

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

AGREED ORDER

CHS Inc.
(formerly known as CENEX Supply and
Marketing Inc.)

No. 4033

TO: Jerry Eide
CHS Inc.
763 Willoughby Lane
Stevensville, MT 59870

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EXHIBIT A. Site Diagrams

EXHIBIT B. Remedial Investigation and Feasibility Study Work Plan

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and CHS Inc. (CHS) 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 CHS to implement a Remedial Investigation/Feasibility Study (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 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. CHS agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter CHS' responsibility under this Order. CHS 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 CHS Auburn and is generally located at 238 8th Street SE, Auburn, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. Based upon factors currently known to Ecology,

the Site is more particularly described in the Site Diagrams (Exhibit A). The Site constitutes a Facility under RCW 70.105D.020(4).

- B. Parties: Refers to the State of Washington, Department of Ecology and CHS.
- C. Potentially Liable Person (PLP): Refers to CHS.
- 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 CHS:

- A. CHS is a registered, for-profit corporation headquartered in the state of Minnesota.
- B. CHS is the owner of the property located at 238 8th Street SE, Auburn, Washington 98002, (herein after the CHS Property) located in the City of Auburn, King County, Washington. CHS is the corporate successor of Cenex Supply and Marketing, Inc.
- C. A release of petroleum hydrocarbons has occurred at the Site.
- D. CHS identified petroleum hydrocarbons in soil and groundwater at the CHS Property and adjacent areas to the north-northeast in mid-1994. A leaking product line associated with the above-ground bulk fuel storage tanks was identified as one of the sources at the Site. The volume of the release was originally estimated at approximately 12,000 gallons. The total volume of product recovered to date exceeds 13,000 gallons.
- E. An Emergency Agreed Order (No. DE 94 TC-N396), effective date November 7, 1994 between CENEX Supply and Marketing, Inc. and Ecology was implemented to perform emergency remedial actions to protect human health and the environment. This Agreed Order No. 4033 supersedes and replaces Ecology’s and CHS’s obligations under the previous Emergency Agreed Order No. DE 94 TC-N396.
- F. CHS performed product recovery, groundwater recovery/treatment, air sparging, and soil vapor extraction in a phased remedial action.

G. The emergency remedial actions were successful in reducing the risk to human health and the environment. However, petroleum hydrocarbon impacted soils and groundwater persist at the Site above MTCA cleanup levels.

H. The extent of contamination has not yet been fully characterized and a RI/FS is required to investigate the Site further.

VI. ECOLOGY DETERMINATIONS

A. CHS 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. By execution of a waiver dated October 18, 2006, CHS voluntarily waived its rights to notice and comment and accepted Ecology's determination that CHS is a "potentially liable person" under RCW 70.105D.040 solely for purposes of entering into this Order and for subsequently entering into a Consent Decree settlement.

D. Pursuant to RCW 70.105D.030(1) and -.050(1), Ecology may require CHS 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. The existing air sparge system shall continue to operate during the development of the RI/FS along with

groundwater monitoring. Ecology, in consultation with CHS will use the groundwater monitoring results and system performance report due in October 2006 to set the optimal level of operation for the air sparge system. These activities 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 CHS 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. Provide for the ongoing operation, maintenance, monitoring, and optimization of the existing treatment system.
- B. Perform a RI/FS that includes a Health and Safety Plan in accordance with WAC 173-340-810 and a Sampling and Analysis Plan in accordance with WAC 173-340-350.
- C. Enter electronic data into Ecology's Environmental Information Management (EIM) System.
- D. The schedule for performance and/or deliverables is attached in Exhibit B (RI/FS Work Plan) and is hereby made a fully enforceable part of this Order.
- 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

CHS 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 shall notify CHS in writing prior to using technical staff outside of Ecology or the Washington State Attorney General's Office on this project. CHS 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 un-reimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

C. Implementation of Remedial Action

If Ecology determines that CHS has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to CHS, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of CHS' failure to comply with its obligations under this Order, CHS shall reimburse Ecology for the costs of doing such work in accordance with Section VIII B.(Remedial Action Costs), provided that CHS 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, CHS 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:

Brian S. Sato, P.E.
Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7265

The project coordinator for CHS is:

Jerry Eide
763 Willoughby Lane
Stevensville, MT 59870
(406) 777-0114

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 CHS, 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.

