

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

AGREED ORDER

U.S. Oil & Refining Co.
3001 Marshall Avenue
Tacoma, WA 98421

No. DE 8914

TO: Mr. Alan J. Cabodi
U.S. Oil & Refining Co
3001 Marshall Avenue
Tacoma, WA 98421

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and U.S. Oil & Refining Co. (USOR) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires USOR to define the character and extent of a release of gasoline range petroleum hydrocarbons (GRPH) found to exist beneath a section of Port of Tacoma Road, in the vicinity of a former (now abandoned) section of underground pipeline that was operated by USOR. This Order also requires USOR to report the findings of the investigation and to develop options for remediation of the release (RI/FS). 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 owner(s) of the real property that comprise the facility that is the subject of this Order are not parties to this Order. 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. Subject to obtaining necessary authorization or approval for adequate access to the facility to perform the work required herein, USOR agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter USOR's responsibility under this Order. USOR 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 is referred to as 1920 Port of Tacoma Road and is generally located at 1920 Port of Tacoma Road, Tacoma, WA. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. The Site is more particularly described in the Site Diagram Exhibit B. The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology and U.S.Oil & Refining Co.

C. Potentially Liable Person (PLP): Refers to USOR.

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 USOR:

A. Several product transfer lines previously existed at the site, running from the U.S. Oil & Refining Co. (USOR) dock on the Blair waterway, passing beneath the surface of the Facility, and proceeding to their terminus at the USOR refinery across Lincoln Ave. In the past, the lines ran from the dock, down Port of Tacoma Rd. on the northeast side of the road, and

crossed under Port of Tacoma Rd. The historical lines were replaced in 2007-2008 and now cross Port of Tacoma Rd. further to the northwest, running down the southwest side of the road. According to USOR officials, the portion of the abandoned pipelines that run under 1920 Port of Tacoma Road were cleaned, grouted, and left in place when they were replaced. According to USOR staff, USOR reportedly had operated the pipelines since approximately 1958.

B. In 1995, as a result of contaminated soil being encountered by a Tacoma Public Utility crew working near the (then operational) pipeline under Port of Tacoma Road, Ecology sampled soils in the area and found them to be highly contaminated by gasoline range petroleum hydrocarbons (GRPH). At that time, Ecology indicated to USOR that it should initiate an investigation to determine the extent and nature of the problem and further that research indicated that there were no other historical sources of GRPH in the immediate area. Ecology subsequently (1997) performed a site hazard assessment of the Site and added it to the state list of known or suspected contaminated sites, with a rank of 5, where 1 represents the highest relative risk and 5 the lowest.

C. During January 1997 USOR collected 11 soil samples from shallow soil probes on both sides of Port of Tacoma Road and on either side of the pipeline corridor. Hydrocarbon concentrations above clean-up levels were detected in the three probes located closest to the pipeline corridor. Based on these soil probe results, additional soil samples were collected from six test pits that were excavated on adjacent Port of Tacoma property during July 1997 to determine the northeastward extent of petroleum contamination. Diesel range hydrocarbons were found in a limited number of these test pit samples resulting in the excavation of approximately 300 yards of impacted soils during March 1998.

D. During 1998 USOR conducted an evaluation of the contamination potential to the City of Tacoma's waterline in Port of Tacoma Road due to the presence of GRPH in the vicinity of the pipeline corridor. That evaluation concluded that the likelihood of ground water entering the waterline during normal conditions was negligible.

E. During 2007 and 2008 USOR replaced the then existing 5 refinery-to-dock pipelines with 4 new refinery-to-dock pipelines. Soil samples were collected along the entire length of the excavation for the new pipelines including that portion of the excavation adjacent to Port of Tacoma Road and the former Port of Tacoma Road pipeline crossing corridor. No GRPH was detected in these soil samples.

F. From 1993 to present, USOR has collected water samples from an adjacent groundwater monitoring well (MW-USO-5S) located on the southeast side of the former Port of Tacoma Road pipeline crossing corridor and analyzed these samples for gasoline range hydrocarbons, diesel range hydrocarbons and BTEX. Recent analytical data trends show the concentrations of petroleum constituents in groundwater samples collected from this monitoring well to be below cleanup levels and indicate no substantial changes in groundwater concentrations over the previous ten years of monitoring. Throughout this investigation, USOR has been coordinating investigation efforts with personnel from Ecology's SW Regional Office as well as Ecology's Industrial Section.

G. On 12/17/2010, Tacoma Fire Department responded to an incident on Port of Tacoma Road when an asphalt grinder being used by a Tacoma Public Works crew created several explosions as it ground through the roadway to the underlying soil. The crew was removing asphalt in order to repair extensive damage caused by truck traffic that had occurred in the roadway. It is believed that sparks from the grinding ignited GRPH vapors in the soil. Tacoma Fire detected vapors in the soil well above explosive levels. Subsequent soil sampling by Public Works staff indicated GRPH compounds at elevated levels. The grinder was working directly over the abandoned pipeline corridor when the explosions occurred.

H. GRPH compounds are known hazards to human health and the environment. Health hazards from contaminated soils can result from human contact, airborne ingestion, and explosive potential. Environmental hazards result from direct contact by terrestrial animals and to aquatic organisms in surface waters via storm water runoff or groundwater migration.

I. The roadway in this area is approximately 6” thick, receives significant industrialized traffic from cargo-carrying trucks and is in disrepair. In its current condition, this roadway “cap” provides questionable protection from storm water entering the substrate soils. And, as was evidenced by the 12/17/2010 incident, repair of the roadway, itself, yields GRPH related health risks to workers.

