

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Union Oil Company of California

Phillips 66 Company

Wilson Oil, Inc.

Garwood Oil Company, Inc.

David Garwood

RE: Union Oil Bulk Plant 0046
217 E. Steuben Street
Bingen, WA 98605

AGREED ORDER

No. DE 18172

TO: Union Oil Company of California
c/o
Chevron Environmental
Management Company
6001 Bollinger Canyon Road
San Ramon, CA 94583
Attn: Eric Hetrick, Project Manager

Ed Ralston
Program Manager - Remediation
Management
Phillips 66 Company
76 Broadway
Sacramento, CA 95818

Mike Scott
Wilson Oil, Inc.
95 Panel Way
Longview, WA 98632

Garwood Oil Company, Inc.
c/o David Garwood
217 E. Steuben Street
Bingen, WA 98605

David Garwood
P.O. Box 96
Bingen, WA 98605

TABLE OF CONTENTS

I.	INTRODUCTION.....	3
II.	JURISDICTION.....	3
III.	PARTIES BOUND.....	3
IV.	DEFINITIONS.....	3
V.	FINDINGS OF FACT.....	4
VI.	ECOLOGY DETERMINATIONS.....	6
VII.	WORK TO BE PERFORMED.....	8
VIII.	TERMS AND CONDITIONS.....	10
	A. Payment of Remedial Action Costs.....	10
	B. Designated Project Coordinators.....	11
	C. Performance.....	11
	D. Access.....	12
	E. Sampling, Data Submittal, and Availability.....	13
	F. Public Participation.....	13
	G. Retention of Records.....	15
	H. Resolution of Disputes.....	15
	I. Extension of Schedule.....	17
	J. Amendment of Order.....	18
	K. Endangerment.....	19
	L. Reservation of Rights.....	19
	M. Transfer of Interest in Property.....	20
	N. Compliance with Applicable Laws.....	21
	O. Indemnification.....	22
IX.	SATISFACTION OF ORDER.....	23
X.	ENFORCEMENT.....	23
	EXHIBIT A Site Location Map	
	EXHIBIT B Site Plan	
	EXHIBIT C Scope of Work (SOW) and Schedule	

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Union Oil Company of California (Union Oil), Phillips 66 Company (Phillips 66), Wilson Oil, Inc. (Wilson Oil), Garwood Oil Company, Inc. (Garwood Oil), and David Garwood [collectively known as the “PLPs”] 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 the PLPs to complete a Supplemental Remedial Investigation (SRI), Feasibility Study (FS), and draft Cleanup Action Plan (dCAP) in order to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site. Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLPs’ responsibility under this Order. The PLPs 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 RCW 70.105D and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as Unocal Bulk Plant 0046, Facility Site ID No. 61834259, Cleanup Site ID No. 6383. The Site constitutes a facility under RCW 70.105D.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located at 217 E. Steuben Street in Bingen, Washington as shown in the Site Location Map (Exhibit A).

B. Parties: Refers to the State of Washington, Department of Ecology, and Union Oil, Phillips 66, Wilson Oil, Garwood Oil, and David Garwood.

C. Potentially Liable Persons (PLPs): Refers to Union Oil, Phillips 66, Wilson Oil, Garwood Oil, and David Garwood.

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.

E. Property: the Property is generally located at 217 E. Steuben Street in Bingen, Washington, identified by tax parcel number 03112959091200.

V. FINDINGS OF FACT

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

A. Based upon factors currently known to Ecology, the Site is generally located at the property address 217 E. Steuben St., situated at the southeast corner of the intersection of East Steuben Street (aka State Route 14 or Lewis & Clark Hwy) in Bingen in Klickitat County, as shown in the Site Location Map (Exhibit A).

B. A bulk petroleum fuel facility has operated at the Site since 1924.

C. Union Oil owned the Property from April 1924 to March 1997.

D. R.K. Garwood Company, Inc. Purchased the Property in June of 1997. R.K. Garwood Company changed its name to “Garwood Oil Company Inc.” in 2004. Title to the property remains with Garwood Oil.

