

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

AGREED ORDER

Univar USA Inc.
8201 South 212th Street
Kent, WA 98032

No. DE 5988

TO: James P. Hooper, Director
Environmental Affairs
Univar USA Inc.
500 108th Avenue NE, Suite 2200
Bellevue, WA 98004

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	3
II. JURISDICTION	3
III. PARTIES BOUND	3
IV. DEFINITIONS.....	3
V. FINDINGS OF FACT.....	6
VI. ECOLOGY DETERMINATIONS	12
VII. WORK TO BE PERFORMED.....	13
VIII. TERMS AND CONDITIONS OF ORDER	15
A. Public Notice.....	15
B. Remedial Action Costs	15
C. Implementation of Remedial Action.....	16
D. Designated Project Coordinators	16
E. Performance	17
F. Access	18
G. Sampling, Data Submittal, and Availability	18
H. Public Participation.....	19
I. Retention of Records.....	20
J. Resolution of Disputes.....	20
K. Extension of Schedule.....	21
L. Amendment of Order	23
M. Endangerment	23
N. Reservation of Rights.....	24
O. Transfer of Interest in Property.....	24
P. Compliance with Applicable Laws.....	25
Q. Land Use Restrictions	26
R. Financial Assurance	26

S.	Periodic Review	28
T.	Indemnification	29
IX.	SATISFACTION OF ORDER	29
X.	ENFORCEMENT	29

EXHIBITS

- EXHIBIT A: FACILITY DIAGRAM
- EXHIBIT B: SCOPE OF WORK
- EXHIBIT C: SCHEDULE OF DELIVERABLES

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and Univar USA Inc. (Univar) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release of hazardous substances. This Order requires Univar to finalize a remedial investigation, feasibility study, and draft a cleanup action plan. Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Order is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70.105D.050(1). This Order also satisfies the requirements of WAC 173-303-646 through -64630.

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order and 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 the Order. Univar agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter Univar's responsibility under this Order. Univar 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, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

A. 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.

B. Area of Concern (AOC): Refers to any area of the Facility where a release of dangerous constituents (including dangerous waste and hazardous substances) has occurred, is occurring, is suspected to have occurred, or threatens to occur.

C. Cleanup Action Plan (CAP): Refers to the document issued by Ecology under WAC 173-340-380 which selects Facility-specific corrective measures and specifies cleanup standards (cleanup levels, points of compliance, and other requirements for the corrective measures) as described in WAC 173-340-360.

D. Cleanup Standards: Refers to the standards promulgated under RCW 70.105D.030(2)(e) and include (1) hazardous substance concentrations (cleanup levels) that protect human health and the environment, (2) the location at the Facility where those cleanup levels must be attained (points of compliance), and (3) additional regulatory requirements that apply to a cleanup because of the type of action and/or the location of the Facility.

E. Corrective Action: Refers to any activities including investigations, studies, characterizations, and corrective measures, including actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-64620.

F. Corrective Measure: Refers to any measure or action to control, prevent, or mitigate release(s) and/or potential release(s) of dangerous constituents (including dangerous waste and hazardous substances) reviewed and approved by Ecology for the Facility and set forth in a Facility-specific CAP prepared in compliance with the requirements of Chapter 173-340 WAC, including WAC 173-340-360 through -380. Corrective measures may include interim actions as defined by Chapter 173-340 WAC. Interim actions will not necessarily be set forth in a Facility-specific CAP.

G. Dangerous Constituent or Dangerous Waste Constituent: Refers to any constituent identified in WAC 173-303-9905 or 40 C.F.R. Part 264 Appendix IX, any constituent that caused a waste to be listed or designated as dangerous under the provisions of

Chapter 173-303 WAC, and any constituent defined as a hazardous substance under RCW 70.105D.020(10).

H. Dangerous Waste: Refers to any solid waste designated in WAC 173-303-070 through -100 as dangerous or extremely hazardous or mixed waste. Dangerous wastes are considered hazardous substances under RCW 70.105D.020(10).

I. Dangerous Waste Management Facility: Used interchangeably in this document with the term “Facility.”

J. Dangerous Waste Management Unit (DWMU): Refers to a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area, as defined in WAC 173-303-040.

K. Facility: Refers to the property owned and controlled by Univar located at 8201 South 212th Street, Kent, Washington, including the Solid Waste Management Units (SWMUs) and Areas of Concern (AOC), and all property contiguous thereto also owned and controlled by Univar, and all property, regardless of control, affected by release(s) or threatened release(s) of hazardous substances, including dangerous wastes and dangerous constituents, at and from these areas. Based upon factors currently known to Ecology, the Site is more particularly described in Exhibit A to this Order. “Facility” also includes the definition found in RCW 70.105D.020(5).

L. Feasibility Study (FS): Refers to the investigation and evaluation of potential corrective measures performed in accordance with the FS requirements of WAC 173-340-350 and which is undertaken in whole or in part to fulfill the corrective action requirements of WAC 173-303-64620.

M. Parties: Refers to Ecology and Univar.

N. Potentially Liable Person (PLP): Refers to Univar.

O. Permit or Permitting Requirement: Unless otherwise specified, refers to the requirements of Chapter 173-303 WAC for applying for, obtaining, maintaining, modifying, and terminating Dangerous Waste Management Facility permits.

