

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

SHELL OIL PRODUCTS US  
ENVIRONMENTAL SERVICES

CHEVRON ENVIRONMENTAL  
MANAGEMENT COMPANY

FIRST AMENDMENT TO AGREED  
ORDER

No. DE 15742

TO: Mr. John Robbins  
Sr. Program Manager  
Equilon Enterprises LLC  
20945 S Wilmington Avenue  
Carson, CA 90810

Mr. James Kiernan  
Project Manager  
Chevron Environmental Management Company  
6001 Bollinger Canyon Road, Room C2102  
San Ramon, CA 94583

**I. INTRODUCTION**

Agreed Order No. DE 15742 was entered into by the State of Washington, Department of Ecology, Equilon Enterprises LLC DBA Shell Oil Products US (Shell), and Chevron Environmental Management Company (CEMC) on July 6, 2018 ("Order"). The Order is attached hereto as Exhibit X. The Order requires Shell and CEMC to prepare and submit for Ecology's approval a Remedial Investigation (RI), a Feasibility Study (FS), and a preliminary draft Cleanup Action Plan (DCAP) for the Former Chevron Station 90619 Site.

Pursuant to the Order, the RI work plan, as approved by Ecology, has been completed. The work presented in the RI work plan was completed and the draft RI report was submitted to Ecology for review in February 2020. Following Ecology's review of the draft RI report, Ecology concluded that the Site does not have any releases that exceed the MTCA Method A soil and groundwater cleanup standards. This First Amendment to Agreed Order No. DE 15742 ("First

Amendment”) removes the requirements for preparation of a FS and DCAP from the Scope of Work attached to the Order. This First Amendment is subject to public review and comment. Following consideration of public comment on this First Amendment, along with comments on the draft RI report and proposed de-listing of the Site from Ecology’s Hazardous Sites List, Ecology may determine the Order sufficiently performed and proceed to remove the Site from the Hazardous Sites List.

Pursuant to Section VIII.J of the Order, Ecology, Shell, and CEMC hereby stipulate to amend the Order. By this First Amendment, Shell and CEMC are no longer required to complete a FS and preliminary DCAP.

Ecology believes the actions required by this First Amendment are in the public interest.

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

## II. JURISDICTION

This First Amendment is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

## III. AMENDMENTS

**The Introduction in the Order is hereby replaced in its entirety with the following text:**

The mutual objective of the State of Washington, Department of Ecology (Ecology), Equilon Enterprises LLC DBA Shell Oil Products US (Shell), and Chevron Environmental Management Company (CEMC) 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 Shell and CEMC (the PLPs) to complete a Remedial Investigation (RI) for the facility. Ecology believes the actions required by this Order are in the public interest.

**Section VII (Work to be Performed), Subsection A of the Order is hereby replaced in its entirety as follows:**

A. The PLPs will prepare an Agency Review Draft work plan to conduct a RI. After approval of the RI Work Plan by Ecology, the PLPs will implement the RI Work Plan. The PLPs will provide Ecology with an Agency Review Draft RI Report in accordance with the schedule and terms of the Scope of Work and Schedule, Exhibits B and C, and all other requirements of this Order.

**Section VII (Work to be performed), Subsection D of the Order is hereby deleted in its entirety.**

**Exhibit B – Scope of Work (SOW) is hereby deleted and replaced with Exhibit B-Amended Scope of Work, which is attached hereto.**

**Exhibit C – Schedule of Deliverables (SOD) is hereby deleted and replaced with Exhibit C-Amended Schedule of Deliverables, which is attached hereto.**

Effective date of this Order: January 7, 2021

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY




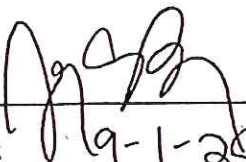
Date: January 7, 2021  
ROBERT WARREN  
SECTION MANAGER  
TOXICS CLEANUP PROGRAM  
NORTHWEST REGIONAL OFFICE  
3190 160TH AVENUE SE  
BELLINGHAM, WA 98008  
PHONE: 425-649-7074

EQUILON ENTERPRISES LLC DBA SHELL OIL PRODUCTS US

\_\_\_\_\_  
Date: \_\_\_\_\_  
SHELL OIL PRODUCTS US  
ENVIRONMENTAL SERVICES  
20945 S. WILMINGTON AVENUE  
CARSON, CA 90810  
PHONE: 310-816-2223

