

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Dick Morgan, CL Frazier Properties,
LLC and Precision Engineering Inc.

AGREED ORDER

No. DE 18079

TO: Dick Morgan
9117 NE 21st Place
Clyde Hill, WA 98004

CL Frazier Properties, LLC
c/o C. Leon Frazier
1231 South Director Street
Seattle, WA 98108

Precision Engineering Inc.
c/o Mark Okel
8440 N Kerby Ave.
Portland, OR 97217

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology), Dick Morgan, CL Frazier Properties, LLC (Frazier Properties), and Precision Engineering Inc. (Precision) 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 conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and WAC 173-204-550, and develop a draft Cleanup Action Plan (DCAP) per WAC 173-340-360 through 173-340-380 and WAC 173-204-570, addressing contamination at 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 70A.305.050(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's 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 70A.305, WAC 173-204, and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as Precision Engineering. The Site constitutes a facility under RCW 70A.305.020(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 1231 South Director Street, Seattle, Washington 98108 (the Property) as shown in the Approximate Location Diagram (Exhibit A).

B. Parties: Refers to Ecology, Dick Morgan, Frazier Properties, and Precision.

C. Potentially Liable Persons (PLP(s)): Refers to Dick Morgan, Precision, and Frazier Properties.

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.

E. The Property: Refers to 1231 South Director Street, Seattle, Washington 98108.

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 1231 South Director Street, Seattle, Washington 98108 as shown in the Approximate Location Diagram (Exhibit A).

B. Frazier Properties currently owns the Property (Fidelity Title Report, June 4, 2019).

C. Dick Morgan owned the Property at 1231 South Director Street, Seattle, WA from 1979 until 2007 (Fidelity Title Report, June 4, 2019).

D. Precision Engineering operated at the Property from 1968 to 2005, specializing in the manufacture and repair of large cylinders, metal rolls, and large marine items such as

propellers, and specialized in blade assemblies. Services included grinding, polishing, honing, chrome plating, milling, welding, and coating. These services involved the use of chromic acid, along with the degreaser trichloroethene (TCE).

E. Aboveground and partially belowground chromic acid plating tanks were located in the former chrome shop, as were tanks containing hydrochloric acid and sodium carbonate. Tanks containing sodium hydroxide were also located at the site. At least four trench drains were present in the grinding and chrome shops, located along the eastern and western walls of the shops.

F. Seattle METRO issued a penalty to Precision in 1986 after identifying leaks in a concrete sump containing waste chromic acid, discharge of wastewater, detergent, and oil into a ditch along the property, chromium contamination on the roof, oil-contaminated soil near the dumpster, and groundwater accumulation in a chemical storage tank.

G. Ecology issued an Enforcement Order in 1986 requiring Precision to inspect subsurface sumps, pits, and trench integrity, apply to reopen its waste discharge permit, and characterize the nature and extent of contamination in soil and groundwater. In 1988, Ecology and Precision entered into an agreement, requiring plans for replacement and inspection of the chrome plating tanks.

H. In 1990, Ecology performed a site hazard assessment. Ecology ranked the site a 1 (with 1 being the highest risk and 5 being the lowest risk).

I. Table 1 of the 2015 Remedial Investigation for the site summarizes the investigation history of several “areas of concern” on the property. Investigations from 1986 through 2006 revealed releases of hazardous substances on the Property, including trivalent chromium, hexavalent chromium, TCE, diesel-range hydrocarbons, oil-range hydrocarbons, lead, and arsenic, above cleanup levels.

J. In 2005, the Site entered into Ecology’s Voluntary Cleanup Program. In 2015, Ecology issued an opinion that further remedial action is necessary to clean up the contamination at the site.

K. In 2020, a Vapor Intrusion Investigation was performed at the Site. Elevated levels of TCE were found in the sub slab soil gas samples collected as well as in indoor air samples collected. TCE levels in the indoor air samples exceeded the short-term action level for protection of women of childbearing age, precipitating additional air and vapor sampling and an emergency response to reduce indoor air concentrations. Work performed at the Site in April 2020, which included sealing cracks in the concrete floor and sealing an evaporator pit, lowered the concentrations in indoor air below the TCE short term action level ($7.5 \mu\text{g}/\text{m}^3$).

L. The following subsurface investigations, completed at the Property between 2005 and 2020, identified contamination to soil, groundwater, and/or soil vapor.