E. Garwood Oil last filed an annual report with the Washington Secretary of State in 2006. The Secretary of State administratively dissolved Garwood Oil in 2007. Garwood Oil did not timely file for reinstatement of its corporate status.

F. David Garwood continues to carry on business on behalf of Garwood Oil, other than winding up and disposing of the company’s properties. Specifically, David Garwood has extended a lease between Garwood Oil and Wilson Oil twice. The current lease extension was signed in October 2016 and runs to September 2021 for a sum of \$2750 per month. Garwood Oil does not maintain a tax account with the Washington Department of Revenue.

G. Phillips 66 Company currently manages the day-to-day environmental remediation obligations for the Site.

H. According to a lease dated September 29, 2006 between Garwood Oil Company and Wilson Oil, Wilson Oil currently operates the existing facilities on the property and has leased the Property for that purpose since 2006.

I. Petroleum contamination in subsurface soil was initially identified at the Site in 1989 during the removal of an Underground Storage Tank (UST). Subsequent remedial investigations identified petroleum contamination in subsurface soil at several other locations throughout the Site. Soil sampling locations and results are shown on the attached Site Plan (Exhibit B).

J. Petroleum hydrocarbons in groundwater, present at concentrations in excess of Model Toxic Cleanup Act (MTCA) standards, were confirmed in a sample collected at the Site in 1990.

K. Remedial activities to address petroleum hydrocarbon contamination in soil at the Site were conducted in 1989 and 1995; however, subsurface soil contamination is still present in

excess of MTCA standards. Locations of exceedances presently known to Ecology include: adjacent to the south property boundary and adjacent to, and likely underneath, the fuel storage building. The general areas of past cleanup activities are shown on the Site Plan (Exhibit B).

L. Contamination in subsurface soil consists of diesel and heavy oil range total petroleum hydrocarbons (TPH). The extent of soil contamination has not yet been characterized.

M. Discharge Monitoring Reports (DMRs) from 2015 to 2017 for Wilson Oil's industrial stormwater general permit indicate petroleum hydrocarbons (diesel) in stormwater discharging from an oil-water separator to the adjacent railroad right of way.

N. Concentrations of contaminants in subsurface soil and groundwater above MTCA standards constitute a threat to human health and the environment and further action is therefore required.

VI. ECOLOGY DETERMINATIONS

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by the PLPs.

A. Union Oil was an "owner or operator" as defined in RCW 70.105D.020(22) of a "facility" as defined in RCW 70.105D.020(8) at the time of a release or releases of hazardous substances as defined in RCW 70.105D.020(13).

B. Phillips 66, Wilson Oil, Garwood Oil, and David Garwood are "owners or operators" as defined in RCW 70.105D.020(22) of a "facility" as defined in RCW 70.105D.020(8).

C. Based upon all factors known to Ecology, a "release" or "threatened release" of "hazardous substance(s)" as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

D. Based upon credible evidence, Ecology issued a PLP status letter to Union Oil c/o CEMC dated July 18, 2017, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. By letter dated August 17, 2017, Chevron Environmental Management Company (CEMC) on

behalf of Union Oil voluntarily waived its rights to notice and comment and without admitting liability accepted its status as a PLP at the Site under RCW 70.105D.040.

E. Based upon credible evidence, Ecology issued a PLP status letter to Wilson Oil dated July 18, 2017, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Wilson Oil is a PLP under RCW 70.105D.040 and notified Wilson Oil of this determination by letter dated March 14, 2019.

F. Phillips 66 has taken on the duty of managing day-to-day environmental matters for this Site. Based upon credible evidence, Ecology issued a PLP status letter to Phillips 66 dated March 14, 2019, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Phillips 66 is a PLP under RCW 70.105D.040 and notified Phillips 66 of this determination by letter dated May 1, 2019.