P. RCRA: Refers to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*

Q. RCRA Facility Assessment (RFA): Refers to the investigation of release(s) and potential release(s) at the Facility conducted by Science Applications International Corporation (SAIC) on behalf of the U.S. Environmental Protection Agency (EPA), and the information contained in the Visual Site Investigation report, dated October 1991 (RFA Report). The RFA Report is incorporated into this Order by this reference as if fully set forth herein.

R. Release: Refers to any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous waste or dangerous constituents into the environment. It also includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous waste or dangerous constituents and includes the definition of “release” in RCW 70.105D.020(25).

S. Remedial Investigation (RI): Refers to a Facility-wide investigation and characterization which includes the substantive requirements for a RCRA facility investigation, undertaken in whole or in part to fulfill the corrective action requirements of WAC 173-303-64620 and Chapter 173-340 WAC.

T. Solid Waste Management Unit (SWMU): Refers to any discernible location at the Dangerous Waste Management Facility where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at the Facility at which solid wastes, including spills, have been, intentionally or unintentionally, routinely and/or systematically released and include regulated units as defined by Chapter 173-303 WAC.

V. FINDINGS OF FACT

Ecology makes the following Findings of Fact, without any express or implied admissions of such facts by Univar.

A. Univar is the owner and operator of a chemical distribution facility located at 8201 South 212th Street, Kent, Washington. This Facility, known as the Univar Kent facility, provides warehousing, bulk storage, repacking, and transportation of numerous industrial chemical products.

B. From 1974 until October 31, 2007, Univar was an active Dangerous Waste Management Facility, providing waste management services by serving as a transporter and storage location for various types of dangerous waste.

C. Univar was operated as a Dangerous Waste Management Facility under three corporate names: Van Waters & Rogers Inc. (1974-2001), Vopak USA Inc. (2001-2002), and Univar USA Inc. (2002-2007). These were name changes only, and did not reflect a change in ownership or interest.

D. Van Waters & Rogers Inc. owned and operated the Facility as a Dangerous Waste Management Facility on or after November 19, 1980, the date which subjects facilities to RCRA permitting requirements, including interim status requirements pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and implementing regulations thereunder, and including authorized State regulations promulgated in Chapter 173-303 WAC.

E. On November 13, 1980, Van Waters & Rogers Inc. submitted to the EPA Part A of the RCRA permit application. In the Part A application, Van Waters & Rogers Inc. identified itself as managing the following Dangerous Waste Management Units at the Facility:

- Container storage area 1: 4,400 gallons
- Container storage area 2: 17,600 gallons

The DWMUs managed a variety of waste solvents and corrosives received from industrial generators. These included ‘listed’ wastes that designated as F001, F002, F003, and F005, and non-listed wastes under the D001, D002 codes. Listed discarded chemical products included U002, U075, U140, U154, U080, U159, U161, U210, U220, U226, U228, U121, and U239.

F. Pursuant to the November 13, 1980 notification, EPA issued identification number WAD067548966 to Van Waters & Rogers Inc.

G. On July 26, 1984, Van Waters & Rogers Inc. provided further notification to EPA of dangerous waste management activities. Van Waters & Rogers Inc. identified itself as managing:

Unit Description	EPA Waste Codes
1,500 gallon above ground dangerous waste storage tank	F001, F002
6,000 gallon above ground dangerous waste storage tank	F001, F002
Container storage area; 1,000 gallons	unknown

H. On November 07, 1988, Van Waters & Rogers Inc. submitted to Ecology Part B of the RCRA permit application. The application identified Van Waters & Rogers Inc. as managing:

Unit Description	EPA Waste Codes
1,500 gallon above ground dangerous waste storage tank	F001, F002
6,000 gallon above ground dangerous waste storage tank	F001, F002
Waste Storage Area 1	F001, F002, F003, F005, D001, D002
Waste Storage Area 2	D002
Former container storage area	F001, F002
Elementary Neutralization Unit: 1200 gallon open top tank	D002
Former elementary neutralization unit: 700 gallon open top tank	D002

I. The Van Waters & Rogers Inc. RCRA Part B permit became effective November 4, 1991.

J. Since 1991, the Facility's dangerous waste permit application has been amended at least ten times. Most changes were Class I (minor) modifications. Class II (more substantive)

modifications included alteration and improvement of the container storage areas, submission of new waste sampling plans, and two modifications to accept 27 additional waste codes.¹

K. In October 1991, Science Applications International Corporation, on behalf of EPA, completed a RFA Report. The purpose of a RFA is to identify those areas at the Facility where release(s) of hazardous substances, as defined in RCW 70.105D.020(10), may have occurred or may be occurring. The RFA Report identified the following SWMUs:

- SWMU 1 Hazardous waste storage area No. 1
- SWMU 2 Former hazardous waste storage area No. 2
- SWMU 3 Hazardous waste transfer station
- SWMU 4 Satellite accumulation area No. 1
- SWMU 5 Satellite accumulation area No. 2
- SWMU 6 Satellite accumulation area No. 3
- SWMU 7 Drum waste/neutralization unit
- SWMU 8 Solid waste dumpster
- SWMU 9 Former hazardous waste transfer station
- SWMU 10 Former drum waste/neutralization unit
- SWMU 11 Former neutralization oil/water separator
- SWMU 12 Former container storage area
- SWMU 13 Former 6,000 gallon hazardous waste storage tank
- SWMU 14 Former 1,500 gallon hazardous waste storage tank
- SWMU 15 Stormwater sewer system
- SWMU 16 Hazardous waste storage area No. 2