VI. ECOLOGY DETERMINATIONS

A. USOR is an "owner or operator" as defined in RCW 70.105D.020(17) of a "facility," as defined in RCW 70.105D.020(5), based on its prior ownership and use of the now abandoned pipeline running under the Port of Tacoma Road Site. USOR was responsible for the subsequent in-place abandonment of the pipeline.

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to USOR dated July 6, 2011, pursuant to RCW 70.105D.040, -.020(21) and WAC 173-340-500. By letter dated August 8, 2011, USOR voluntarily waived its rights to notice and comment and accepted Ecology’s determination that USOR 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. Ecology’s authority includes the power to require a property owner to allow access to its property for a remedial investigation or remediation. 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. If USOR and Ecology jointly concur that Site conditions warrant an interim action consistent with WAC 173-340-430, USOR will provide Ecology with an Interim Action Work Plan, to be approved by Ecology and put into action after opportunity for public comment.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that USOR 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. Prior to accessing the Site, USOR must obtain necessary approvals or authorizations from or provide required notification to any owner of the real property comprising the Site. USOR must also obtain one or more agreements with the City of Tacoma and the Port of Tacoma, that address access and traffic control.

B. Initial work to determine the character and extent of the release shall be performed in accordance with the Ecology approved Remedial Action Work Plan, attached as Exhibit C. Once the investigation work is complete and approved by Ecology, USOR shall prepare a Draft Remedial Investigation/Focused Feasibility Study (RI/FS) that reports the findings of the investigation and presents options for remediation of the release, including cleanup of contaminated soils and groundwater. The focused FS will consider alternatives that

can be practically implemented in the medium term (i.e. before the roadway is repaved which is estimated to be several years in the future) and as part of a major road repaving/improvement project. Each deliverable, once approved by Ecology, becomes an integral and enforceable part of this Order.

C. Scheduling field activities will be complex and will need to be done in coordination with Tacoma Public Works and Port of Tacoma. As work can be scheduled, Ecology will be informed of the timing of various field work activities. The overall tasks, as set out by this Order, shall be completed within the later of six (6) months after the Order has gone into effect or the agreements identified in subsection A, above, have been obtained, but in all events no later than February 1, 2013. Final versions of the documents required by this order will be prepared within 60 days of resolving issues/comments received from Ecology on the draft documents.

D. The Final Remedial Investigation Work Plan will include a health and safety plan, per WAC 173-340-350(7)(C)(IV), and a traffic control plan, approved by the City of Tacoma and Port of Tacoma (as appropriate)

E. 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, Ecology may complete and issue the final deliverable.

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

USOR 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). Ecology has accumulated \$2,997.39 in remedial action costs related to this facility as of October 31, 2011. Payment for this amount shall be submitted within thirty (30) days of the effective date of this Order. For all costs incurred subsequent to October 31, 2011, USOR shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

C. Implementation of Remedial Action

If Ecology determines that USOR has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to USOR, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of USOR's failure, without good cause, to comply with its obligations under this Order, USOR shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that USOR 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, USOR 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:
Marv Coleman, Site Manager/Inspector
Southwest Regional Office/TCP
P.O. Box 47775
Olympia, WA 98504-7775
Phone: 360-407-6259

The project coordinator for USOR is:
Mr. Ty Gaub
U.S. Oil & Refining Co.
3001 Marshall Avenue
Tacoma, WA 98421
Phone: 253-383-1561

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 USOR, and all documents, including reports, approvals, and other correspondence concerning the activities

performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

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.

USOR 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 USOR 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 USOR'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 USOR. USOR shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by USOR 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 USOR 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), applicable access agreements and the traffic control plan approved by the City of Tacoma. 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, USOR 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, USOR shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by USOR pursuant to implementation of this Order. USOR shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow USOR 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.F (Access), Ecology shall notify USOR 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 USOR.

Ecology shall maintain the responsibility for public participation at the Site. However, USOR 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, except for those meetings to negotiate access and traffic management plans. Likewise, Ecology shall notify USOR 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 USOR that do not receive prior Ecology approval, USOR 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. Citizens for a Healthy Bay
917 Pacific Avenue, Suite 100
Tacoma, Washington 98402
253/383-2429
- b. Ecology's Southwest Regional Office
300 Desmond Drive SE
Lacey, Washington 98503
360/407-6300
- c. Tacoma Public Library – Main Branch
Northwest Room
1102 Tacoma Avenue South
Tacoma, WA 98402

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this site shall be maintained in the repository at Ecology's Southwest Regional Office in Lacey, Washington.

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, USOR 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, USOR 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.B (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, USOR 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. USOR 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

USOR'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 USOR 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 USOR including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by property owners, the City of Tacoma or Port of Tacoma in allowing access and arranging for traffic control and public safety protections relating to implementation of the work in this Order, or by Ecology in reviewing, approving, or modifying documents submitted by USOR;

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

c. Endangerment as described in Section VIII.M (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 USOR.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give USOR 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.L (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.M (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.N (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 USOR. USOR 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.J (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 USOR to cease such activities for such period of time as it deems necessary to abate the danger. USOR shall immediately comply with such direction.