1. 2005 Preliminary Soil and Groundwater Site Assessment Report, Maul Foster & Alongi, Inc, Precision Engineering
2. 2008 Final Remedial Investigation and Risk Assessment Report, Maul Foster and Alongi
3. 2015 Remedial Investigation Report by Kennedy/Jenks Consultants
4. 2020 Results of Vapor Intrusion Investigation, Maul Foster Alongi

VI. ECOLOGY DETERMINATIONS

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

A. Dick Morgan is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). Specifically, Dick Morgan was the former owner of the Property containing all or a portion of the Site where there has been a release of hazardous substances to the environment, and was an owner at the time of release or releases.

B. Frazier Properties is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). Specifically, Frazier Properties is the current owner of the Property.

C. Precision is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8). Specifically, Precision was an operator at the time of a release or releases of hazardous substances.

D. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32) and (13), respectively, has occurred at the Site.

E. Based upon credible evidence, Ecology issued a PLP status letter to Dick Morgan dated July 2, 2019, pursuant to RCW 70.105D.040, .020(26) (now RCW 70A.305.040, .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 Dick Morgan is a PLP under RCW 70.105D.040 and notified Dick Morgan of this determination by letter dated October 21, 2019.

F. Based upon credible evidence, Ecology issued a PLP status letter to Frazier Properties dated July 2, 2019, pursuant to RCW 70.105D.040, .020(26) (now RCW 70A.305.040, .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 Frazier Properties is a PLP under RCW 70.105D.040 and notified Frazier Properties of this determination by letter dated October 18, 2019.

G. Based upon credible evidence, Ecology issued a PLP status letter to Precision dated July 2, 2019, pursuant to RCW 70.105D.040, .020(26) (now RCW 70A.305.040, .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 Precision is a PLP under RCW 70.105D.040 and notified Precision of this determination by letter dated October 21, 2019.

H. Pursuant to RCW 70A.305.030(1) and .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the

foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

I. 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. Any 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.G. 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 70A.305, or to undertake the interim action(s) itself.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that The PLPs take the following remedial actions at the Site. These remedial actions must be conducted in accordance with WAC 173-340 and 173-204:

A. The PLPs will complete a Remedial Investigation/Feasibility Study (RI/FS) and submit an Ecology Review preliminary draft Cleanup Action Plan for the Site in accordance with the terms of the Scope of Work and Schedule, Exhibit B, and all other requirements of this Order.

B. The PLPs will also complete and implement a Vapor Intrusion Priority Work Plan in accordance with the terms of the Scope of Work and Schedule, Exhibit B.

C. Progress Reports: The PLPs shall provide quarterly written progress reports via email to Ecology. The Progress Reports shall provide a synopsis of the previous quarter's activities, description of completed field work and findings and observations from site investigations, deviations from project plans, deviations from the Scope of Work and Schedule, status of reports and other deliverables, and expected activities for the upcoming quarter. The PLPs

shall provide data validated during the reporting period as requested by Ecology. The contents of and submission schedule for progress reports may be modified if approved jointly by Ecology and The PLPs.

D. To effectuate the work to be performed under this Order in the most efficient manner, Mr. Morgan has elected to take the lead in performing and paying for the work required under this Order, and to pay Ecology oversight costs. Language in this Order, and the Exhibits attached hereto, may reflect this agreement among the PLPs. However, the PLPs remain strictly, jointly, and severally liable for the performance of any and all obligations under this Order. In the event Mr. Morgan should fail to timely and properly complete performance of all or any portion of its work, all PLPs must perform that remaining work, if any.

E. 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 soil, groundwater, surface water, air, and/or sediments, The 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.

F. All plans or other deliverables submitted by The PLPs for Ecology's review and approval under this Agreed Order shall, upon Ecology's approval, become integral and enforceable parts of this Order.