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, a California corporation, for  
itself and as Attorney-in-Fact for Chevron U.S.A. Inc., a Pennsylvania corporation

  
\_\_\_\_\_  
Gina K. Lee  
Date: September 15, 2020  
Title: Assistant Secretary  
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY  
6001 BOLLINGER CANYON ROAD  
SAN RAMON, CA 94583  
PHONE: 925-842-1000

  
\_\_\_\_\_  
Date: 9-1-2020  
SHELL OIL PRODUCTS US  
ENVIRONMENTAL SERVICES  
20945 S. WILMINGTON AVENUE  
CARSON, CA 90810  
PHONE: 310-816-2223

CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, a California corporation, for  
itself and as Attorney-in-Fact for Chevron U.S.A. Inc., a Pennsylvania corporation

\_\_\_\_\_  
Date: \_\_\_\_\_  
Title: \_\_\_\_\_  
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY  
6001 BOLLINGER CANYON ROAD  
SAN RAMON, CA 94583  
PHONE: 925-842-1000



## **EXHIBIT B – AMENDED SCOPE OF WORK (SOW)**

**Chevron 90619**

**1205 Washington Street (formerly listed as 2200 Elm Street), Bellingham, WA**

### **PURPOSE.**

The work under this Agreed Order No. DE 15742 (AO) and First Amendment to AO (First Amendment) involves conducting a Remedial Investigation (RI). The purpose of the RI for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a final cleanup alternative for the Site or to make a determination that the AO and First Amendment are sufficiently performed so that the State of Washington, Department of Ecology (“Ecology”) may proceed to remove the Site from the Hazardous Sites List.

The PLPs shall coordinate with Ecology throughout the development of the RI and shall keep Ecology informed of changes and other project plans and of issues and problems as they develop.

The SOW is divided into five major tasks as follows:

- Task 1. RI Work Plan
- Task 2. Remedial Investigation
- Task 3. SEPA Compliance
- Task 4. Public Participation
- Task 5. Progress Reports

Following Ecology’s Lean Process there are three mandatory meetings (“Key Project Meetings”):

1. Kickoff meeting held prior to commencement of AO negotiations with the principal contacts for PLPs and Ecology.
2. RI planning and scoping meeting with Ecology Site manager and PLP consultants.
3. RI pre-report meeting occurs after the completion of RI field activities and prior to writing the RI Report; this will ensure the report can be reviewed and approved by Ecology after one review cycle.

The first Key Project Meeting was held on August 23, 2017. During that meeting Ecology established communication protocols, expectations related to Key Project Documents and the timing and purpose of Key Project Meetings.

### **TASK 1. RI WORK PLAN**

The PLPs shall prepare a RI Work Plan (Work Plan). The 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 responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.

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

The 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 conceptual site model showing contaminants, migration pathways in all environmental media, potential receptors, and screening levels based on the conceptual site model; 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 173-204-560. For all field activities the PLPs will also submit a copy of the Health and Safety Plan for the project

As part of the project background, existing environmental data on site soil, groundwater, surface water, and sediments 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 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, stormwater, seep, catch basin, 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 QAPP will be prepared in accordance with the Guidance for Preparation of QAPPs, 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 QAPPs for Environmental Studies (July 2004)<sup>1</sup> and, if necessary, Sediment Sampling and Analysis Plan Appendix (Feb. 2008).<sup>2</sup> Laboratories must meet the

---

<sup>1</sup> Found at <http://www.ecy.wa.gov/biblio/0403030.html>

<sup>2</sup> Found at <http://www.ecy.wa.gov/biblio/qapp.html>



accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

The SAP, including 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 a seven (7) day 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) Section VII.B (Work To Be Performed) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. Only validated data will be entered into the EIM database within thirty (30) days of submittal. Procedures for data validation are described in the TCP Data Validation and Sampling Analysis Plan (SAP)/QAPP for data validation for all Formal Cleanup Sites (Ecology Sept. 23, 2016).<sup>3</sup>

RI tasks and subtasks will include, but are not limited to soil, groundwater, seep, surface water, sediment, and catch basin sampling and analysis, as necessary to address data gaps identified in the Work Plan. In addition, the following must be included in the Work Plan:

- Develop a preliminary conceptual site model for the Site including evaluation of all potential pathways and potential receptors that may exist for contaminants of concern at the Site.
- Define the nature and extent of contamination based on screening levels protective of all receptors at and down gradient of the Site.