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

Ecology shall maintain the responsibility for public participation at the Site. However, CHS 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 CHS 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 CHS that do not receive prior Ecology approval, CHS 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. Auburn Public Library
1102 Auburn Way South
Auburn, WA 98002
- b. Ecology's Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

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, CHS 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, CHS 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, CHS 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. CHS may then request regional management review of the decision. This request shall be submitted in writing to the Northwest 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 CHS' 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 CHS 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 CHS 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 CHS;
- 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 CHS.

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

In the event CHS 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, CHS may cease such activities. CHS 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 CHS shall provide Ecology with documentation of the basis for the

determination or cessation of such activities. If Ecology disagrees with CHS' cessation of activities, it may direct CHS to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII, M. (Endangerment), CHS' 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 CHS to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against CHS regarding remedial actions required by this Order, provided CHS 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 CHS 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 CHS' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, CHS 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, CHS shall notify Ecology of said transfer. Upon transfer of any interest, CHS 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 CHS 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, other than street use permits and the Water Well Construction Act, Chapter 18.104 RCW, have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), CHS 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, CHS 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.

CHS 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 CHS 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 CHS shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, CHS 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

CHS and on how CHS must meet those requirements. Ecology shall inform CHS in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. CHS 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 CHS 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. Indemnification

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

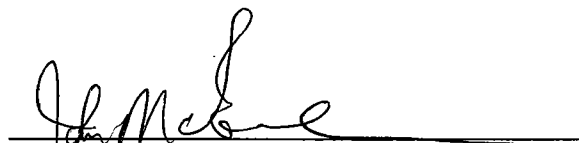
b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

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: _____

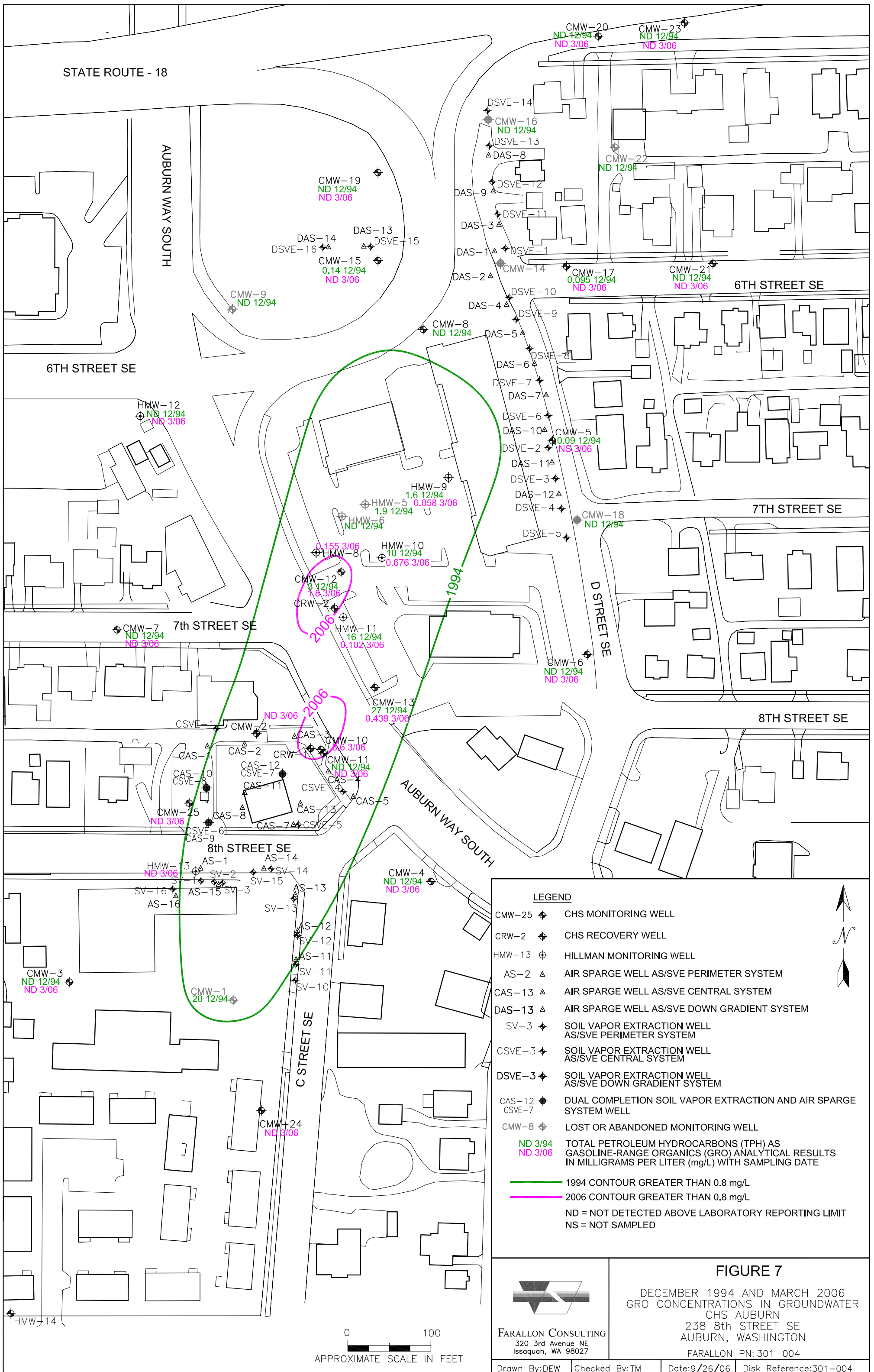
CHS Inc.



