  
**CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON**  
**MAY, 2006**

NOTE:  
 "A" & "B" ARE  
 NOT LEGALLY  
 SEGREGATED  
 PARCELS



BEARINGS BASED ON SURVEY BOOK  
 53, PAGE 65

BLOCK 11  
 "FRUIT VALLEY HOMES"  
 PLAT BK. E, PG. 52



5-10-06

**MacKay & Sposito, Inc.**



ENGINEERS SURVEYORS PLANNERS  
 1325 SE TECH CENTER DRIVE, SUITE 140, VANCOUVER, WA 98683  
 (360) 695-3411 (509) 289-6726 PTLD FAX (360) 695-0833

**EXHIBIT F**

**Applicable Permits and Substantive Requirements**

### **Applicable Permits and Substantive Requirements**

Work performed shall be in accordance within the substantive requirements of the following laws:

- Chapter 70.105 RCW (Washington State Hazardous Waste Management Act), and Chapter 173-303 WAC (State Dangerous Waste Regulations)
- Chapter 90.48 RCW (State Water Pollution Control Act)
- Chapter 70.95 RCW (Solid Waste Management – Reduction and Recycling)
- Chapter 70.94 RCW (Washington Clean Air Act) and any required permits by the Southwest Clean Air Agency
- Chapter 173-160 RCW (Minimum Standards for Construction and Maintenance of Wells)
- Chapter 43.21C RCW (State Environmental Policy Act), and Chapter 197-11 WAC (State Environmental Policy Act Rules)
- Washington Industrial Safety and Health Act (WISHA)
- City of Vancouver Municipal Codes
- Clark County Municipal Codes