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

If Ecology concurs with or orders a work stoppage pursuant to Section VIII.M (Endangerment), USOR'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.K (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 USOR to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against USOR regarding remedial actions required by this Order, provided USOR 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 USOR 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 USOR's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, USOR 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, USOR shall notify Ecology of said transfer. Upon transfer of any

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

2. Pursuant to RCW 70.105D.090(1), USOR 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, USOR shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

USOR 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 USOR 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 USOR shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, USOR 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 USOR and on how USOR must meet those requirements. Ecology shall inform USOR in writing

of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. USOR 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 USOR 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

In the event that hazardous substances above applicable standards are to remain in situ following implementation of an Ecology-approved remedial action plan, USOR, in conjunction with the City of Tacoma and any affected adjacent property owners, shall submit to Ecology one or more proposed institutional controls to limit or prohibit activities that may interfere with the integrity of the remedial action or cause exposure or migration of the remaining hazardous substances. Once approved by Ecology, USOR shall implement any agreed upon institutional controls, which may include recording a Restrictive Covenant with the office of the Pierce County Auditor that shall restrict future uses of the Site. USOR shall provide Ecology with a copy of any recorded Restrictive Covenant within thirty (30) days of the recording date.

R. 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 cleanup action 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, USOR 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.

S. Indemnification

USOR 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 acts or omissions of USOR, its officers, employees, agents, or contractors in entering into and implementing this Order. However, USOR 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 USOR's receipt of written notification from Ecology that USOR has completed the remedial activity required by this Order, as amended by any modifications, and that USOR 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 USOR refuses, without sufficient cause, to comply with any term of this Order, USOR 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

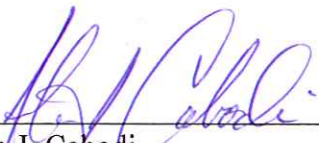
b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

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: May 10th, 2012

U.S. Oil & Refining Co.



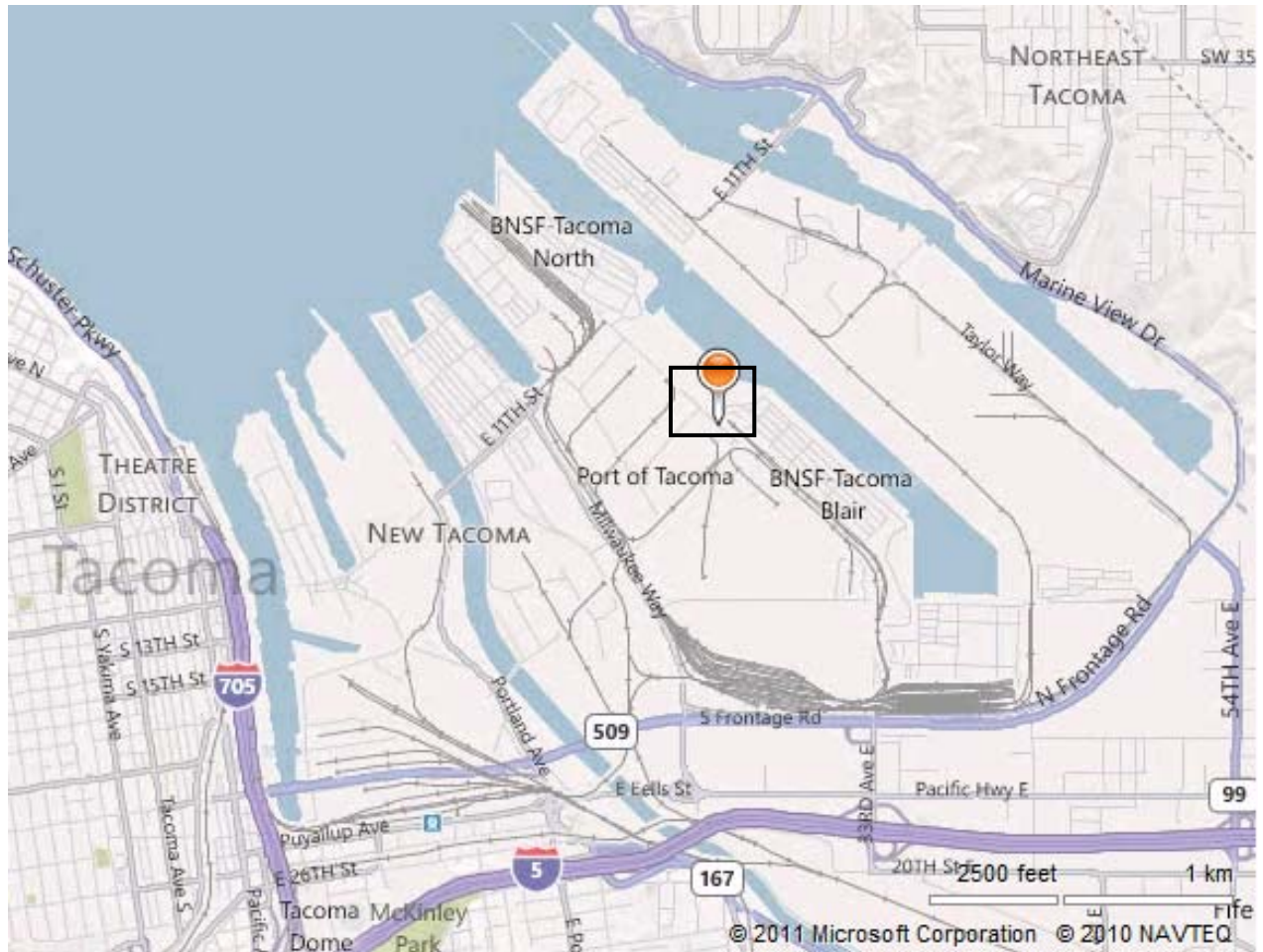
Alan J. Cabodi
Vice-President, Manufacturing
3001 Marshall Ave.
Tacoma, WA 98421
Telephone: (253) 383-1651

**STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY**



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

EXHIBIT A
AREA SITE DIAGRAM



1920 Port of Tacoma Road Map

EXHIBIT B
SPECIFIC SITE DIAGRAM



1920 Port of Tacoma Road Aerial Photo

- Former pipeline
- - - Approximate area of contamination

Petroleum flowed through the pipeline between the dock and the refinery.