John McEnroe
Senior Vice President
Inver Grove Heights, Minnesota
Telephone: (651) 355-6000

**STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY**

Steven M. Alexander
Section Manager
Toxics Cleanup Program
Northwest Regional Office
Telephone: (425) 649-7054



LEGEND

- CMW-25 ◆ CHS MONITORING WELL
- CRW-2 ◆ CHS RECOVERY WELL
- HMW-13 ◆ HILLMAN MONITORING WELL
- AS-2 ▲ AIR SPARGE WELL AS/SVE PERIMETER SYSTEM
- CAS-13 ▲ AIR SPARGE WELL AS/SVE CENTRAL SYSTEM
- DAS-13 ▲ AIR SPARGE WELL AS/SVE DOWN GRADIENT SYSTEM
- SV-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE PERIMETER SYSTEM
- CSVE-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE CENTRAL SYSTEM
- DSVE-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE DOWN GRADIENT SYSTEM
- CAS-12 ◆ CSVE-7 ◆ DUAL COMPLETION SOIL VAPOR EXTRACTION AND AIR SPARGE SYSTEM WELL
- CMW-8 ◆ LOST OR ABANDONED MONITORING WELL
- ND 3/94 (green) / ND 3/06 (pink) TOTAL PETROLEUM HYDROCARBONS (TPH) AS GASOLINE-RANGE ORGANICS (GRO) ANALYTICAL RESULTS IN MILLIGRAMS PER LITER (mg/L) WITH SAMPLING DATE
- (green) 1994 CONTOUR GREATER THAN 0.8 mg/L
- (pink) 2006 CONTOUR GREATER THAN 0.8 mg/L
- ND = NOT DETECTED ABOVE LABORATORY REPORTING LIMIT
- NS = NOT SAMPLED