G. If the Parties agree on an interim action under Section VI.I, 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.

H. 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).

I. 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.

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 70A.305, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Ecology has accumulated \$41,647.29 in remedial action costs related to this Site as of June 26, 2020. 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 70A.305.060, 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 Kann
Department of Ecology, Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7107
Jennifer.Kann@ecy.wa.gov

The project coordinator for the PLPs is:

Heather Good, LHG
1329 N. State Street, Suite 301
Bellingham, WA 98225
(360) 927-1309
hgood@maulfoster.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 Exhibit B, Scope of Work and Schedule, 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 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.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

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. Seattle Public Library – South Park Branch
8604 8th Avenue South
Seattle, WA 98108

- b. Ecology's Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452
(425) 649-7190

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 Northwest Regional Office in Bellevue, 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 its 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's 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 Northwest 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's 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 PLP's 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 PLP's 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 The PLPs determine 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's 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 70A.305. 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 70A.305, 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 conduct 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 The PLPs 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 The PLPs's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, The PLPs 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 PLPs shall notify Ecology of said transfer. Upon transfer of any interest, The PLPs 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 70A.305.090. 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 70A.305.090(1), The PLPs may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 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 70A.305.090(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 70A.305.090(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 70A.305.090(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 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 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(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 70A.305.090(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's 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 70A.305.050, 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 70A.305.070.

Effective date of this Order: December 18, 2020

DICK MORGAN

Dick Morgan
9117 NE 21st Place
Clyde Hill, WA 98004

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



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

PRECISION ENGINEERING INC.

Mark Okel, President
8440 N. Kerby Ave.
Portland, OR 97217
(503) 939-2186

CL FRAZIER PROPERTIES, LLC



C. Leon Frazier, Governor
1231 South Director Street
Seattle, WA 98108
(206) 682-2100

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.

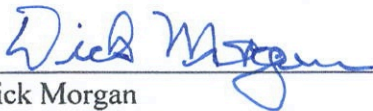
2. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.

This Order may be reviewed only as provided under RCW 70A.305.070.

Effective date of this Order: _____

DICK MORGAN

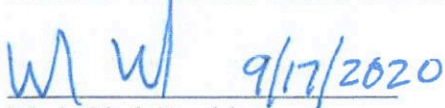


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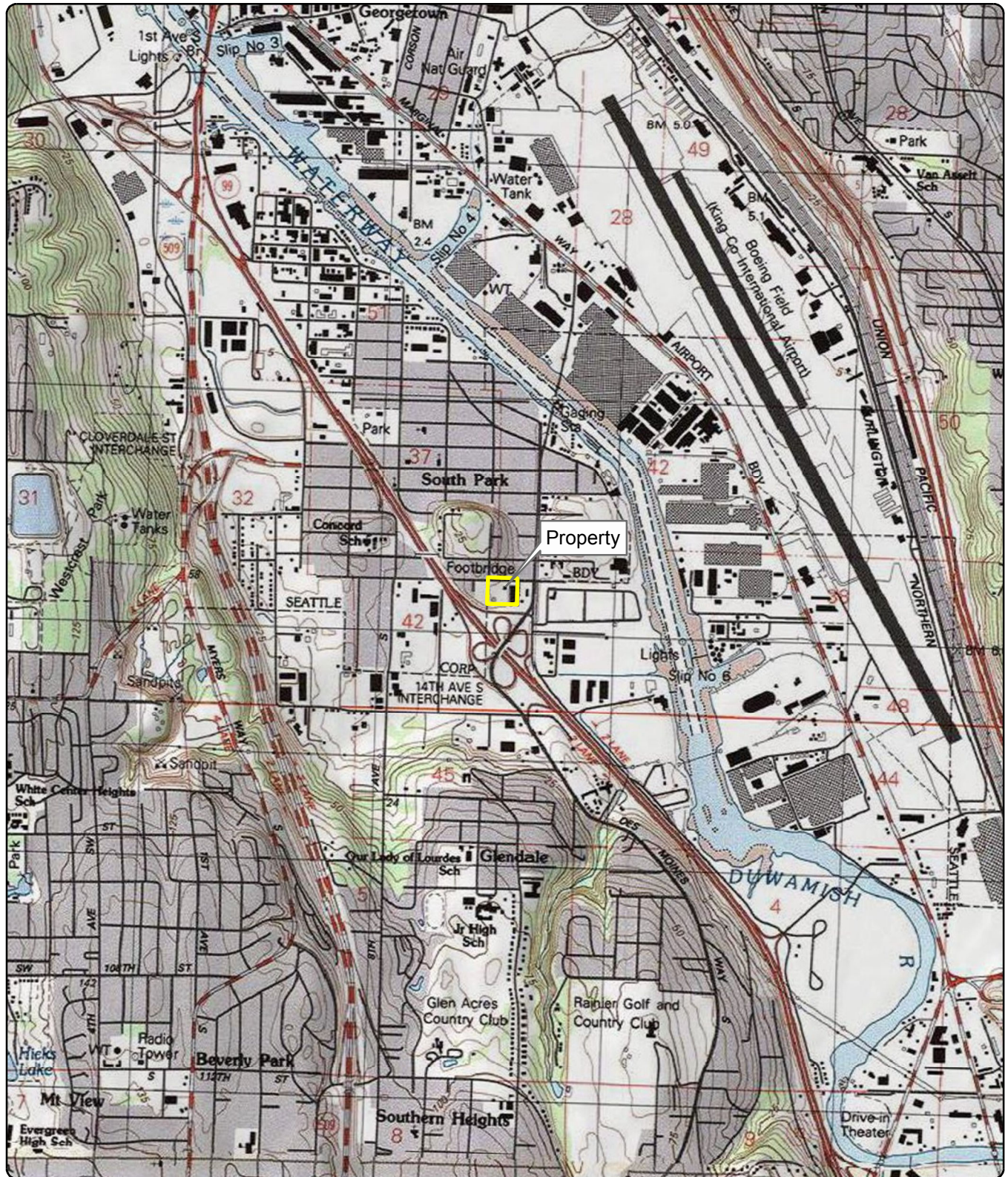