The contaminated area is where the pipeline crossed Port of Tacoma Road.

EXHIBIT C
REMEDIAL INVESTIGATION WORK PLAN

|

Dalton, Olmsted & Fuglevand, Inc. *Environmental Consultants*

6034 N Star Rd. • Ferndale, Washington 98248
Telephone (360) 380-0862 (FAX 360-380-0862)
Cell (206) 498-6616 e-mail: mdalton@dofnw.com
(Kirkland, WA Office – 425-827-4588)

MEMORANDUM

TO: Ty Gaub - U.S. Oil

FROM: Matt Dalton

DATE: Agency Draft: November 16, 2011

SUBJECT: Site Investigation Work Plan
1920 Port of Tacoma Road
Tacoma, Washington

REF. NO: USO-023-00

CC: Al Cabodi - U.S. Oil

This memorandum outlines our recommended approach to assess the presence of gasoline-range hydrocarbons beneath a portion of the Port of Tacoma Road located generally between Lincoln Ave and Maxwell Ave. (1920 Port of Tacoma Road). In December 2010, asphalt grinding in the vicinity of the former refinery-to-dock petroleum pipeline crossing caused several flashes. The suspected cause of the flashes were petroleum vapors emanating from soil beneath the roadway. The Washington State Department of Ecology (Ecology) is requiring U.S. Oil & Refining Co. (USOR) to prepare a work plan to assess the nature and extent of the volatile petroleum hydrocarbons that appeared to have caused the flashes.

BACKGROUND

To prepare our recommended approach, we reviewed and compiled existing information. The first indications that a release had occurred were discovered by the City of Tacoma (City) utilities department in 1995 during a road excavation. The City reported "*very contaminated soil*" was encountered approximately 30 feet south of the USOR pipeline easement in the northbound driving lane. USOR worked with the City to assess the possible extent of the release by sampling near-by monitoring wells, completing soil sampling and reviewing pipeline hydrotest records. A review of chromatograms indicted that the predominate hydrocarbon present beneath the roadway was likely gasoline or weathered gasoline. By late 1996, Ecology informed USOR that the department could not identify any other potential sources of the observed release.

In January 1997, eleven geoprobes (Figure 1) were completed by Dalton, Olmsted & Fuglevand, Inc. (DOF) for USOR along the sides of the roadway where petroleum constituents were detected in the vicinity of the former pipeline crossing. The work was done as part of a City waterline repair project (DOF 1997a, 1997b, 1998). In June 1997 CeCon (for the City) dug a series of bell holes to repair the water line. Contaminated soil was reported to be present in two excavations in the vicinity of the pipeline easement. A small cleanup of soil containing diesel range hydrocarbons also occurred in 1997.

In June 1998, USOR completed re-location of the refinery-to-dock pipelines that were re-routed to accommodate a Port of Tacoma terminal development project. The lines beneath the roadway to the USOR marine terminal entrance were flushed, filled with grout and abandoned in-place. Any contaminated soil encountered during the relocation was removed from the excavations. The location of the former and existing pipelines are shown on Figure 1.

In 2007, a new 24-inch pipeline was installed from the refinery to the marine terminal. In addition two existing 8-inch (gasoline) and one existing 10-inch (jet/diesel) pipelines from the refinery to the Port of Tacoma road right-of-way were abandoned in-place and replaced with two new 8-inch (gasoline) and one new 10-inch (jet/diesel) pipelines. This project also included the removal of the 8-inch fuel oil line from the refinery to the marine terminal. During this work, staff from DOF observed the pipeline excavations. No evidence of petroleum hydrocarbons were detected in the excavation along Port of Tacoma road. The field observations were confirmed by analysis of soil samples collected from the excavation (shown on Figure 1).

On December 17, 2010, Dave Cooper (DOF) visited the site after the flashes had been detected during asphalt grinding. The top 4-inches of asphalt had been ground off. The subgrade consisted of crushed rock and soft asphalt that had a very strong gasoline odor. Mr. Cooper collected a sample of the subgrade materials and submitted the sample to Analytical Resources Inc. (ARI) for analysis of petroleum hydrocarbons using methods NWTPH-HCID and TPHg/BTEX. The results of the analysis are listed below:

Analyte	Concentration (mg/kg)
Benzene	5.3
Toluene	96
Ethylbenzene	40
m,p-Xylene	310
o-Xylene	120
Gasoline Range Hydrocarbons	5,200
Type	Mixture of gasoline/weather gasoline and other gasoline range organics that do not match a gasoline pattern

The results of field observations and soil analytical data collected between 1997 and 2010 are graphically shown on Figure 1. Gasoline range hydrocarbon concentrations were

detected above cleanup levels (CULs¹) in soil samples from the 1997 probes P-3W, P-4W and P-9E and the 2010 subgrade sample. These locations appear to generally define the approximate area where the asphalt grinding flashes were observed and where soils containing gasoline range hydrocarbons are present beneath the roadway.

To further assess the possible source of petroleum hydrocarbons beneath the roadway, shallow aquifer monitoring well MW-USO-5S was sampled on December 20, 2010 and April 23, 2011 (DOF 2011). This monitoring well is located on the southwest side of the roadway near the pipeline alignment (Figure 1). The collected groundwater samples were analyzed for petroleum hydrocarbons including gasoline range and aromatic hydrocarbons. The recent results were compared to the results available for samples from this well since 1993. The data indicated no significant recent changes to dissolved groundwater concentrations had occurred.