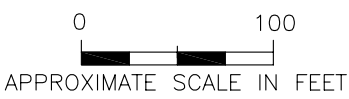
FIGURE 7

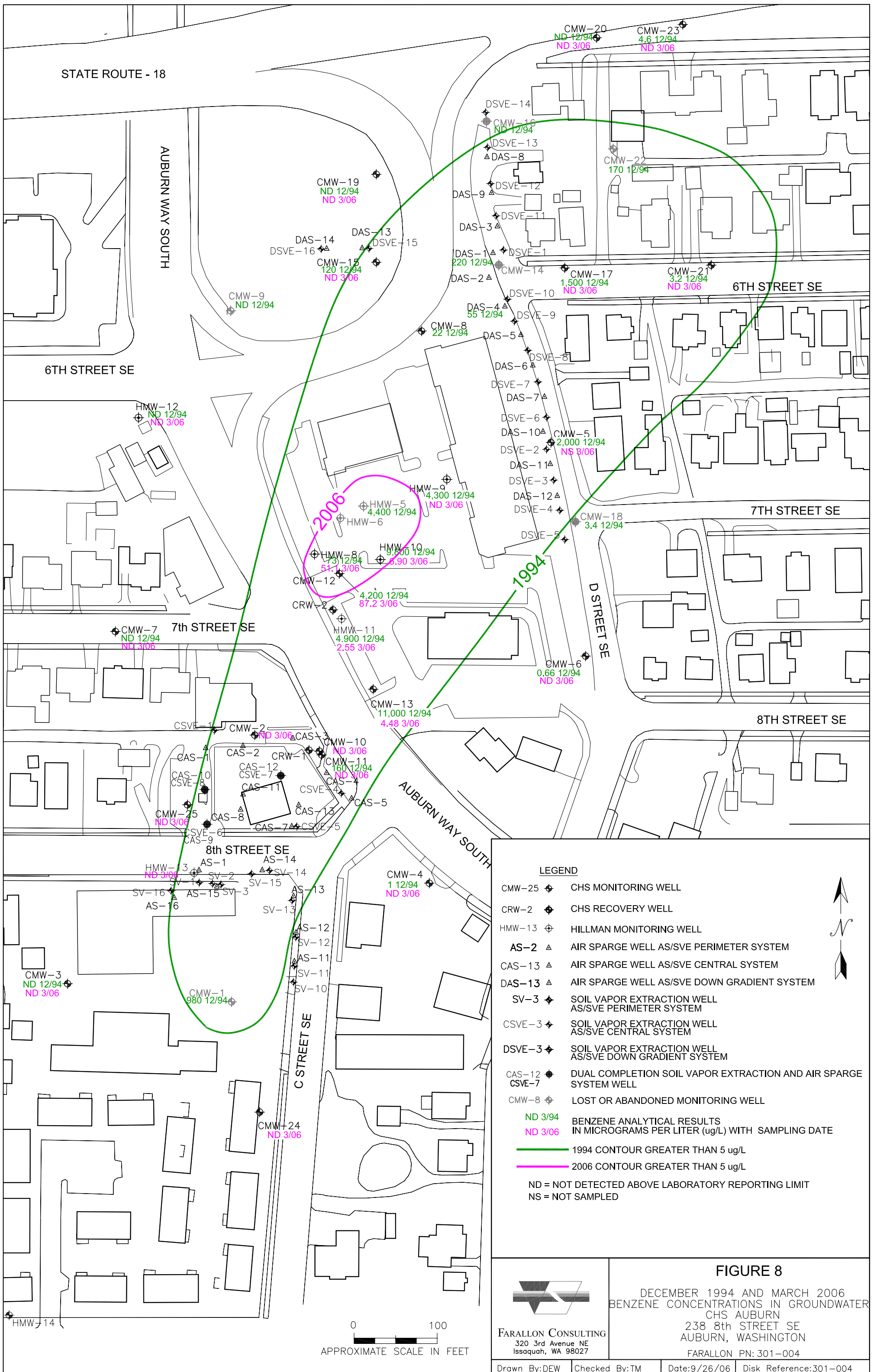
DECEMBER 1994 AND MARCH 2006
GRO CONCENTRATIONS IN GROUNDWATER
CHS AUBURN
238 8th STREET SE
AUBURN, WASHINGTON