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

The PLPs shall prepare two (2) copies of the Agency Review Draft RI Work Plan and submit them, including 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 Work Plan and after Ecology approval, the PLPs shall prepare three (3) copies of the Final Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

## **TASK 2. REMEDIAL INVESTIGATION**

The PLPs shall conduct an RI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-560 according to the Work Plan as approved by Ecology. The RI will

---

<sup>3</sup> Found at <http://www.ecy.wa.gov/biblio>

determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

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.

The PLPs shall provide interim data reports and updates to Ecology as new site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request.

Prior to submittal of the Agency Review Draft RI Report, a third Key Project Meeting will be held. During the RI Pre-Report Check-In, 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) copies of the Agency Review Draft RI Report and submit them, including 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) copies of a Public Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports. The RI 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 full nature and extent of contamination, and to select a cleanup action plan an additional phase of investigation shall be conducted to define the extent of contamination.

### **TASK 3. SEPA COMPLIANCE**

The PLPs shall be responsible for complying with the 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 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 4. PUBLIC PARTICIPATION**

The PLPs shall assist Ecology to prepare a draft Public Participation Plan that complies with the provisions of WAC 173-340-600(9).

The PLPs shall support Ecology in presenting the Public Review Draft RI Report and SEPA evaluations at one public meeting or hearing. The PLPs 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.

After the public comment periods are completed, at Ecology's request, the PLPs shall prepare a Draft Responsiveness Summary that addresses public comments and prepare a second Public Review Draft RI Report that addresses public comments. The PLPs shall prepare two (2) copies of the Draft Responsiveness Summary and second Public Review Draft RI Report and submit them to Ecology for review and approval, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

After incorporating Ecology's comments and after Ecology approval, the PLPs shall prepare three (3) copies of the Final Responsiveness Summary after public comments are incorporated and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

#### **TASK 5. PROGRESS REPORTS**

The PLPs shall submit Progress Reports quarterly or monthly given the schedule/pace. Progress Reports shall be submitted to Ecology until satisfaction of the AO and First Amendment in accordance with Section IX (Satisfaction of Order) of the AO. Progress Reports shall be submitted to the Ecology project coordinator by the fifteenth (15th) of the month following the reporting period specified in the AO. If this day is a weekend or holiday, deliverables will be submitted to Ecology on the next business day. At a minimum, Progress Reports shall contain the following information regarding the preceding reporting period:

- A description of the actions which have been taken to comply with the AO.
- Summaries of sampling and testing reports and other data reports received by the PLPs.
- Summaries of deviations from approved Work Plans.
- Summaries of contacts with representatives of the local community, public interest groups, press, and federal, state, or tribal governments.
- Summaries of problems or anticipated problems in meeting the schedule or objectives set forth in the SOW and Work Plan.
- Summaries of solutions developed and implemented or planned to address any actual or anticipated problems or delays.
- Changes in key personnel.
- A description of work planned for the next reporting period.

**EXHIBIT C – AMENDED SCHEDULE OF DELIVERABLES (SOD)**

**Chevron 90619**

**1205 Washington Street (formerly listed as 2200 Elm Street), Bellingham, WA**

The schedule for notifications to Ecology or submission of major deliverables to Ecology for this Amended Schedule of Deliverables (SOD) is described below. If the date for submission of any item or notification required by this SOD 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 Shell and Chevron 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.



Table 1 - Schedule for Submission of Major Deliverables

**Table 1**

**Schedule for Submission of Major Deliverables**

	<i>Deliverable</i>	<i>Due Date<sup>a</sup></i>
1.	Agency Review Draft Remedial Investigation (RI) Work Plan	90 days after the AO effective date
2.	Final Remedial Investigation Work Plan	30 days after receipt of Ecology comments
3.	Remedial Investigation Field Investigations Completed	180 days after Final Remedial Investigation Work Plan
4.	Agency Review Draft Remedial Investigation Report	90 days following receipt of remedial investigation validated data
5.	Public Review Draft Remedial Investigation Report	30 days after receipt of Ecology comments
6.	Final Remedial Investigation Report	30 days after receipt of Ecology comments, subsequent to public comment <sup>c</sup>

<sup>a</sup> Due dates shown are for initial draft and final deliverables. This schedule assumes only a single revised document will be submitted following receipt of comments from Ecology. Documents become final only upon approval by Ecology.