L. In 1994, based upon the recommendation of the RFA, soil investigation occurred at the former 1,500 gallon dangerous waste storage tank (EMCON 1994). Suspect soil conditions led to an investigation of groundwater in 1995 (EMCON 1995a). The groundwater

¹ F012, F032, F034, F035, F037, F038, K001, K046, K048, K049, K050, K051, K052, K060, K061, K062, K086, K087, K088, K141, K142, K143, K144, K145, K147, K148.

was found to contain hazardous substances (volatile organic compounds) at concentrations exceeding cleanup levels developed under WAC 173-340.

M. The discovery of hazardous substances in soil and groundwater led to expanding, multiphase investigations of the Facility described in the following documents:

- EMCON. 1994. *Limited Soil Investigation, 8201 South 212th Street, Kent, Washington.*
- EMCON. 1995a. *Subsurface Investigation and Groundwater Sampling Report, Former Hazardous Waste Storage Tank Area, Van Waters & Rogers Inc. Facility, 8201 South 212th Street, Kent, Washington.*
- EMCON. 1995b. *Former Hazardous Waste Storage Tank Area, Van Waters & Rogers Inc., Kent, Washington.*
- EMCON. 1998. *Groundwater Investigation Report, Van Waters & Rogers Inc., 8201 South 212th Street, Kent, Washington.*
- Vopak USA Inc. 2001. *Dangerous Waste Permit application.*
- PES Environmental Inc., EMCON, and IT Corp.: 1996-2007. Bimonthly, quarterly, semiannual and/or annual remedial progress reports.
- PES Environmental Inc. 2005. *Remedial Investigation Report.*

N. On July 23, 1998, Van Waters & Rogers Inc.'s consultant (EMCON) submitted a Groundwater Investigation Report to Ecology. Based on contaminant source characteristics, the Report described two areas at the Facility where release(s) of hazardous substances, as defined in RCW 70.105D.020(10) have occurred. Ecology will henceforth refer to these areas of concern (AOC) as follows:

- AOC 1 Contaminated area focused around the vicinity of the barrel wash pit and monitoring well MW-1
- AOC 2 Contaminated area focused around the vicinity of monitoring well MW-5

O. A number of the hazardous substances present in soil and groundwater were never managed in the former hazardous waste storage tanks. However, 37 underground storage tanks

were removed from this location in 1985 and 1986. These tanks held numerous products now found in soil and groundwater. Based on a review of historical information regarding site operations and the distribution of contaminants, a determination was made that the contaminant source(s) for AOC 1 were undocumented releases near the 37 underground tanks. The contaminant source(s) for AOC 2 are unknown.

P. The releases described above have contaminated and may continue to contaminate soil and groundwater. Residual contaminants in the saturated and unsaturated soil may be further mobilized by flow of water or air in the subsurface. Several migration processes have occurred and may continue to occur, including leaching to groundwater, downward flow due to gravity, and diffusion. The following indicator hazardous substances have been identified in groundwater:

- Trichloroethylene, perchloroethylene, trichloroethane, 1,1 dichloroethane, 1,1-dichlorethene, 1,2 dichloroethane, 1,2, dichloropropane, chloroethane, cis-1,2-dichloroethene, vinyl chloride, toluene, benzene, ethylbenzene, xylenes, methylene chloride, chloroform, and 1,2,4-trimethylbenzene.

In soil:

- Trichloroethylene, perchloroethylene, 1,1-dichlorethene, benzene, methylene chloride, and vinyl chloride.

Q. All contaminated soil at the Facility lies beneath buildings or pavement. Therefore, no ecological receptors (plants, soil biota, and animals) have been exposed to soil contamination. Human exposure may occur when site workers come in contact with soil during trenching and construction activities that disturb existing structures or pavement. No drinking water wells are present in or near the areas of contaminated groundwater, and none have been identified within one mile downgradient of the Facility.

R. A field pilot test of in-situ chemical oxidation was conducted in 2001.

S. Hazardous substances have been and may continue to be released from the Facility into the environment.

T. On October 31, 2006, Univar ceased using the DWMUs and notified Ecology of Univar's intent to close all DWMUs.

U. In August 2007, Ecology received a closure report describing implementation of the Facility's closure plan and sampling to confirm clean closure of all DWMUs.

V. On October 31, 2007, Ecology conditionally accepted certification for clean closure of the above ground portions of the DWMUs, and indicated its intention to address the below-ground contamination through a Corrective Action only RCRA permit.

W. Although the Facility still provides warehousing, bulk storage, repacking, and transportation of numerous industrial chemical products, it no longer operates as a hazardous waste treatment, storage or disposal facility. Currently, Univar is operating as a transfer facility (storage of dangerous waste not to exceed ten days), and as a generator of dangerous waste subject to RCRA, its implementing regulations, and authorized State regulations promulgated in Chapter 173-303 WAC.