FARALLON PN: 301-004

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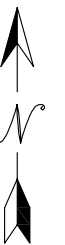
Drawn By:DEW Checked By:TM Date:9/26/06 Disk Reference:301-004





LEGEND

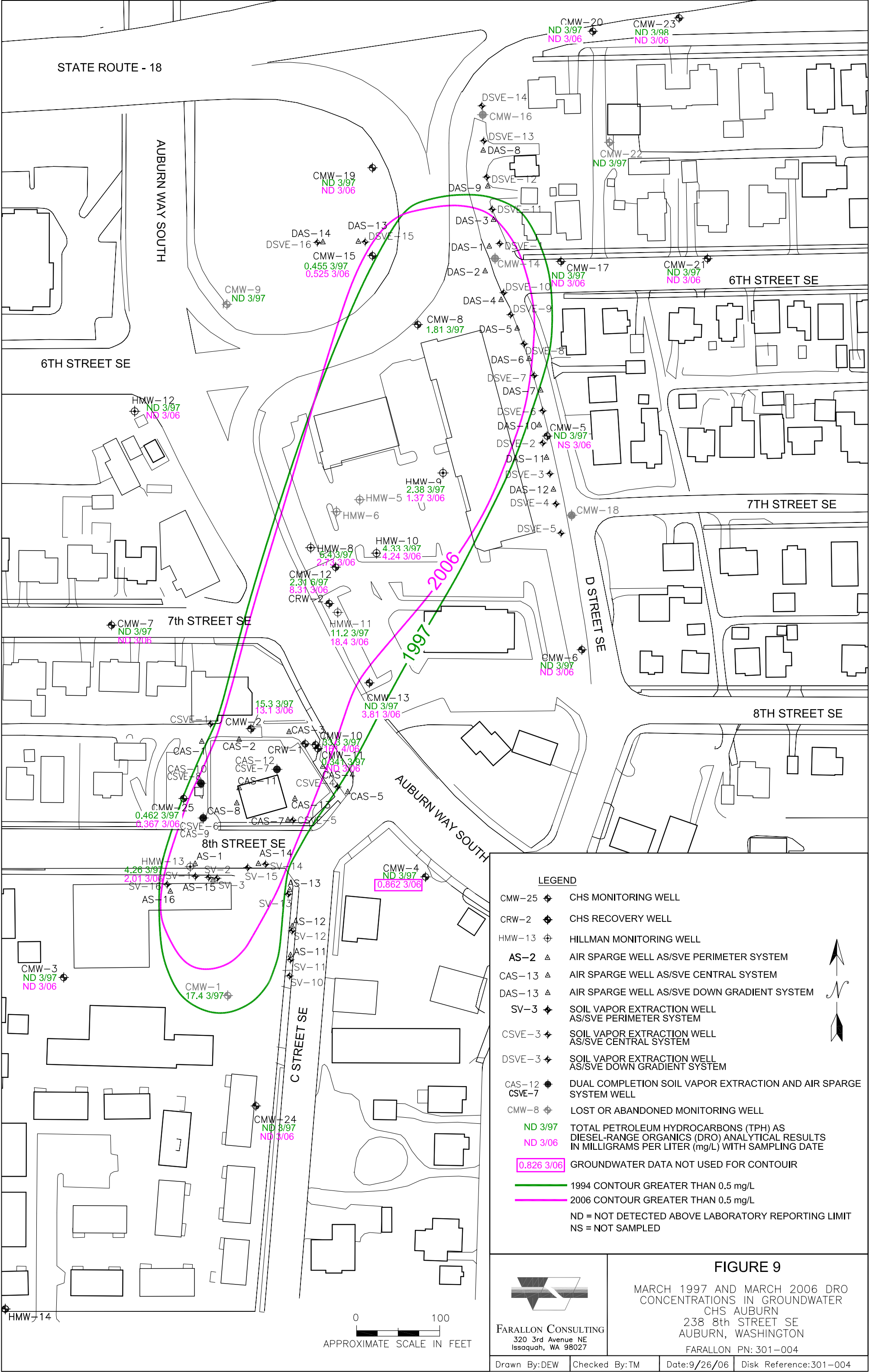
- CMW-25 ◆ CHS MONITORING WELL
- CRW-2 ◆ CHS RECOVERY WELL
- HMW-13 ⊕ HILLMAN MONITORING WELL
- AS-2 ▲ AIR SPARGE WELL AS/SVE PERIMETER SYSTEM
- CAS-13 ▲ AIR SPARGE WELL AS/SVE CENTRAL SYSTEM
- DAS-13 ▲ AIR SPARGE WELL AS/SVE DOWN GRADIENT SYSTEM
- SV-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE PERIMETER SYSTEM
- CSVE-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE CENTRAL SYSTEM
- DSVE-3 ◆ SOIL VAPOR EXTRACTION WELL AS/SVE DOWN GRADIENT SYSTEM
- CAS-12 ● CSVE-7 ● DUAL COMPLETION SOIL VAPOR EXTRACTION AND AIR SPARGE SYSTEM WELL
- CMW-8 ◆ LOST OR ABANDONED MONITORING WELL
- ND 3/94 BENZENE ANALYTICAL RESULTS IN MICROGRAMS PER LITER (ug/L) WITH SAMPLING DATE
- ND 3/06
- 1994 CONTOUR GREATER THAN 5 ug/L
- 2006 CONTOUR GREATER THAN 5 ug/L
- ND = NOT DETECTED ABOVE LABORATORY REPORTING LIMIT
- NS = NOT SAMPLED




