

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

PORT OF BELLINGHAM

THIRD AMENDMENT
TO AGREED ORDER

No. 6834

TO: Port of Bellingham
P.O. Box 1677
Bellingham, Washington 98227

EXHIBITS:

EXHIBIT D Scope of Work and Schedule

A. INTRODUCTION

Agreed Order No. 6834 (2009 Order), entered into by the State of Washington, Department of Ecology (Ecology) and the Port of Bellingham (Port) in 2009, required the Port to conduct a remedial investigation and feasibility study (RI/FS) for the Georgia-Pacific West Site (Site) in Bellingham, Washington. In August 2011, Ecology and the Port amended the 2009 Order (First Amendment), which required the Port to perform an interim action to remove mercury contaminated soils and mercury contaminated building materials from the Caustic Plume Subarea and remove petroleum contaminated soils from the Bunker C Subarea. In August 2013, Ecology and the Port amended the 2009 Order (Second Amendment) to separate the Site into two remedial action units for the purpose of expediting remedial action and facilitating redevelopment of the Site.

Pursuant to Section VIII. L of the 2009 Order, Ecology and the Port hereby stipulate to a third amendment of the 2009 Order. By this third amendment to the 2009 Order, the Port will: (1) develop a public-review draft Cleanup Action Plan (DCAP) per WAC 173-340-380; and (2) after the DCAP has been finalized, prepare and submit for Ecology review and approval all documents necessary to complete the design and permitting of the cleanup action per WAC 173-340-400 described in the final Cleanup Action Plan (final CAP).

This amendment does not attempt to recite all of the provisions of the Order. Provisions of the Order not specifically changed in this amendment remain in full force and effect.

G. WORK TO BE PERFORMED

7. The Port shall develop a DCAP for the Site. The Port shall develop the DCAP according to the work schedule set forth in Scope of Work and Schedule (Exhibit D).

8. After the DCAP has been subject to public comment in accordance with WAC 173-340-600(14) and finalized, the Port shall prepare and submit for Ecology review and approval all documents necessary to complete the design and permitting of the cleanup action described in the final CAP. The Scope of Work and Schedule (Exhibit D) specifies the required deliverables for this task and the schedule by which they must be submitted. The work to be performed for this task includes the following:

a. Preparation of draft Pre-Remedial Design Investigation (PRDI) Project Plans for Ecology review, followed by preparation of final documents addressing Ecology's review comments. The Project Plans include a Work Plan, Sampling and Analysis Plan, Quality Assurance Project Plan, and a Health and Safety Plan.

b. Completion of the work described in the PRDI Project Plans.

c. Preparation of a draft Pre-Remedial Design Investigation Data Report (PRDI Data Report) for Ecology review, followed by preparation of a final document addressing Ecology's review comments. The PRDI Data Report shall present the results of implementing the PRDI Project Plans.

d. Preparation of an Ecology review draft and final Engineering Design Report (EDR) that address Ecology's review comments and the requirements imposed by permitting agencies, to the extent those requirements are available. The EDR shall incorporate the PRDI findings and the results of engineering evaluations required to complete the design.


e. Preparation of 60% complete Construction Plans and Specifications (Plans and Specs) for Ecology review, followed by preparation of 90% and 100% complete

documents addressing Ecology's review comments. The Plans and Specs shall be based on the EDR.


Effective date of this Order: 2/26/19

PORT OF BELLINGHAM

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



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EXHIBIT D – SCOPE OF WORK AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work under this Third Amendment to Agreed Order No. 6834 (AO) involves (1) preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative per WAC 173-340-380; and (2) after the DCAP has been finalized, prepare and submit for Ecology review and approval all documents necessary to complete the design and permitting of the cleanup action described in the final Cleanup Action Plan (final CAP).

The Port shall coordinate with Ecology throughout the development of the preliminary DCAP, Engineering Design Report (EDR), and Construction Plans and Specifications (CPS), and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The Scope of Work (SOW) is divided into three major tasks as follows:

- Task 1. DCAP
- Task 2. EDR
- Task 3. CPS

TASK 1. PRELIMINARY DRAFT CLEANUP ACTION PLAN

The Port shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The preliminary DCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The Port will submit an Agency Review preliminary DCAP for Ecology's review and approval. The Agency Review preliminary DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The Port shall prepare two (2) copies of the Agency Review preliminary DCAP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, the Port shall revise the preliminary DCAP to address Ecology's comments and submit four (4) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

TASK 2. ENGINEERING DESIGN REPORT

The Port shall prepare an Agency Review draft EDR in accordance with WAC 173-340-380-400(4)(a) that provides sufficient information for the development and review of construction plans and specifications.

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

After receiving Ecology's comments on the Agency Review draft EDR, if any, the Port shall revise the Agency Review draft EDR to address Ecology's comments and submit two (2) copies of the final EDR including one electronic copy in Adobe (.pdf) format.

TASK 3. CONSTRUCTION PLANS AND SPECIFICATIONS

The Port shall prepare a 60% completion CPS based on the EDR and in accordance with WAC 173-340-400(4)(b) for Ecology review, followed by preparation of 90% and 100% completion documents addressing Ecology's comments, if any.

The Port shall prepare two (2) copies of each version of the CPS and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

SCHEDULE OF DELIVERABLES

The schedule for deliverables described in the Third Amendment to the Agreed Order and the Scope of Work is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the Port received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

	RI/FS Deliverables	Completion Times
A. Administrative		
A.1	Progress Reports	Quarterly on the 15 th of the month beginning after the effective date of the 3 rd Amendment to Agreed Order
B. Design		
B.1	Agency Review preliminary Draft Cleanup Action Plan (DCAP)	180 calendar days following the effective date of the 3 rd Amendment to Agreed Order
B.2	Final revisions to preliminary DCAP	60 calendar days following receipt of Ecology's final comments on Agency Review preliminary DCAP (B.1)
B.3	Schedule Public Comment Period for preliminary DCAP	60 calendar days following Ecology approval of final preliminary DCAP (B.2)
B.4	Draft Pre-Remedial Design Investigation (PRDI) Project Plans	60 calendar days following finalization of the Cleanup Action Plan
B.5	Final PRDI Project Plans	30 calendar days following receipt of Ecology's final comments on draft PRDI Project Plans (B.4)
B.6	Complete PRDI Field Investigation	90 calendar days following Ecology approval of Final PRDI Project Plans (B.5)
B.7	Draft PRDI Data Report	120 days following completion of PRDI Field Investigation (B.6)
B.8	Final PRDI Data Report	60 calendar days following receipt of Ecology's final comments on Draft PRDI (B.7)
B.9	Agency Review Draft Engineering Design Report (EDR)	180 calendar days of completion of field investigations (B.6)

B.10	Final EDR	60 calendar days following receipt of Ecology's final comments on Agency Review Draft EDR (B.9)
B.11	60% Construction Plans and Specifications (CPS)	120 calendar days following completion of Final EDR (B.10)
B.12	90% CPS	90 calendar days following receipt of Ecology's final comments on 60% CPS (B.11)
B.13	100% CPS	30 calendar days following receipt of Ecology's final comments on 90% CPS (B.12)