G. Based upon credible evidence, Ecology issued a PLP status letter to Garwood Oil dated December 5, 2019, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Garwood Oil is a PLP under RCW 70.105D.040 and notified Garwood Oil of this determination by letter dated February 14, 2020.

H. Based upon credible evidence, Ecology issued a PLP status letter to David Garwood dated December 5, 2019, pursuant to RCW 70.105D.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a

determination that David Garwood is a PLP under RCW 70.105D.040 and notified David Garwood of this determination by letter dated February 14, 2020.

I. Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require the PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

J. 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 plan. Either party may propose an interim action under this Order. If the Parties are in agreement concerning the interim action, the Parties will follow the process in Section VII.B. If the Parties are not in agreement, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70.105D, or to undertake the interim action itself.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs will complete a Supplemental Remedial Investigation (SRI), Feasibility Study (FS), and submit a draft Cleanup Action Plan (dCAP) for the Site. These remedial actions must be conducted in accordance with the schedule and terms of the Scope of Work and Schedule (Exhibit C), all other requirements of this Order, and WAC 173-340 and 173-204:

A. All plans or other deliverables submitted by the PLPs for Ecology's review and approval under the Scope of Work and Schedule (Exhibit C) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

B. If the Parties agree on an interim action under Section VI.J, the PLPs shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). The PLPs shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and the PLPs are required to conduct the interim action in accordance with the approved Interim Action Work Plan.

C. If Ecology determines that the PLPs have failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to the PLPs, perform any or all portions of the remedial action or at Ecology's discretion allow the PLPs opportunity to correct. In an emergency, Ecology is not required to provide notice to the PLPs, or an opportunity for dispute resolution. The PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.A (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

D. If any plans or other deliverables submitted by the PLPs for Ecology's review are not satisfactory to Ecology after the completion of two (2) rounds of review and comment, Ecology may at its sole discretion complete these documents or contract with an Ecology contractor for completion at the expense of the PLPs under Sec. VIII.A of this Order.

E. Except where necessary to abate an emergency situation or where required by law, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order to address the contamination that is the subject of this Order, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section VIII.J. (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, the PLPs must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within twenty-four (24) hours of the discovery of the event.

F. If the PLPs learn of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in any impacted media, PLPs, within seven (7) days of learning of the change in condition, shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses, sampling results) relating to the change in conditions.

VIII. TERMS AND CONDITIONS

A. Payment of Remedial Action Costs

The PLPs 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 RCW 70.105D, including remedial actions and Order preparation, negotiation, oversight, and administration. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). For all Ecology costs incurred, the PLPs 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.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Jennifer Lind
Toxics Cleanup Program
Central Regional Office
Washington State Department of Ecology
1250 W. Alder Street
Union Gap, WA 98903
Tel: 509-454-7839
Jennifer.Lind@ecy.wa.gov

The project coordinator for the PLPs is:

Edward C. Ralston
Program Manager
Remediation Management
Phillips 66 Company
76 Broadway
Sacramento, CA 95818
Tel: 916-558-7633
Cell: 916-257-3141 cell
Ed.C.Ralston@p66.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, 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.

C. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or

under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by 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 by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

The PLPs 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.

D. Access

Ecology, or any Ecology authorized representative, shall have access to enter and freely move about all property at the Site that the PLPs either own, control, or have access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLPs 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.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

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

F. Public Participation

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 this 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.

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

1. If agreed to by Ecology, develop appropriate mailing lists and 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 meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs 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 contribute to information repositories to be located at the following locations:

- a. White Salmon Valley Community Library
77 N.E. Wauna Avenue
White Salmon, WA 98672
- b. Ecology's Central Regional Office
1250 W. Alder Street
Union Gap 98903

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 Central Regional Office in Union Gap, Washington.

G. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right the PLPs may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If the PLPs withhold any requested records based on an assertion of privilege, the PLPs shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

H. Resolution of Disputes

1. In the event that the PLPs elect to invoke dispute resolution the PLPs must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the PLPs have fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of the dispute (Informal Dispute Notice).