0 100
APPROXIMATE SCALE IN FEET

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FIGURE 8
DECEMBER 1994 AND MARCH 2006
BENZENE CONCENTRATIONS IN GROUNDWATER
CHS AUBURN
238 8th STREET SE
AUBURN, WASHINGTON
FARALLON PN: 301-004



LEGEND	
CMW-25	CHS MONITORING WELL
CRW-2	CHS RECOVERY WELL
HMW-13	HILLMAN MONITORING WELL
AS-2	AIR SPARGE WELL AS/SVE PERIMETER SYSTEM
CAS-13	AIR SPARGE WELL AS/SVE CENTRAL SYSTEM
DAS-13	AIR SPARGE WELL AS/SVE DOWN GRADIENT SYSTEM
SV-3	SOIL VAPOR EXTRACTION WELL AS/SVE PERIMETER SYSTEM
CSVE-3	SOIL VAPOR EXTRACTION WELL AS/SVE CENTRAL SYSTEM
DSVE-3	SOIL VAPOR EXTRACTION WELL AS/SVE DOWN GRADIENT SYSTEM
CAS-12 CSVE-7	DUAL COMPLETION SOIL VAPOR EXTRACTION AND AIR SPARGE SYSTEM WELL
CMW-8	LOST OR ABANDONED MONITORING WELL
ND 3/97	TOTAL PETROLEUM HYDROCARBONS (TPH) AS
ND 3/06	DIESEL-RANGE ORGANICS (DRO) ANALYTICAL RESULTS IN MILLIGRAMS PER LITER (mg/L) WITH SAMPLING DATE
0.826 3/06	GROUNDWATER DATA NOT USED FOR CONTOUR
(Green line)	1994 CONTOUR GREATER THAN 0.5 mg/L
(Pink line)	2006 CONTOUR GREATER THAN 0.5 mg/L
ND	= NOT DETECTED ABOVE LABORATORY REPORTING LIMIT
NS	= NOT SAMPLED



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FIGURE 9

MARCH 1997 AND MARCH 2006 DRO CONCENTRATIONS IN GROUNDWATER
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238 8th STREET SE
AUBURN, WASHINGTON
FARALLON PN: 301-004

Drawn By:DEW
Checked By:TM
Date:9/26/06
Disk Reference:301-004

