

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Port of Port Angeles
338 W. First Street
Port Angeles, WA 98362

Georgia-Pacific LLC
133 Peachtree Street NE
Atlanta, GA 30303

Nippon Paper Industries USA Co.,
Ltd.
c/o Fox Rothschild LLP
1001 Fourth Avenue, Suite 4500
Seattle, WA 98154-1192

City of Port Angeles
321 E. 5th Street
Port Angeles, WA 98362

Merrill & Ring
809 E. 8th Street
Port Angeles, WA 98362

First Amendment to AGREED ORDER

No. DE 9781

TO: Karen F. Goschen, Executive Director
Port of Port Angeles
338 W. First Street
Port Angeles, WA 98362

David Massengill, Senior Director/Remediation
Georgia-Pacific LLC
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Nicole Kimzey, Chief Operating Officer
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Agreed Order No. DE 9781 (Order) is amended as follows:

Section VII, WORK TO BE PERFORMED, is amended to include new subsection D, as detailed below.

D. Preparation of Preliminary Draft Cleanup Action Plan (DCAP)

Based on the findings in the Final Remedial Investigation/Feasibility Study (RI/FS), developed in accordance with WAC 173-340-350 through 173-340-357 and approved by Ecology, the potentially liable persons (PLPs) shall prepare and submit a preliminary DCAP for Ecology's consideration in drafting a DCAP to be issued in accordance with WAC 173-340-380.

The preliminary DCAP shall include: (1) a description of the proposed cleanup action developed in accordance with WAC 173-340-350 through 173-340-390; (2) a summary of the rationale for selecting the proposed cleanup action; (3) a summary of other alternatives evaluated in the RI/FS; (4) the cleanup standards proposed for the Site; (5) the proposed schedule for implementing the proposed cleanup action, including, if known, restoration time frame; (6) any institutional controls required as part of the proposed cleanup action; (7) any applicable state and federal laws for the proposed cleanup action; and (8) if the proposed cleanup action involves containment, a description of the types, levels, and amounts of hazardous substances that will remain in the Site and the measures that will be used to prevent migration and contact with those substances.

Preparation of a final DCAP is not a part of this Order. Ecology intends to draft the final DCAP and to provide public notice and opportunity for comment. Ecology will issue a final Cleanup Action Plan (CAP) after review and consideration of the public comments received in accordance with WAC 173-340-380(2) and (3). The final CAP will be implemented pursuant to a subsequent agreed order, amendment, enforcement order, or consent decree.

Schedule: The preliminary DCAP shall be presented to Ecology within 120 days of the effective date of this First Amendment. The PLPs and Ecology will endeavor to meet within 30 calendar days after the PLPs' submittal of the preliminary DCAP to review and discuss it. Ecology will endeavor to prepare the final DCAP within 120 days of the preliminary DCAP submittal by the PLPs.

Effective date of this First Amendment to Agreed Order No. DE 9781:

PORT OF PORT ANGELES

**STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY**

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