

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

City of Bellingham and  
Puget Sound Energy

SECOND AMENDMENT TO AGREED  
ORDER

No. DE 7655

TO: City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

Puget Sound Energy  
10885 NE 4th Street  
P.O. Box 97034  
Bellevue, WA 98009-9734

**EXHIBIT:**

EXHIBIT D                      Scope of Work and Schedule

**I.        INTRODUCTION**

Agreed Order No. DE 7655 (Order) entered into by the State of Washington, Department of Ecology (Ecology), the City of Bellingham (City), and Puget Sound Energy (PSE) on April 30, 2010 requires the City and PSE (collectively the potentially liable persons [PLPs]) to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 at the South State Street Manufactured Gas Plant Site (Site) addressing both potential upland (soil and groundwater) and adjacent marine sediment contamination for the Site. In October 2017, Ecology and the PLPs amended the Order, which required the PLPs to perform an interim action at the Site.

Pursuant to Section VIII.L of the Order, Ecology and the PLPs hereby stipulate to amend the Order. By this second amendment to the 2006 Order, the PLPs 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.

#### VII. WORK TO BE PERFORMED

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

F. After the DCAP has been subject to public comment in accordance with WAC 173-340-600(14) and finalized, the PLPs 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:

1. 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, Inadvertent Discovery Plan and a Health and Safety Plan.

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

3. 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.

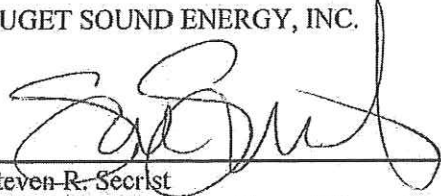
4. Preparation of an Ecology review draft and final Engineering Design Report (EDR) that address Ecology's review comments and the requirements imposed by permitting agencies, to the extent those requirements are available. The EDR shall incorporate the PRDI findings and the results of engineering evaluations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

5. 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.

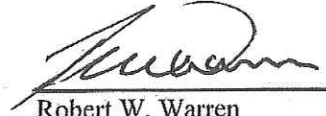
Effective date of this Order: 5/21/19

PUGET SOUND ENERGY, INC.




Steven R. Secrist  
Senior Vice President, General Counsel,  
Chief Ethics & Compliance Officer  
Puget Sound Energy, Inc.  
(425) 462-3178

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

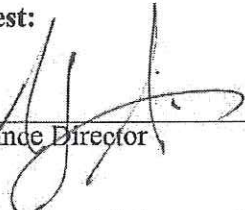


Robert W. Warren  
Section Manager  
Toxics Cleanup Program  
Northwest Regional Office  
(425) 649-7054

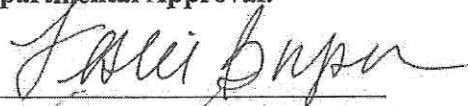
DATED this 7<sup>th</sup> day of May, 2019 for the CITY OF BELLINGHAM:

  
\_\_\_\_\_  
Mayor Pro Tempore

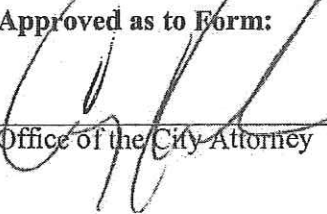
Attest:

  
\_\_\_\_\_  
Finance Director

Departmental Approval:

  
\_\_\_\_\_

Approved as to Form:

  
\_\_\_\_\_  
Office of the City Attorney



# EXHIBIT D – SCOPE OF WORK AND SCHEDULE

## SCOPE OF WORK

### PURPOSE

The work under this Second Amendment to Agreed Order No. 7655 (AO) involves (1) preparing a Cleanup Action Plan (CAP) for the selected cleanup alternative per WAC 173-340-380; and (2) after the CAP 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 CAP.

The PLPs shall coordinate with Ecology throughout the development of the CAP, Pre-Remedial Design Investigation, (PRDI), 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. CAP
- Task 2. PRDI
- Task 3. EDR
- Task 4. CPS

### **TASK 1. CLEANUP ACTION PLAN**

The PLPs shall prepare a CAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The CAP 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 PLPs will submit an Agency Review draft CAP (DCAP) for Ecology's review and approval. The Agency Review DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The PLPs shall prepare two (2) copies of the Agency Review DCAP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review DCAP, if any, the PLPs shall revise the 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. PRE-REMEDIAL DESIGN INVESTIGATION**

The PLPs shall prepare PRDI Project Plans.

The PLPs shall prepare two (2) copies of the Agency Review draft PRDI Project Plans 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 PRDI Project Plans, if any, the PLPs shall revise the Agency Review draft PRDI Project Plans to address Ecology's comments and submit two (2) copies of the final PRDI Project Plans including one electronic copy in Adobe (.pdf) format.

Following completion of the PRDI field work in accordance with the schedule of deliverables, the PLPs shall prepare a draft PRDI Data Report.

The PLPs shall prepare two (2) copies of the Agency Review draft PRDI Data Report 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 PRDI Data Report, if any, the PLPs shall revise the Agency Review draft PRDI Data Report to address Ecology's comments and submit two (2) copies of the final PRDI Data Report including one electronic copy in Adobe (.pdf) format.

**TASK 3. ENGINEERING DESIGN REPORT**

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

The PLPs 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 PLPs 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 4. CONSTRUCTION PLANS AND SPECIFICATIONS**

The PLPs 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 PLPs 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 Second 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 PLPs 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.

	<b>Deliverables</b>	<b>Completion Times</b>
A. Administrative		
A.1	Progress Reports	Quarterly on the 15 <sup>th</sup> of the month beginning after the effective date of the 3 <sup>rd</sup> Amendment to Agreed Order
B. Design		
B.1	Agency Review DCAP	180 calendar days following the effective date of the 2nd Amendment to Agreed Order
B.2	Public Review DCAP	60 calendar days following receipt of Ecology's comments on the Agency Review Draft CAP (B.1)
B.3	Final CAP	60 calendar days following receipt of Ecology's comments on the Public Review Draft CAP (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 Work, Laboratory Analyses and Data Validation	120 calendar days following Ecology approval of Final PRDI Project Plans (B.5) <sup>1</sup>
B.7	Draft PRDI Data Report	90 days following availability of validated investigation data (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 EDR	180 calendar days following availability of validated investigation data (B.6)



B.10	Final EDR	90 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)

1. The schedule for completing PRDI field work and surveys may be subject to regulatory constraints (e.g., fish window).