VI. ECOLOGY DETERMINATIONS

A. Univar is a person within the meaning of RCW 70.105D.020(19).

B. Univar is the owner and operator of a Dangerous Waste Management Facility that operated under interim status or final Facility permit, subject to Sections 3004 and 3005 of RCRA, 42 U.S.C. §§ 6924 and 6925, and regulations promulgated thereunder, including authorized State regulations in Chapter 173-303 WAC. Univar is also an "owner or operator" as defined by RCW 70.105D.020(17) of a "facility" as defined by RCW 70.105D.020(5).

C. Certain waste and constituents found at the Facility are dangerous wastes and/or dangerous constituents as defined by Chapter 173-303 WAC, and in Section IV (Definitions), of this Order.

D. These dangerous wastes and/or dangerous constituents are considered hazardous substances within the meaning of RCW 70.105D.020(10).

E. Based on the Findings of Fact and the administrative record, Ecology has determined that release(s) and potential release(s) of hazardous substances at and/or from the Facility present a threat to human health and the environment.

F. Based on credible evidence, Ecology issued a PLP status letter to Univar dated December 21, 2007, pursuant to RCW 70.105D.040, -.020(21), and WAC 173-340-500. By letter dated January 8, 2008, Univar voluntarily waived its rights to notice and comment and accepted Ecology's determination that Univar is a PLP under RCW 70.105D.040.

G. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.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.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that Univar take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein.

A. Univar shall complete and submit to Ecology a Remedial Investigation and Focused Feasibility Study Addendum and draft Cleanup Action Plan (RI/FFSA/DCAP). Following Ecology review and comment on the RI/FFSA/DCAP, Univar shall finalize and submit to Ecology:

1. The remedial investigation portion of the report, which shall be submitted in accordance with the requirements of Chapter 173-340 WAC and as described in the Scope of Work. Prior remedial investigation activities are summarized in PES Environmental Inc. 2005. *Remedial Investigation Report*.

2. The feasibility study portion of the report, which shall be submitted in accordance with the requirements of WAC 173-340-350 through WAC 173-340-370, and

3. The draft cleanup action plan (DCAP), which shall be submitted in accordance with the requirements of Chapter 173-340 WAC, as well as WAC 173-303-64610 through 173-303-646920, and as further detailed in the Scope of Work.

B. Attached hereto as Exhibit B is the Scope of Work. All corrective action tasks and deliverables shall be conducted in accordance with the Scope of Work. Exhibit B is incorporated by reference as an integral and enforceable part of the Order.

C. Attached hereto as Exhibit C is the schedule for the Scope of Work. Exhibit C is incorporated by reference as an integral and enforceable part of the Order. Univar shall submit to Ecology all deliverables required by the Scope of Work in accordance with Exhibit C.

D. After Ecology's approval of the DCAP, the Parties shall either amend this Order or enter into negotiations for a new agreed order or consent decree to design, construct, operate, and monitor the chosen remedial option(s) described in the DCAP. After public review and comment Ecology may modify the DCAP and agreed order or consent decree. Then Ecology shall approve a final cleanup action plan (CAP) and Univar shall implement it.

E. Each deliverable, once approved by Ecology, becomes an integral and enforceable part of this Order.

F. Univar shall notify Ecology's project coordinator in writing of any newly-identified SWMU(s), newly-discovered release(s) from known SWMU(s), and newly-discovered AOCs at the Facility no later than thirty (30) days after discovery, and shall investigate and report on these areas as directed by Ecology's project manager. If required, the investigation (assessment) and reporting shall be done in accordance with attached Exhibit B (Scope of Work).

G. If, at any time after the first exchange of comments on drafts Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this Section, Ecology may complete and issue the final deliverable.

VIII. TERMS AND CONDITIONS OF ORDER

A. Public Notice

RCW 70.105D.030(2)(a) and WAC 173-340-600(11)(c) require that this Order be subject to public notice. If public notice on the Order and the permit are done concurrently, the notice period shall be for the longer of the two time periods required in WAC 173-340-600 and WAC 173-303-840(3)(d). Ecology shall be responsible for providing such 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 the Order is inadequate or improper in any respect.

B. Remedial Action Costs

Univar 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 Facility under Chapter 70.105D RCW, 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). Univar shall pay the required amount within ninety (90) 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.

Pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

In order to assure these payments get to the proper staff as soon as possible, the address for mailing via the post office is:

Dept of Ecology
Cashiering Section
PO Box 5128
Lacey, WA 98509-5128

If you choose to send a check by a messenger/overnight delivery service, the address to use is:

Dept of Ecology
Cashiering Section 7-7095
300 Desmond Dr SE
Lacey, WA 98503-1274

In order to ensure that your payment is properly credited, please enclose the bottom portion of Ecology's invoice and indicate that the check is for cost recovery on the Univar Kent Facility.

C. Implementation of Remedial Action

If Ecology determines that Univar has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to Univar, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of Univar's failure to comply with its obligations under this Order, Univar shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs) provided that Univar is not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, Univar shall not perform any remedial actions at the Facility outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

D. Designated Project Coordinators

The project coordinator for Ecology is:

Greg Caron
15 W. Yakima Avenue #200
Yakima, WA 98902-3452
(509) 454-7893

The project coordinator for Univar is:

George Sylvester
32131 Steven Way
Conifer, CO 80433
(303) 838-7260

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 Facility. To the maximum extent possible, communications between Ecology and Univar, 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.

E. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

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

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

Univar 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 Facility.

F. Access

Ecology or any Ecology authorized representative shall have authority to enter and move about all property at the Facility that Univar either owns, controls, or has 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 Univar's 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 Univar. Univar shall make all reasonable efforts to secure access rights for those properties within the Facility not owned or controlled by Univar 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 Facility property owned or controlled by Univar unless an emergency prevents such notice. All persons who access the Facility pursuant to this Section shall comply with any applicable Health and Safety Plan(s) and, unless an emergency exists, shall be accompanied by a Univar representative at all times. Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Facility property access.

G. Sampling, Data Submittal, and Availability

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

H. Public Participation

A Public Participation Plan is required for this Facility. Ecology shall develop a Public Participation Plan alone or in conjunction with Univar.

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

1. If agreed to by Ecology, develop appropriate mailing list, 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 major meetings with the interested public and local governments. Likewise, Ecology shall notify Univar prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by Univar that do not receive prior

Ecology approval, Univar 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 Facility. Participation may be through attendance at public meetings to assist in answering questions, or as a presenter.

4. When requested by Ecology, provide public participation information to the repository located at:

Washington State Department of Ecology
Northwest Regional Office - Library
3190 160th Avenue SE
Bellevue, WA 98008

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports; supplemental remedial planning documents; and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in this repository.

I. 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, Univar 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, Univar shall make all records available to Ecology and allow access for review within a reasonable time.

J. Resolution of Disputes

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, Univar has fourteen (14) days within which to notify

Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. Univar may then request regional management review of the decision. This request shall be submitted in writing to the Northwest Region Hazardous Waste & Toxics Reduction Section Supervisor within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Supervisor shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of Univar's request for review. The Section Supervisor's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to 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.

K. Extension of Schedule

1. 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; and

(d) Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on Univar 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 Univar's reasonable control despite the due diligence of Univar, 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 Univar;

(b) Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

(c) Endangerment as described in Section VIII.M (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 Univar.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall provide to Univar written notification of all 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.L (Amendment of Order) when a schedule extension is granted.

4. 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:

(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; or

(c) Endangerment as described in Section VIII.M (Endangerment).

L. 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.

Except as provided in Section VIII.N (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 Univar. Univar shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing by Ecology. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII. J (Resolution of Disputes).

M. Endangerment

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

In the event Univar determines that any activity being performed at the Facility is creating or has the potential to create a danger to human health or the environment, Univar may cease such activities. Univar 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 Univar shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with Univar's cessation of activities, it may direct Univar to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this Section, Univar's 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.K- (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.

N. Reservation of Rights

This Order is not a settlement under Chapter 70.105D RCW. 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 any actions against Univar to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take enforcement actions against Univar regarding remedial actions required by this Order, while Univar's actions are in compliance with this Order.

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

O. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Facility shall be consummated by Univar 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 finalization of any transfer of any interest in all or any portion of the Facility, and during the effective period of this Order, Univar 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 finalizing such transaction, Univar shall notify Ecology. Upon transfer of any interest, Univar shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

P. Compliance with Applicable Laws

1. All actions carried out by Univar pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local permit requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), Univar is exempt from the procedural requirements of Chapters 70.94, 70.95, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, Univar shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

Univar has 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 Univar determines 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 party of its determination. Ecology shall determine whether Ecology or Univar shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Univar 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

Univar and on how Univar must meet those requirements. Ecology shall inform Univar in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. Univar shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. 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 Univar 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.

Q. Land Use Restrictions

If necessary under the CAP, Univar shall record a Restrictive Covenant with the office of the King County Auditor within ten (10) days of the completion of the remedial action. The Restrictive Covenant shall restrict future uses of the Facility, and shall be subject to review and approval by Ecology. Univar shall provide Ecology with a copy of the recorded Restrictive Covenant within thirty (30) days of the recording date.

R. Financial Assurance

1. Pursuant to WAC 173-340-440(11) and consistent with WAC 173-303-64620, Univar shall maintain financial assurance for corrective action in the amount necessary to implement the current corrective actions at the Facility. In the absence of final regulations governing financial assurance for corrective action, the Financial Assurance for Corrective Action Proposed Rule, 51 F.R. 37853 (October 24, 1986) the financial assurance provisions of Corrective Action for Releases from Solid Waste Management Units Advance Notice of Proposed Rulemaking, 61 F.R. 19432 (May 1, 1996), and the Interim Guidance on Financial Assurance for Facilities Subject to RCRA Corrective Action (U.S. EPA, September 30, 2003), or other guidance that may be available at the time, shall be used as guidance. The financial assurance provisions of the Corrective Action for Solid Waste Management Units at Hazardous

Waste Management Facilities, 55 F.R. 30798 (July 27, 1990) may be used as secondary guidance at Ecology's discretion. Acceptable mechanisms include trust funds, surety bonds guaranteeing performance, letters of credit, insurance, the financial test, and corporate guarantee, or another instrument if Univar demonstrates to Ecology's satisfaction that another instrument provides an acceptable level of financial assurance. Univar shall provide Ecology's project coordinator and Ecology's financial assurance officer with documentation of this financial assurance within sixty (60) days of Ecology's issuance of this Order. If PLP is under an existing obligation to maintain financial assurance, Univar shall maintain such assurance until the conditions of this paragraph are satisfied.