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days

from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; the PLPs' position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. The PLPs may then request regional management review of the dispute. This request (Formal Dispute Notice) must be submitted in writing to the Central Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute 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.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII. (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1. The PLPs request for 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.
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs.
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.
- c. Endangerment as described in Section VIII.K (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

3. Ecology shall act upon any PLPs' written request for extension in a timely fashion. Ecology shall give the PLPs 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.J (Amendment of Order) when a schedule extension is granted.

4. At the PLPs' request, 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 one of the following:

- 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.
- c. Endangerment as described in Section VIII.K (Endangerment).

J. 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.L (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the PLPs. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, the PLPs shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H (Resolution of Disputes).

K. Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event a PLP determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs' 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.I (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.

L. Reservation of Rights

This Order is not a settlement under RCW 70.105D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional

enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under RCW 70.105D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or 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.

By entering into this Order, the PLPs do not admit to any liability for the Site. Although the PLPs are committing to conducting the work required by this Order under the terms of this Order, the PLPs expressly reserve all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. 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 a PLP without provision by that conveying or relinquishing PLP for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the PLPs' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the transferring PLP(s) shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the transferring PLP(s) shall notify Ecology of said transfer. Upon transfer of any interest, the transferring PLP(s) shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

N. Compliance with Applicable Laws

1. *Applicable Laws.* All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, 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. The PLPs have a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and the PLPs must implement those requirements.

2. *Relevant and Appropriate Requirements.* All actions carried out by the PLPs pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLPs must implement those requirements.

3. Pursuant to RCW 70.105D.090(1), the PLPs may be exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70.105D.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

4. The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine 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 parties of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs 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 or approvals.

O. Indemnification

The PLPs agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of the PLPs, their officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its

employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have 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. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

2. 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: August 24, 2020

UNION OIL COMPANY OF CALIFORNIA

By _____

Its _____

Chevron Environmental
Management Company
6001 Bollinger Canyon RD
San Ramon, CA
Phone _____

PHILLIPS 66 COMPANY

Dan Fischman
Manager, Remediation Management
Phillips 66 Company
3900 Kilroy Airport Way, Suite 210
Long Beach, CA 90806
(916) 558-7633

WILSON OIL, INC.

Aaron Wilcox
V.P., Operations & Commercial Sales
Wilson Oil, Inc.
95 Panel Way
Longview, WA 98632
(360) 423-3300

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Valerie Bound
Section Manager
Toxics Cleanup Program
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903
(509) 454-7886

GARWOOD OIL COMPANY, INC.

David Garwood
Garwood Oil Company, Inc.
217 E. Steuben Street
Bingen, WA 98605
(509) 493-1636

DAVID GARWOOD

P.O. Box 96
Bingen, WA 98605
(509) 493-1636

Agreed Order No. DE 18172

Page 24 of 26

Effective date of this Order: _____

UNION OIL COMPANY OF CALIFORNIA

DocuSigned by:
Harpreet K. Tiwana
5093F566A32543B...

By Harpreet K. Tiwana
Its Assistant Secretary
Chevron Environmental
Management Company
6001 Bollinger Canyon RD
San Ramon, CA
Phone _____

PHILLIPS 66 COMPANY

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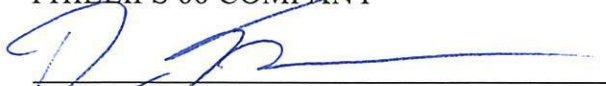
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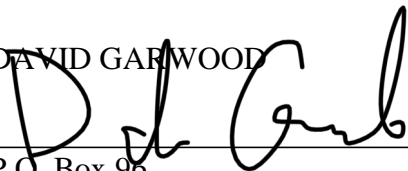
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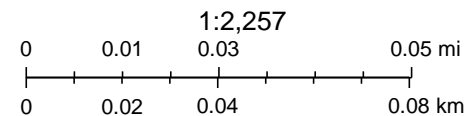
P.O. Box 96
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EXHIBIT A – SITE LOCATION MAP