SITE LAYOUT

The project area, for purposes of this work plan, lies beneath 200 to 300 feet (100 to 150 feet on either side of the former pipeline easement) of the heavily used Port of Tacoma Road (Figure 1). The paved roadway is approximately 60 feet wide composed of four traffic lanes and a central turn lane. The entrance to the Washington United Terminal is present on the northeast side of the roadway and a separate north-bound truck lane provides access to the terminal entrance.

The roadway surface generally consists of asphalt. However, in the area of the December 2010 asphalt grinding, a concrete patch was placed. The approximate location of the concrete patch is shown on Figure 1.

Three utility lines lie beneath the roadway at the approximate locations shown on Figure 1. The lines include a water line and two sewer lines (separate sanitary and storm lines). Other buried utilities (electrical/communication lines) may be present that will be field located as part of the required one-call utility checks.

GEOLOGY

The logs of previously drilled soil borings indicate that the near surface soils consist of seven to eight feet of dredged fill sand that overlies natural fine grained tidal flat deposits. The tidal flat deposit acts as an aquitard and is generally eight to eleven feet thick. The water tables lies at depths of two to five feet below grade, depending on season.

¹ Contained in the Washington State Model Toxics Control Act (MTCA - Chapter 173-340 WAC).

SAMPLING WORK PLAN

The objective of the proposed sampling is to define the extent of petroleum containing soil (PCS) with gasoline range hydrocarbons that pose a threat to human health and the environment, especially to workers involved with utility repairs. Sampling is complicated by the target area lying beneath a very busy roadway with heavy truck traffic destined to marine terminals. To meet the project objectives, the following work would be completed.

- A Health & Safety Plan (HSAP) would be prepared.
- A traffic control plan would be prepared and a street use permit would be obtained from the City of Tacoma. It is likely that sampling would need to be completed during a weekend when truck traffic is lower as compared to week days. A conversation with Scott Hooton (Port of Tacoma) indicates that sampling could likely be conducted in the truck lane on weekends and should also be coordinated with the Port for a period with lower container ship loading and unloading, that would also reduce truck traffic.
- The sewer lines and abandoned pipelines were approximately located by the City on November 1, 2011. Prior to the start of probing a "one-call" utility locate would be completed, as required by law. A Vactor truck may be used to confirm buried utility locations.
- A series of push-probes would be advanced to sample soils beneath the target area. A conceptual probe location layout is shown on Figure 2. Probe locations may be revised based on field conditions and traffic control considerations. Probes furthest from the pipeline easement would be initially sampled, followed by probes closer to the known area containing petroleum residues.
- The probes would be advanced two feet into the top of the underlying aquitard. Drilling depths are estimated at eight to ten feet. Soil sampling would occur on a continuous basis using a macro or dual tube sampler. As soil samples are retrieved from the sampler, they would be described and indications of the presence of petroleum hydrocarbon would be noted (i.e. odors and sheens). Organic vapors would be measured in sample head-spaces using a photo-ionization detector. Based on the observations and PID measurements, geologic logs would be prepared.
- Probe coordinate locations would be determined using a DGPS to (+/- 1.0 feet).
- Five soil samples would be collected from each probe on approximately two foot intervals, including a sample from near the water table and a sample from the underlying aquitard. Samples would be placed in glass jars, be labeled and be

placed into chilled coolers for transport to the analytical laboratory. Sample handling would be documented using standard chain-of-custody procedures.

- Two to three samples from each probe would be analyzed for petroleum hydrocarbons by a Washington State Certified laboratory, including the sample from near the water table and the aquitard sample. The remaining samples would be archived for possible later analysis. It is anticipated that ARI will complete the following analyses using the indicated methods:
 - Gasoline range hydrocarbons (NWTPH-G)
 - Aromatic hydrocarbons - benzene, toluene, ethylbenzene and xylenes (SW 8021BMod).

- A report would be prepared to include the following:
 - Site plan showing probe locations,
 - Geologic logs and probe coordinate locations,
 - Tabulated analytical data,
 - Laboratory data sheets (inc. chain-of-custody records),
 - Sampling narrative, and
 - Estimation of the area and depth where soil cleanup levels are exceeded.

SCHEDULE

Because of coordination issues, a schedule cannot be reliability developed at this time. Once the work plan is approved by Ecology, DOF will coordinate preparation of a traffic control plan and obtaining a street use permit. While these tasks are being accomplished, USOR and DOF will work with the Port to schedule the drilling at a time when truck traffic is expected to be low. USOR will keep Ecology informed of progress and the sampling schedule.

REFERENCES

DOF (Dalton, Olmsted & Fuglevand, Inc.), 1997a, Preliminary Characterization of Soil Quality Conditions Adjacent to U.S. Oil & Refining Pipelines, Port of Tacoma Road, March 18, 1997.