The date on which original financial assurance documentation is received by Ecology's financial assurance officer is the "Financial Assurance Anniversary Date" of this Order.

2. Univar shall adjust the financial assurance coverage and provide Ecology's project coordinator and Ecology's financial assurance officer with documentation of the updated financial assurance for:

(a) Inflation, annually, within thirty (30) days of the Financial Assurance Anniversary Date, as defined above; or if applicable, the modified Financial Assurance Date, as set forth in paragraph (b) below; or if applicable, ninety (90) days after the close of Univar's fiscal year if the financial test or corporate guarantee is used.

(b) Changes in cost estimates, which shall be submitted to Ecology within thirty (30) days of Ecology's issuance of a Modified Order. Within sixty (60) days of Ecology's approval of the change in cost estimate, Univar shall adjust the financial assurance coverage and provide Ecology's project coordinator and Ecology's financial assurance officer with documentation of the updated financial assurance. The receipt of the updated financial assurance documents modifies the Financial Assurance Anniversary Date accordingly.

3. Univar shall notify Ecology's project coordinator and Ecology's financial assurance officer by certified mail of the commencement of a voluntary or involuntary

bankruptcy proceeding that names Univar as debtor, within ten (10) days after commencement of the proceeding. A guarantor of a corporate guarantee must make such a notification if he is named as debtor as required under the terms of the corporate guarantee.

Once Univar has established financial assurance for corrective action with an acceptable mechanism, as described above, Univar will be deemed to be without the required financial assurance:

- (a) In the event of bankruptcy of the trustee or issuing institution;
- (b) If the authority of the trustee institution to act as trustee has been suspended or revoked; or
- (c) In the event the authority of the institution issuing the surety bond, letter of credit, or insurance policy has been suspended or revoked.

In the event of bankruptcy of the trustee or a suspension or revocation of the authority of the trustee institution to act as a trustee, Univar must establish financial assurance by any means specified in WAC 173-303-620 or other financial assurance instrument as approved by Ecology within sixty (60) days after such an event.

4. Ecology's financial assurance officer is:

Name: Kimberly Goetz
Address: Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6754
FAX: (360) 407-6715
E-mail: kgoe461@ecy.wa.gov

S. Periodic Review

As remedial action, including ground water monitoring, continues at the Facility, the Parties agree to review the progress of remedial action at the Facility, and to review the data accumulated as a result of monitoring the Facility as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of cleanup action at the Facility, the Parties shall meet to discuss the status of the Facility and the need, if any, for further remedial action at the Facility. Ecology reserves the right to require further remedial action at

the Facility under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

T. Indemnification

Univar agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property arising from or on account of acts or omissions of Univar, its officers, employees, agents, or contractors in entering into and implementing this Order. However, Univar 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 Univar's receipt of written notification from Ecology that Univar has completed the corrective actions required by this Order, as amended by any modifications, and that Univar has complied with all other provisions of this 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 Facility.

C. In the event Univar refuses, without sufficient cause, to comply with any term of this Order, Univar 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; and

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.