Unocal Bulk Plant 0046 Site Location

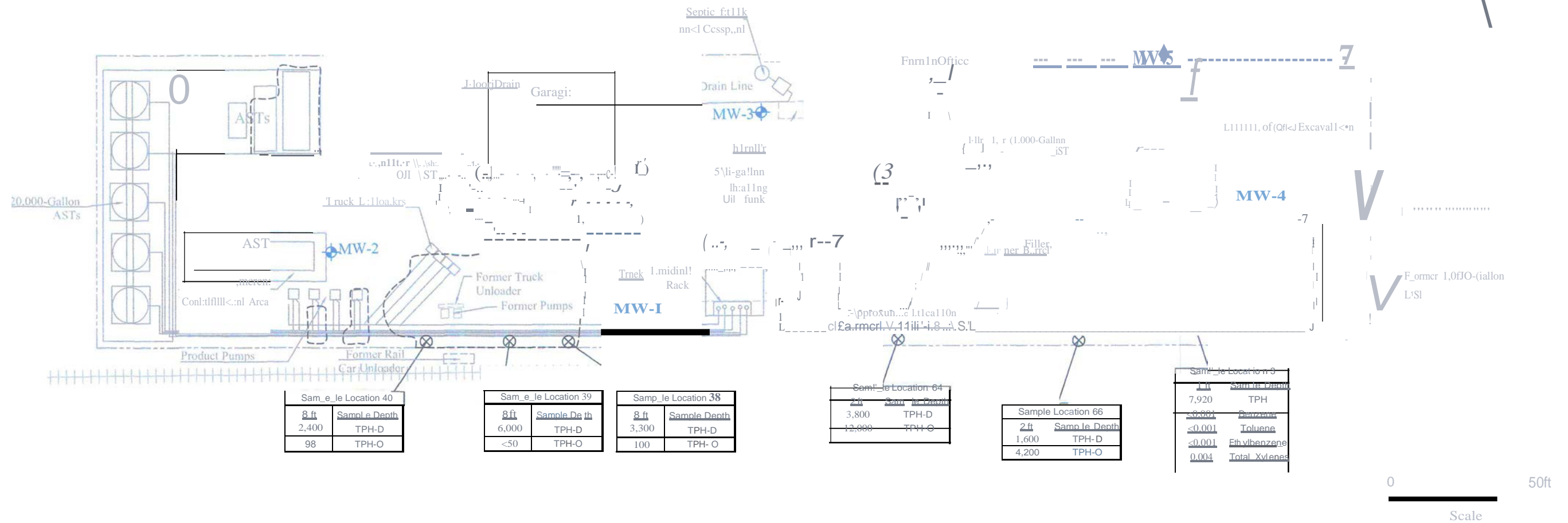


June 1, 2020



Northwest Geomatics, LTD

EXHIBIT B – SITE PLAN



LEGEND

- MW-1 Monitoring Well Location
- AST Aboveground Storage Tank
- mg/kg Milligram per Kilogram
- TPH Total Petroleum Hydrocarbons
- TPH-D Total Petroleum Hydrocarbons as Diesel
- TPH-O Total Petroleum Hydrocarbons as Oil
- ft Feet
- UST Underground Storage Tank
- 1995 Excavation Limits
- Soil Sample Location
- Site Boundary
- Former Railroad Tracks
- Former Site Features

Note: All soil concentrations presented in mg/kg.

SOURCE: GeoEngineers, Inc., Google Earth



Chevron Site No. 380439
Former Unocal Bulk Plant No. 0046
217 E. Stueben Street
Bingen, Washington

FIGURE 2
Summary of Soil Analytical Results
Exceeding MTCA Method A

EXHIBIT C –SCOPE OF WORK (SOW) AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work required under this Agreed Order (AO) involves completion of a Supplemental Remedial Investigation (SRI), Feasibility Study (FS), and preparing a Draft Cleanup Action Plan (dCAP) to select a cleanup alternative. The purpose of the SRI, FS, and dCAP is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The PLPs shall coordinate with Ecology throughout the development of the SRI, FS, and dCAP. The PLPs shall keep Ecology informed of any changes to work plans or other project plans, and of any issues or problems as they develop.