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EXHIBIT A



Source: US Geological Survey (1990) 7.5-minute topographic quadrangle: Seattle.
 Address: 1231 S Director Street, Seattle, WA
 Section 32, Township 24 North, Range 4 East, SE Quarter.
 Property boundary obtained from King County assessor,

Legend

 Property Boundary (Approximate)

**Figure 1-1
Property Location**

Precision Engineering
 Dick Morgan
 Seattle, Washington



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

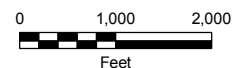


EXHIBIT B SCOPE OF WORK AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work under this Agreed Order (AO) involves conducting Vapor Intrusion (VI) Work, a Remedial Investigation (RI) and Feasibility Study (FS), preparing a preliminary Draft Cleanup Action Plan (DCAP), and potentially conducting Interim Actions. The purpose of the RI/FS 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 Interim Actions, RI/FS and preliminary DCAP 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 eight major tasks as follows:

- Task 1. Vapor Intrusion Priority Work
- Task 2. Remedial Investigation Work Plan (RI Work Plan)
- Task 3. Remedial Investigation (RI)
- Task 4. Interim Actions
- Task 5. Feasibility Study (FS)
- Task 6. SEPA Compliance
- Task 7. Public Participation
- Task 8. Draft Cleanup Action Plan (DCAP)

TASK 1. VAPOR INTRUSION PRIORITY WORK

The PLPs shall prepare a Vapor Intrusion Priority Work Plan (VIP Work Plan) to be implemented in advance of and in conjunction with the Remedial Investigation (RI, Task 3) and Feasibility Study (FS, Task 5). Additional sampling is necessary to understand the degree and incidence of concentrations of TCE in indoor air, and to confirm that concentrations remain below the short-term Action Level. This sampling will also be used to provide data during the RI to develop and evaluate cleanup alternatives in the FS, and to potentially evaluate the advisability of an interim action ahead of final cleanup.

The VIP Work Plan shall include an overall description and schedule of vapor intrusion evaluation work to be performed, including but not limited to the collection of routine indoor air samples. The VIP Work Plan shall also include a summary of all VI work performed to date at the Site. The VIP Work Plan shall clearly describe the project management strategy for implementing and reporting on these activities. The VIP Work Plan will outline the responsibility and authority of all organizations and key personnel involved in conducting the VI evaluation work. The PLPs will provide Ecology with an Agency Review Draft VIP Work Plan. Once Ecology reviews and approves the VIP

Work Plan, it will be considered the Final VIP Work Plan. The VIP Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, The PLPs will implement the Final VIP Work Plan according to the schedule contained in this Exhibit.

TASK 2. REMEDIAL INVESTIGATION WORK PLAN

The PLPs shall prepare a Remedial Investigation Work Plan (RI Work Plan). The RI Work Plan shall include an overall description and schedule of all RI activities. The Work Plan shall clearly describe the project management strategy for implementing and reporting on RI activities. The Work Plan will outline the responsibility and authority of all organizations and key personnel involved in conducting the RI.

A Key Project Meeting will be held prior to submittal of the RI Work Plan. The purpose of the Remedial Investigation Planning Meeting is to review requirements for the Work Plan and plan Remedial Investigation field work, discuss the preliminary Conceptual Site Model, and identify project data needs and possible interim actions.