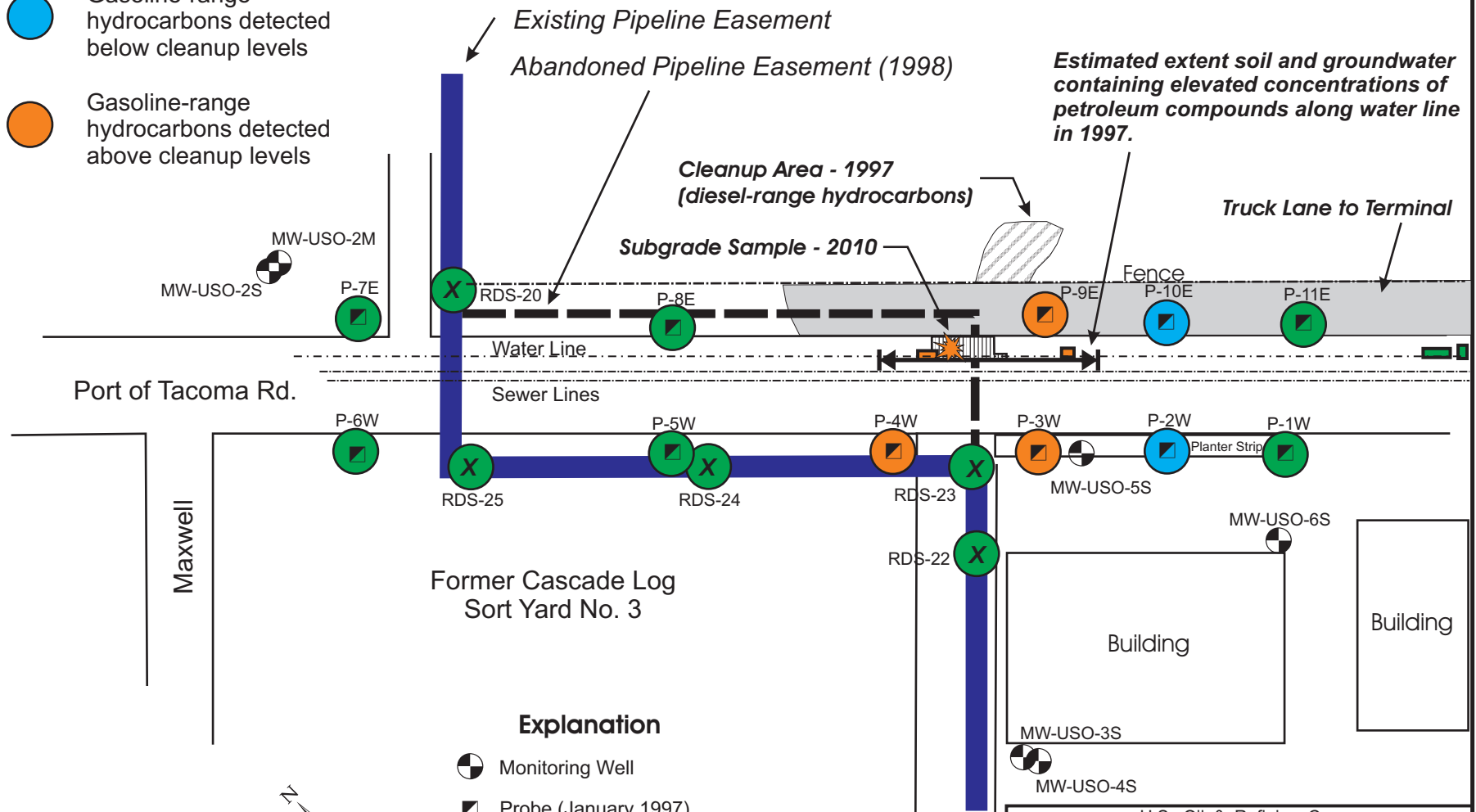
DOF, 1997b, Observations of Roadway Excavations by City of Tacoma to Repair Waterline Leaks in Vicinity of U.S. Oil & Refining Pipelines, Port of Tacoma Road, June 20, 1997.

DOF, 1998, Independent Remedial Action Report, Cleanup of Impacted Soils Associated with Refinery to Dock Pipeline Corridor Improvements, U.S. Oil & Refining Co., Tacoma, Washington, April 17, 2008.

DOF, 2011, Groundwater Quality Trends, Monitoring Well USO-05S, Technical Memorandum to Ty Gaub (U.S. Oil & Refining Co.), May 3, 2011.

Attachments: Figure 1 - Site Plan
Figure 2 - Proposed Probe Locations

- No past evidence presence gasoline-range hydrocarbons
- Gasoline-range hydrocarbons detected below cleanup levels
- Gasoline-range hydrocarbons detected above cleanup levels



Estimated extent soil and groundwater containing elevated concentrations of petroleum compounds along water line in 1997.

Cleanup Area - 1997 (diesel-range hydrocarbons)

Subgrade Sample - 2010

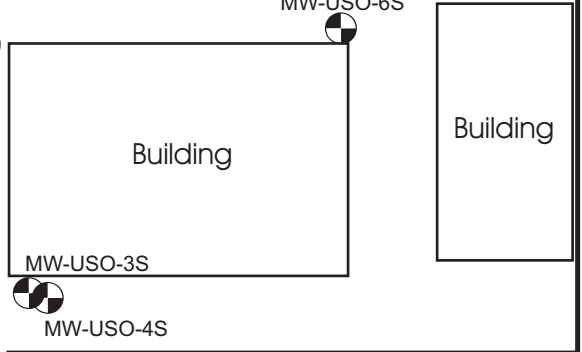
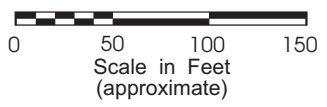
Truck Lane to Terminal

Port of Tacoma Rd.

Former Cascade Log Sort Yard No. 3

Explanation

- Monitoring Well
- Probe (January 1997)
- Excavation Soil Sample (Nov. 2007)
- Water Line Break Excavation (June 1997)
- Concrete Patch (2010)



U.S. Oil & Refining Co.
Tacoma, Washington

Site Plan

USO-023-00 **FIGURE 1** Nov. 2011
Dalton, Olmsted & Fuglevand, Inc.