The SOW is divided into seven (7) major tasks as follows:

- Task 1. SRI Work Plan
- Task 2. SRI Report
- Task 3. Interim Actions (if required)
- Task 4. FS Report
- Task 5. SEPA Compliance
- Task 6. Public Participation
- Task 7. dCAP

TASK 1. SUPPLEMENTAL REMEDIAL INVESTIGATION WORK PLAN

Within 60 days of the Effective Date of this Order, the PLPs shall submit to Ecology a *Draft* SRI Work Plan.

The PLPs shall conduct a SRI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-550. The SRI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels and other regulatory requirements. The SRI must provide sufficient data and information to define the nature and extent of contamination and select a cleanup alternative for the Site. The SRI Work Plan shall contain sufficient sampling necessary to determine the nature and extent of contamination that has resulted from the release(s) of hazardous substances at the Site in all affected or potentially affected media (soil, interstitial air in soil, air, groundwater, drinking water, surface water, and/or sediments if applicable), and complete the development of a Conceptual Site Model (CSM) to the satisfaction of Ecology.

The SRI Work Plan shall describe general facility information; site history and conditions; including previous operations; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; a CSM showing contaminants, migration pathways in all environmental media, and potential receptors; geology and groundwater system characteristics; past, current, and future land use; identification of natural resources and ecological receptors; hazardous substances and their sources, etc., in compliance with WAC 173-340-350 and WAC 173-204-550(4).

The SRI Work Plan shall include a combined Sampling and Analysis Plan and Quality Assurance Project Plan (SAP/QAPP) and a Site Health and Safety Plan (HASP) consistent with the requirements specified in WAC 173-340-820 (Sampling and Analysis Plans) and WAC 173-340-810 (Worker Safety and Health). The *Draft* RI Work Plan, SAP/QAPP, and HASP shall comply with all requirements set forth in WAC 173-340-350 and WAC 173-204-550(4) for defining the nature and extent of contamination. While Ecology does not approve Site HASPs, such plans must comply with the requirements of the Washington State Department of Labor and Industries' Division of Occupational Safety and Health regulations and standards.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, stormwater, seep, catch basin and sediment samples, approximate depths, and includes a QAPP. The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection and handling; data and records management; and schedule.

The PLPs shall not perform environmental work at the site without written approval from Ecology. The SRI Work Plan shall provide seven (7) days' notice to Ecology prior to beginning field work and sampling. Ecology may obtain split samples.

Ecology will endeavor to provide comments on the *Draft* SRI Work Plan for revision by the PLPs within 30 days of receipt of the *Draft* SRI Work Plan.

Within 30 days of receipt of review comments from Ecology on the *Draft* SRI Work Plan, the PLPs shall, as necessary, submit to Ecology a *Revised Draft* SRI Work Plan satisfactory to Ecology and responsive to Ecology's comments.

Ecology will endeavor to respond regarding approval status within 30 days of receipt of the documents. The SRI Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the PLPs will implement the *Final* SRI Work Plan according to the schedule contained in this Exhibit.

The *Final* SRI Work Plan approved by Ecology shall be appended to this AO and become an integral and enforceable part of this AO.

TASK 2. SUPPLEMENTAL REMEDIAL INVESTIGATION

The PLPs shall complete the investigation work described in the *Final* SRI Work Plan within 90 days after Ecology's acceptance of the *Final* SRI Work Plan.

Within 60 days of receipt of the SRI validated analytical data, the PLPs shall submit to Ecology a *Draft* SRI Report.

The PLPs shall conduct the SRI in accordance with the SRI Work Plan as approved by Ecology. Field sampling and analysis will be completed in general accordance with the SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology immediately and documented as required by Ecology.