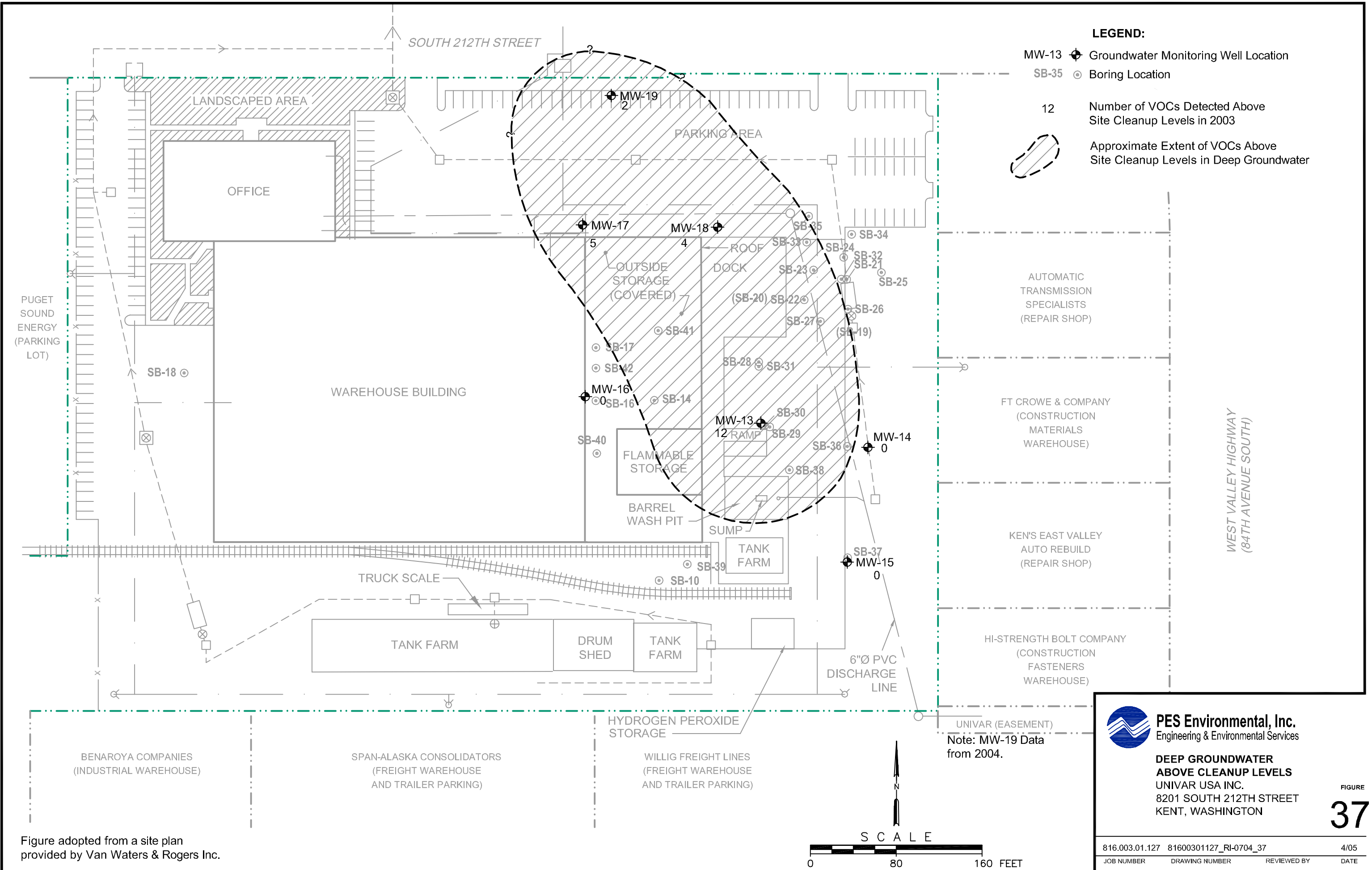
Effective date of this Order: _____

UNIVAR USA INC.

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

JAMES P. HOOPER, Director
Environmental Affairs
Univar USA Inc.
(630) 761-0486

JULIE SELICK, Section Manager
Hazardous Waste & Toxics Reduction Program
Northwest Regional Office
(425) 649-7053



- LEGEND:**
- MW-13 Groundwater Monitoring Well Location
 - SB-35 Boring Location
 - 12 Number of VOCs Detected Above Site Cleanup Levels in 2003
 - Approximate Extent of VOCs Above Site Cleanup Levels in Deep Groundwater

UNIVAR (EASEMENT)
 Note: MW-19 Data from 2004.

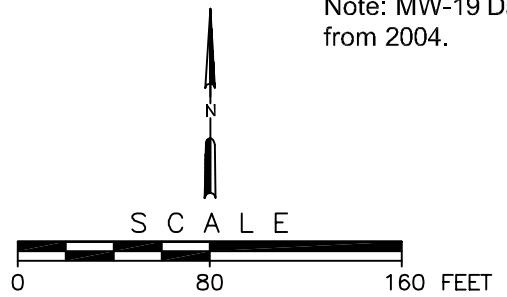


Figure adopted from a site plan provided by Van Waters & Rogers Inc.

PES Environmental, Inc.
 Engineering & Environmental Services

DEEP GROUNDWATER ABOVE CLEANUP LEVELS
 UNIVAR USA INC.
 8201 SOUTH 212TH STREET
 KENT, WASHINGTON

FIGURE
37

816.003.01.127	81600301127_RI-0704_37	4/05
JOB NUMBER	DRAWING NUMBER	REVIEWED BY DATE

EXHIBIT A

Exhibit B
SCOPE OF WORK

This Scope of Work provides the tasks to be conducted pursuant to Section VII of the Agreed Order.

Task 1: Remedial Investigation, Focused Feasibility Study Addendum and Draft Cleanup Action Plan (RI/FFSA/DCAP)

Univar shall complete and submit for review and approval a Remedial Investigation, Feasibility Study and Draft Cleanup Action Plan (RI/FFSA/DCAP). The RI/FFSA/DCAP shall include the results of recent off-property groundwater sampling and analysis that have been conducted in an attempt to finalize the site remedial investigation. Following Ecology review and comment, Univar shall revise the RI/FFSA/DCAP in accordance with the schedule established in Exhibit C.

The FFS portion of the report shall include a comparison of potential cleanup action alternatives and shall be consistent with WAC 173-340-350(8), -350(9), -355, -360, and -370 and include, at a minimum, the following information:

1. Results of the previous pilot study and/or treatability studies. These may be summarized and any documents/reports referenced as appropriate.
2. An initial screening of alternatives to reduce the number of alternatives for the final detailed evaluation.
3. A reasonable number and type of alternatives shall be evaluated, taking into account the characteristics and complexity of the facility, including current site conditions and physical constraints.
4. Evaluate the expected cost and performance aspects of each alternative.
5. Include proposed cleanup levels (in table form) from the 2005 RI Report for evaluative purposes.
6. Identify a preferred cleanup action.
7. For the preferred cleanup action:
 - a. Estimate the likely future nature and extent of contamination.