● No past evidence presence gasoline-range hydrocarbons

● Gasoline-range hydrocarbons detected below cleanup levels

● Gasoline-range hydrocarbons detected above cleanup levels

⊕ Proposed Geoprobe Conceptual Layout

Existing Pipeline Easement

Abandoned Pipeline Easement (1998)

Cleanup Area - 1997
(diesel-range hydrocarbons)

Subgrade Sample - 2010

Estimated extent soil and groundwater containing elevated concentrations of petroleum compounds along water line in 1997.

Truck Lane to Terminal

Fence

Water Line

Sewer Lines

Port of Tacoma Rd.

Maxwell

Former Cascade Log Sort Yard No. 3

Building

Building

DRAFT

Explanation

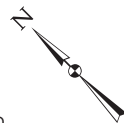
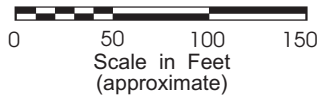
⊕ Monitoring Well

▣ Probe (January 1997)

X Excavation Soil Sample (Nov. 2007)

▭ Water Line Break Excavation (June 1997)

▨ Concrete Patch (2010)



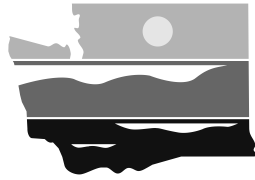
Ref: Prop Probes-2011.cdr

U.S. Oil & Refining Co.
Tacoma, Washington

Proposed Probe Locations

USO-023-00 **FIGURE 2** Nov. 2011
Dalton, Olmsted & Fuglevand, Inc.

EXHIBIT D
PUBLIC PARTICIPATION PLAN



DEPARTMENT OF
ECOLOGY
State of Washington

PUBLIC PARTICIPATION PLAN

**1920 Port of Tacoma Road Site
Tacoma, Washington**

Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
PO Box 47775
Olympia, Washington 98504-7775

December / 2011

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INTRODUCTION

Public participation plans promote meaningful involvement during cleanups. This plan describes the tools Ecology will use to inform the public about the 1920 Port of Tacoma Road cleanup and gather input.

A proposed Agreed Order (legal agreement) requires U.S. Oil & Refining to:

- Investigate the site (Remedial Investigation);
- Look at cleanup options (Feasibility Study); and
- Draft a cleanup plan (Cleanup Action Plan).

Ecology will make the cleanup plan final and draft a new agreement with U.S. Oil & Refining for the cleanup.

LOCATION AND SITE BACKGROUND

The site is located at 1920 Port of Tacoma Road, in the Tacoma Tideflats. It is in an industrial area, near the Blair Waterway. The extent of contamination found during the Remedial Investigation will set the site boundary. See page 6 for a map.

Site Background

Starting in 1958, U.S. Oil & Refining Co. used five pipelines to move petroleum back and forth from its dock on the Blair Waterway to its refinery on Lincoln Ave. At some point, these pipelines released petroleum into the surrounding soil, causing contamination.

In 1995, a work crew found contaminated soil. Ecology did sampling and found gasoline-range petroleum hydrocarbons, which are harmful to human health. The vapors also pose a risk because they can explode.

U.S. Oil & refining is now beginning a formal cleanup under Washington's Model Toxics Control Act (MTCA). MTCA requires that cleanup meet standards that are safe for both human health and the environment. For more information on MTCA, please visit Ecology's website at <http://www.ecy.wa.gov/biblio/ftc94129.html>.

SITE CLEANUP PROCESS

Toxic sites are cleaned up in stages, described below. Each stage has a related report or plan that the public is welcome to review and comment on.

Remedial Investigation & Feasibility Study (RI/FS) - The RI looks at the extent and type of pollution on the site, and possible human health and environmental impacts. The FS weighs different cleanup options.

Interim Actions - Ecology may allow Interim Actions to partly clean up a site before the final cleanup plan is complete.

Cleanup Action Plan (CAP) - The CAP describes the cleanup methods and how they will meet Ecology's cleanup standards.

Cleanup - Cleanup removes contaminants from the site, contains them on the site, or treats them to make them less toxic. Ecology will make sure that U.S. Oil & refining follows the CAP and can require future monitoring. Major changes to the CAP require a public comment period.

Delisting - Ecology keeps track of toxic cleanup sites on the Hazardous Sites List. Once cleanup is complete, the public will have a chance to comment before Ecology takes a site off the list.

Fine more information about toxic cleanups on Ecology's website:

http://www.ecy.wa.gov/programs/tcp/cu_support/cu_process_steps_defns.htm.

PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup. This section describes what tools and activities Ecology will use to share information and take public comments.

Formal Public Comment Periods

Ecology gets feedback from the public on proposed cleanup decisions during comment periods. They last at least 30 days and state law requires them at key points during the cleanup, before final decisions are made. During a comment period, the public can comment in writing. Ecology can only take verbal comments during a public hearing.

After comment periods, Ecology reviews all comments and may respond in a document called a Responsiveness Summary. Ecology considers the need for changes or revisions to a document or decision based on input from the public. If there are major changes, Ecology may hold a second comment period. If there are no major changes, Ecology will finalize the draft document(s).

Public Meetings and Hearings

Ecology may hold public meetings at key points during the cleanup. Ecology will also hold a public meeting if ten or more people request one. These meetings will be at places and times convenient to the public.

Information Repositories

These are places where the public can review site information, including public comment period documents. Ecology has three repositories for this site:

- Tacoma Public Library, 1102 Tacoma Ave, Tacoma 98402. (253) 591-5666.
- Citizens for a Healthy Bay – 917 Pacific Ave. S, Suite 100, Tacoma 98402. (253) 383-2429.
- Washington State Department of Ecology, 300 Desmond Drive, Lacey 98516. Please call (360) 407-6045 for an appointment.