Laboratory analysis data shall be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request. The PLPs or their contractors shall submit all new sampling data generated under this SAP, and any other relevant historical data, to Ecology for entry into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal.

Ecology will endeavor to provide comments on the *Draft* SRI Report within 30 days of receipt.

Within 30 days of receipt of comments by Ecology on the *Draft* SRI Report, the PLPs shall, as necessary, deliver to Ecology a *Revised Draft* SRI Report satisfactory to Ecology and responsive to Ecology's comments.

Ecology will endeavor to respond on approval status within 30 days of receipt of the *Revised Draft* SRI Report.

The SRI Report will not be considered *Final* until after a public review and comment period.

If the data collected during this investigation is insufficient to define the nature and extent of contamination, and/or to select a cleanup action plan, an additional phase of investigation shall be conducted, in accordance with the procedures set forth above in this description of Task 2, to define the extent of contamination.

TASK 3. INTERIM ACTIONS (if required)

Based upon information in the Draft SRI Report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

If an interim action is to be performed, the PLPs will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- The submittal requirements listed in WAC 173-340-430(7);
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Permits required.

The PLPs will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the interim action, and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or public participation.

After a public notice and comment period for the Public Review Draft IAWP and SEPA determination, Ecology will approve the IAWP, if appropriate, and request a Final copy of the IAWP. Once approved by Ecology, the PLPs will implement the interim action according to the approved schedule in the IAWP. Upon successful completion of the work, the PLPs will prepare an Agency Review Draft Interim Action Report as a separate deliverable.

TASK 4. FEASIBILITY STUDY

Within 60 days after Ecology's approval of the *Revised Draft* SRI Report, the PLPs shall submit a *Draft* FS Report.

The PLPs shall use the information obtained in the SRI Report to prepare a FS Report that meets the applicable requirements of WAC 173-340-350(8) and WAC 172-204-550(7). The FS Report will evaluate remedial alternatives for site cleanup, consistent with MTCA requirements to ensure protection of human health and the environment, by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

The FS Report will provide a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-350, MTCA Remedial Investigation and Feasibility Study, and WAC 173-204-550(7). The remedial alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360, Selection of Cleanup Actions, and WAC 173-204-570, including a detailed evaluation of remedial alternatives relative to the following criteria:

- Compliance with Cleanup Standards and Applicable Laws
- Protection of Human Health
- Protection of the Environment
- Provision for a Reasonable Restoration Time Frame
- Use of Permanent Solutions to the Maximum Extent Practicable
- The Degree to which Recycling, Reuse, and Waste Minimization are Employed
- Short-term Effectiveness
- Long-Term Effectiveness
- Net Environmental Benefit
- Implementability
- Provision for Compliance Monitoring
- Cost-Effectiveness
- Prospective Community Acceptance

The remedial alternative that is judged to best satisfy the evaluation criteria will be identified in the FS Report. Justification for the selection will be provided, and the recommended remedial alternative further developed, in the FS Report.

Ecology will endeavor to provide comments on the *Draft* FS Report within 30 days of receipt of the *Draft* FS Report.

Within 30 days of receipt of comments from Ecology on the *Draft* FS Report, the PLPs shall, as necessary, submit to Ecology a *Revised Draft* FS Report satisfactory to Ecology and responsive to Ecology's comments.

Ecology will endeavor to respond on approval status within 30 days of receipt of the *Revised Draft* FS Report.

The FS Report will not be considered *Final* until after a public review and comment period.

TASK 5. SEPA COMPLIANCE

The PLPs shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist. If the result of the threshold determination is a determination of significance (DS), The PLPs shall be responsible for the preparation of Draft and proposed-final environmental impact statements. The PLPs shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

TASK 6. PUBLIC PARTICIPATION

The PLPs shall cooperate with Ecology in presenting the Draft SRI Report, Draft FS Report, dCAP and SEPA evaluations at public meetings or hearings as requested. The PLPs will also assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of public participation.