The RI 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, and groundwater; a conceptual site model 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. The Work Plan will list federal, state, and local requirements that are legally applicable or otherwise relevant and appropriate to the actions to be carried out under the Work Plan, in compliance with WAC 173-340-710.

As part of the project background, existing environmental data on site soil, groundwater, and air will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, if necessary. The RI Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. The PLPs will also submit a copy of the Health and Safety Plan (HASP) for the project.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, air samples, approximate depths, and includes a quality assurance project plan. 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 Quality Assurance Project Plan (QAPP) will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (Revised Dec. 2016).¹ Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the data evaluation.

The SAP and the QAPP will be submitted to Ecology for review and approval. As with all environmental work at the site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

The PLPs or their contractors shall submit all new sampling data generated under this SAP and any other recently collected 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 Requirements. Only validated data will be entered into the EIM database within 30 days of submittal.

RI Work Plan tasks and subtasks will include: Sampling and analysis of soil, groundwater, sediment, and air (including soil vapor). The Work Plan will include an Inadvertent Discovery Plan (IDP) that provides procedures for the unanticipated discovery of cultural resources and human skeletal remains. Ecology has a template available online.²

The PLPs will provide Ecology with an Agency Review Draft RI Work Plan. Once Ecology reviews and approves the Work Plan, it will be considered the Final RI Work Plan. The RI Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, The PLPs will implement the Final RI Work Plan according to the schedule contained in this Exhibit.

The PLPs shall prepare two (2) paper copies of the Agency Review Draft RI Work Plan and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After incorporating Ecology's comments on the Agency Review Draft RI Work Plan and after Ecology approval, The PLPs shall prepare two (2) paper copies of the Final RI Work Plan and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

¹ Found at <https://fortress.wa.gov/ecy/publications/documents/0403030.pdf>

² Found at <https://fortress.wa.gov/ecy/publications/documents/ecy070560.pdf>. The publication number and Ecology logo should be removed from the template when it is modified for a specific project.

TASK 3. REMEDIAL INVESTIGATION

The PLPs shall conduct an RI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-550 according to the Work Plan as approved by Ecology. The RI will characterize the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels (screening levels) and other regulatory requirements. The RI must provide sufficient data and information to select a cleanup action.

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.

Prior to submittal of the Agency Review Draft RI Report, a Key Project Meeting will be held, a Remedial Investigation Pre-Report Check-In. During this meeting, Ecology and The PLPs will review available data and an updated conceptual site model and discuss the content and organization of the Draft RI Report.

The PLPs shall compile the results of the Site investigation into an Agency Review Draft RI Report. The PLPs shall prepare two (2) paper copies of the Agency Review Draft RI Report and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft RI Report, The PLPs shall prepare three (3) paper copies of a Public Review Draft RI Report and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. Electronic survey data for monitoring locations and electronic lab data shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports either in the report or as attachments.

The PLPs will incorporate changes in the RI Report requested by Ecology after the public review and comment period, and will then prepare a Final RI Report after review and approval by Ecology. The PLPs shall prepare two (2) paper copies of the Final RI Report and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

TASK 4. INTERIM ACTIONS

Remedial actions completed prior to implementation of the full remedy, including those that:

- are 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;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action

will be considered interim actions, will be implemented in accordance with WAC 173-

340-430 and the AO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

The scope of the interim actions will include the preparation of a Draft Interim Action Work Plan (IAWP), submitted for Ecology review and approval. The Draft IAWP will provide detail commensurate with the work to be performed, and shall include, as appropriate:

- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant site information, including at a minimum existing site conditions;
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- SAP/QAPP
- Permits required.

A copy of the Health and Safety Plan for the project will also be submitted to Ecology.

The PLPs will also 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 as part of the Public Participation Plan.

The PLPs shall prepare two (2) paper copies of a Draft Interim Action Work Plan and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. The PLPs shall incorporate Ecology's comments and then prepare two (2) paper copies of the Final Interim Action Work Plan and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

Once approved by Ecology, The PLPs will implement the interim action in accordance with the approved schedule.