See also Ecology’s website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=3801>

Site Register

Ecology’s Toxics Cleanup Program uses its bimonthly Site Register to announce public meetings and comment periods, and many other activities. To receive the Site Register by e-mail, contact Seth Preston at (360) 407-6848 or Seth.Preston@ecy.wa.gov. It is also on Ecology’s website: http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

Mailing List

Ecology’s mailing list for this site includes neighboring landowners and businesses, public agencies, and other known interested parties. Ecology’s Southwest Regional Office maintains the list and will update it as needed. Please contact Hannah Aoyagi at (360) 407-6790 or Hannah.Aoyagi@ecy.wa.gov if you would like to have your address added to or deleted from this mailing list.

Fact Sheets

Ecology will mail fact sheets to people and groups interested in this cleanup. Fact sheets will announce comment periods and public meetings. Ecology also may mail fact sheets with updates on cleanup progress.

Newspaper Display Ads

Ecology will place ads in the Tacoma News Tribune to announce public comment periods and public meetings for the site.

Plan Update

Ecology may update this Public Participation Plan as the project moves forward. The public will have a chance to comment on any major changes to the plan.

Contacts

If you have questions or need more information about this plan or the 1920 Port of Tacoma Road cleanup, please contact:

Marv Coleman, Site Manager
 WA Department of Ecology
 PO Box 47775
 Olympia, WA 98504-7775
 Tel: (360) 407-6259
 Email: Marv.Coleman@ecy.wa.gov

Hannah Aoyagi, Public Involvement
 Coordinator
 WA Department of Ecology
 Tel: (360) 407-6790
 Email: Hannah.Aoyagi@ecy.wa.gov



Figure 1. 1920 Port of Tacoma Road Aerial Photo

- Former pipeline
- - - Approximate area of contamination

Petroleum flowed through the pipeline between the dock and the refinery.

The contaminated area is where the pipeline crossed Port of Tacoma Road.

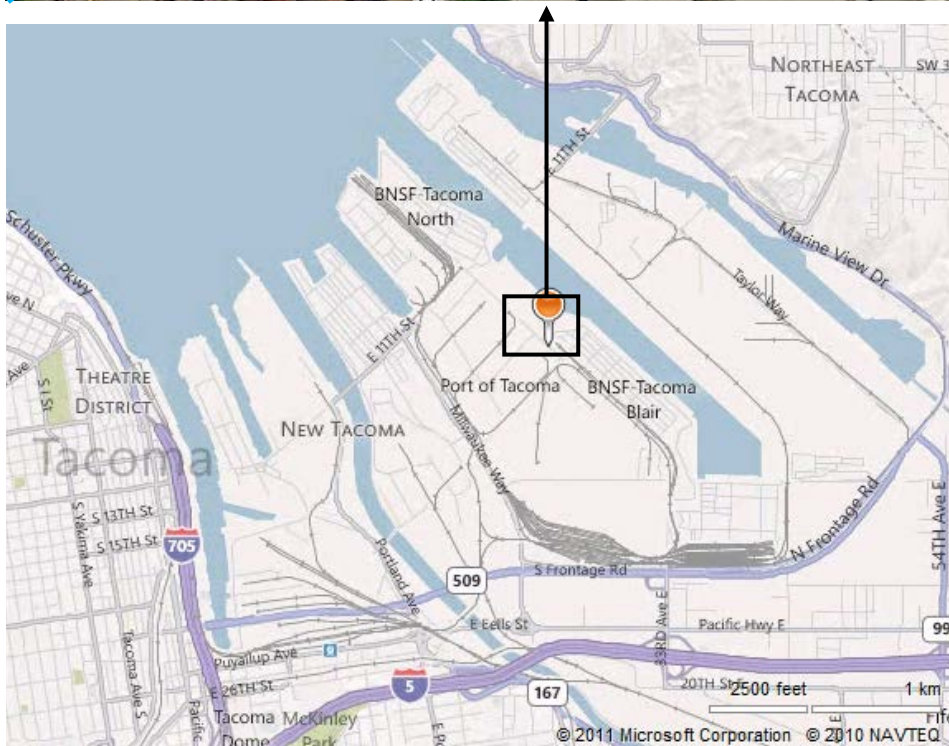


Figure 2. 1920 Port of Tacoma Road Map

GLOSSARY

Agreed Order: A legal agreement between Ecology and a Potentially Liable Person (see below) to conduct work toward a cleanup.

Cleanup: Actions that deal with a release, or threatened release of hazardous substances that could affect public health or the environment. Ecology often uses the term "cleanup" broadly to describe response actions or phases of cleanup.

Cleanup Action Plan (CAP): A plan that explains which cleanup option(s) will be used at a site. The Remedial Investigation and Feasibility Study provide the data and analysis to write a CAP. It also takes into account public comments and public concerns.

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

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In some areas, ground water occurs in large enough amounts to be used for drinking water, irrigation and other purposes.

Information Repository: A file containing site information and reports for public review. It is usually located in a public building convenient for local residents, such as a public school, city hall, or library.

Model Toxics Control Act (MTCA): A law passed by Washington voter initiative in 1988. Its purpose is to find, investigate, and clean up places where hazardous substances have been released. It defines Ecology's role and encourages public involvement in cleanup decisions.

Potentially Liable Person: Any individual(s) or company(s) potentially responsible for, or contributing to, the contamination problems at a site. Whenever possible, Ecology requires these PLPs to clean up sites.

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

Site: Any area where a hazardous substance, other than a consumer product in consumer use, has come to be located.

Toxicity: How much harm a substance causes to living organisms, including people, plants and animals, at a certain concentration.