TASK 7. PRELIMINARY DRAFT CLEANUP ACTION PLAN

Within 60 days of Ecology's approval of the *Revised Draft* FS Report, the PLPs shall submit to Ecology a *Preliminary* dCAP.

The PLPs shall prepare a *Preliminary* dCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. If contaminated sediments are included in the remedial action, the cleanup plan will comply with WAC 173-204-570, in addition to the MTCA requirements cited above. The *Preliminary* dCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the SRI and 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.

Ecology will endeavor to provide comments on the *Preliminary* dCAP within 30 days of receipt of the *Preliminary* dCAP.

Within 30 days of receipt of comments from Ecology on the *Preliminary* dCAP, the PLPs shall, as necessary, submit to Ecology a *Revised Preliminary* dCAP satisfactory to Ecology and responsive to Ecology's comments.

Ecology will endeavor to respond on approval status within 30 days of receipt of the *Revised Preliminary* dCAP.

The dCAP will not be considered *Final* until after a public review and comment period.

SCHEDULE OF DELIVERABLES

The schedule for deliverables described in the Agreed Order and the Scope of Work is presented below.

RI/FS Deliverables	Deliverable Description⁵	Completion Times⁴
SRI Work Plan	<i>Draft</i> SRI Work Plan (including SAP, QAPP, & HASP)	Within 60 days following effective date of the Agreed Order
	<i>Revised Draft</i> SRI Work Plan	Within 30 days following receipt of Ecology's review comments on the <i>Draft</i> SRI Work Plan.
	<i>Final</i> SRI Work Plan	Contingent on Ecology's satisfaction with the <i>Revised Draft</i> SRI Work Plan. ^{1,2}
Completion of SRI Field Work		Within 90 days following Ecology's acceptance of the <i>Final</i> SRI Work Plan. ³
EIM Data Entry		Prior to submittal of the <i>Draft</i> SRI Report.
SRI Report	<i>Draft</i> SRI Report	Within 60 days following receipt of laboratory data.
	<i>Revised Draft</i> SRI Report	Within 30 days following receipt of Ecology review comments on the <i>Draft</i> SRI Report. The SRI Report will not be considered <i>Final</i> until after a public review and comment period.
	<i>Final</i> SRI Report	Contingent on the nature and significance of comments received during public comment period.
FS Report	<i>Draft</i> FS Report	Within 60 days after Ecology's acceptance of the <i>Revised Draft</i> SRI Report. ^{1,2}
	<i>Revised Draft</i> FS Report	Within 30 days following receipt of Ecology review comments <i>Draft</i> FS Report. The FS Report will not be considered <i>Final</i> until after a public review and comment period.

	<i>Final FS Report</i>	Contingent on the nature and significance of comments received during the public comment period.
dCAP	<i>Preliminary dCAP</i>	Within 60 days after Ecology’s acceptance of the <i>Revised Draft FS Report</i> . ^{1,2}
	<i>Revised Preliminary dCAP</i>	Within 30 days following receipt of Ecology review comments on the <i>Preliminary dCAP</i> .

1 – Ecology reserves the right, at the sole discretion of Ecology, to require one additional comment and document revision round, if needed. All Ecology comments must be addressed to Ecology’s satisfaction prior to document acceptance and finalization.

2 – If the document submitted is not satisfactory to Ecology after completion of two rounds of review and comments (including initial review and comments), Ecology may at its sole discretion complete the document or contract with an Ecology contractor for completion of the document at the expense of the PLPs under Section VIII (A) of the Agreed Order.

3 – The schedule for SRI field work may be revised by Ecology, based on the exact scope of work presented within the SRI Work Plan prepared by the PLPs.

4 – All completion times are based on calendar days, not business working days. 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.

5 – For all deliverables, including drafts(s) and final documents, PLPs shall prepare and submit two (2) hard copies and one (1) electronic copy in Adobe (.pdf) format to Ecology for review. The PLPs shall submit three (3) hard copies of documents intended for public review.