Upon successful completion of the work, a Draft Interim Action Report will be prepared as a separate deliverable. The PLPs shall prepare two (2) paper copies of the Draft Interim Action Report and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. After incorporating Ecology's comments on the Draft Interim Action Report and after Ecology approval, The PLPs shall prepare two (2) paper copies of the Final Interim Action Report and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

TASK 5. FEASIBILITY STUDY

The PLPs shall use the information obtained in the RI and if applicable, Interim Actions, to prepare an Agency Review Draft FS that meets the applicable requirements

of WAC 173-340-350(8) and WAC 173-204-550(7) according to the Schedule in this exhibit. The Agency Review Draft FS 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.

Prior to beginning the FS, a Key Project Meeting will be held to review ARARs, establish methods for screening technologies, conduct a disproportionate cost estimate, and identify potential remedial alternatives.

The Agency Review Draft FS will provide a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-350 and WAC 173-204-550(7). The FS will discuss each of the criteria in WAC 173-340-360 and WAC 173-204-570.

The FS will identify the remedial alternative that is judged to best satisfy the evaluation criteria. The FS will explain the justification for the recommended remedial alternative.

The PLPs shall prepare two (2) paper copies of the Agency Review Draft FS and submit them, plus one electronic copy in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. After addressing Ecology's comments on the Agency Review Draft FS, The PLPs shall prepare three (3) paper copies of the Public Review Draft FS and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. After incorporating Ecology's comments on the Public Review Draft FS following public review and after Ecology approval, The PLPs shall prepare two (2) paper copies of the Final FS and submit them, plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

TASK 6. 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 7. PUBLIC PARTICIPATION

The PLPs shall support Ecology in presenting the Public Review Draft RI Report and the Public Review Draft FS Reports 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 the Public Participation Plan.

TASK 8. PRELIMINARY DRAFT CLEANUP ACTION PLAN

Upon Ecology approval of the Public Review Draft Remedial Investigation Report and Public Review Draft Feasibility Study, a Key Project Meeting will be held regarding the Cleanup Action Plan. The Cleanup Action Plan Meeting will be used to review plans for developing the Agency Review preliminary Draft Cleanup Action Plan (DCAP).

The PLPs 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. Where 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, proposed 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 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 PLPs shall prepare two (2) paper copies of the Agency Review preliminary DCAP and submit them, plus 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 PLPs shall revise the preliminary DCAP to address Ecology's comments and submit three (3) paper copies of the Revised Agency Review DCAP plus one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

SCHEDULE OF DELIVERABLES

The schedule for deliverables described in 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 or by email during business working hours, whichever is sooner, 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 by email during business working hours, whichever is sooner.

Task	Description	Due Date
Task 1	VI Priority Work	<p>Submit Agency Review Draft Work Plan within 30 days of effective date of the Agreed Order.</p> <p>Submit Final Work Plans within 30 days of receipt of comments from Ecology.</p> <p>Initiate field work within 30 days of approval of Final Work Plans.</p> <p>Submit results within 7 days of receiving data</p>
Task 2	RI Work Plan(s) and Field Work	<p>Submit Agency Review Draft Work Plan within 90 days of effective date of the Agreed Order.</p> <p>Submit Final Work Plans within 45 days of receipt of comments from Ecology.</p> <p>Complete field work within 90 days of approval of Final Work Plans.</p>

Task 4	Interim Actions	The schedule for Interim Actions to be established by agreement between The PLPs and Ecology.
Task 4	Interim Action Completion Report	Submit Draft Interim Action Completion Reports for each Interim Action within 90 days of completing construction/excavation work. Submit Final Interim Action Reports for each Interim Action within 45 days of receipt of comments from Ecology.
Task 2	EIM Data Submittal	Submit within 45 days from completion of data validation.
Task 3	Remedial Investigation Report	Submit Agency Review Draft RI Report within 90 days of receiving final laboratory data. Submit Public Review Draft RI Report within 45 days of receipt of comments from Ecology. Submit Final RI Report, within 45 days of receipt of comments from Ecology.
Task 5	Feasibility Study Report	Submit Agency Review Draft FS Report within 90 days of completing Public Review Final RI Report. Submit Public Review Draft FS Report within 45 days of receipt of comments from Ecology. Submit Final FS Report within 45 days of receipt of comments from Ecology.
Task 8	Agency Review Preliminary Draft Cleanup Action Plan	Submit within 120 days of Ecology's request for the Final Feasibility Study Report.

Task 8	Revised Agency Review Preliminary Draft Cleanup Action Plan	Submit within 90 days of receiving Ecology's comments on the Agency Review preliminary DCAP.
-	Progress Reports	Submit within 30 days of the end of the prior quarter.