- b. Assess both onsite and offsite plume migration.
- c. Estimate a remediation timeframe.
- d. Clearly present/discuss any assumptions or site-specific information used

in (a) through (c) above, such as:

- i. expected residual contaminants of concern in source areas and down gradient
- ii. chemical degradation rates
- iii. sorption potential
- iv. aquifer total/effective porosity
- v. aquifer horizontal and vertical hydraulic conductivity
- vi. groundwater flow rates
- e. Include a sensitivity analysis and a discussion of uncertainties, including:
 - i. assessment of existing data quality
 - ii. the conservativeness of critical assumptions
 - iii. conclusions about how accurately the information represents true site conditions

8. Any Monitored Natural Attenuation proposal shall also follow applicable EPA guidance² and Ecology requirements (WAC 173-340-370(7)).

9. Any remediation levels proposed as part of the preferred cleanup action shall be consistent with WAC 173-340-355.

The DCAP portion of the report shall be consistent with Ecology approved remedial alternative(s) and include:

- 1. Elements identified in WAC 173-340-380(1)
- 2. A declaration, with rationale, that the proposed cleanup action will meet WAC 173-340-370 *Expectations for cleanup action alternatives*.

² Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Ground Water, EPA/600R/R-98/128.

3. A declaration, with rationale, that the proposed cleanup action will comply with all pertinent requirements contained in WAC 173-340-360, *Selection of cleanup actions*.

4. A description of any post-CAP activities and documents likely needed to implement, operate, and maintain the action, and monitor its performance.

Task 2: Groundwater monitoring plan

Univar shall prepare and submit for review and approval a groundwater monitoring plan (GWMP) in accordance with the schedule established in Exhibit C. Elements of the GWMP may include the existing (though not previously formally approved by Ecology) groundwater monitoring program. It is anticipated that the GWMP shall also be used to monitor the cleanup action for both short and long term effectiveness. The GWMP shall comply with requirements in: WAC 173-340-820 *Sampling and analysis plans*; WAC 173-340-830 *Analytical procedures*; WAC 173-340-840 *General submittal requirements*; and WAC 173-340-410 *Compliance monitoring requirements*. The groundwater monitoring plan shall include:

1. Figure(s) identifying the locations of all existing monitoring wells/points.
2. Figure(s) identifying the locations of monitoring wells included in the GWMP, if different than above.
3. Standard operating procedures (SOPs) for logging, purging, stabilization data, sampling, water levels, groundwater pump inlet locations with respect to well screen elevations, well-decommissioning, etc.
4. A discussion of field records associated with monitoring.
5. For wells located on property not owned or controlled by Univar, a discussion of access considerations, contact information and procedures.
6. Descriptions of monitoring well construction and well logs. References may be used provided the information is readily available to the department.
7. Analysis methods must achieve reporting limits below the appropriate groundwater cleanup levels.
8. A quality assurance project plan (see Task 2a).

9. A site safety and health plan (see Task 2b) conforming to WAC 173-340-810.

Following Ecology approval of the GWMP, Univar shall continue monitoring all wells unless revisions are approved in writing by Ecology. Revisions may be proposed by Ecology or Univar, shall be confirmed in writing by Ecology, and shall not warrant public comment.

Task 2a: Quality assurance project plan (QAPP)

Univar shall prepare and submit for review and approval a quality assurance project plan (QAPP) in accordance with the Ecology's Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies, Publication No. 04-03-030, July 2004.

Task 2b: Site safety and health plan

Univar shall prepare and submit for review and approval a site safety and health plan in accordance with WAC 173-340-810.

Task 3: Groundwater monitoring reports

Univar shall prepare and submit for review and approval groundwater monitoring reports on an annual basis. The groundwater monitoring reports shall include at a minimum:

1. An overview of current status, identify significant results and data trends, etc.
2. Descriptions of any problems, how problems were rectified, deviations from the work plans and an explanation for deviations.
3. Water level contour maps using data from all groundwater monitoring wells sampled during each sampling event.
4. Tabulated contaminant of concern concentrations and water table elevation data from the previous years sample events as well as historical contaminant concentrations and water table elevations for all previous sampling events. Tables should note groundwater cleanup levels, and other State and Federal applicable, relevant, and appropriate requirements, for reference.
5. Iso-concentration maps for contaminants of concern, including an isopleth of the appropriate cleanup level.
6. Copies of all laboratory analytical data sheets.

7. Chain of custody forms.
8. Field Activity Logs.
9. Narrative discussion of data validation and a description of all data qualified or rejected.
10. Submitted in compliance with WAC 173-340-820, WAC 173-340-830, WAC 173-340-840.

Ecology or Univar may request changes in the frequency or content of monitoring reports. Changes must be confirmed in writing by Ecology, and shall not warrant public comment.

Task 4: Cleanup progress reports

Univar shall submit quarterly progress reports to provide summaries of recent work conducted under the order. Univar shall, at a minimum, describe the following in each progress report.

1. All work conducted pursuant to the order during the calendar quarter since the last progress report.
2. Occurrence of any problems, how problems were rectified, deviations from the work plans and an explanation for all deviations.
3. Summaries of significant findings, changes in personnel, and summaries of contacts with all federal, state, and local community, and public interest groups.
4. Projected work to occur in the upcoming quarter.

Ecology or Univar may request changes in the frequency or content of progress reports. Changes must be confirmed in writing by Ecology, and shall not warrant public comment.

Exhibit C

SCHEDULE OF DELIVERABLES

Task	Deliverable	Due Date
1	<ul style="list-style-type: none"> • First draft of RI/FFSA/DCAP • Revised RI/FFSA/DCAP, including any subsequent revisions 	<ul style="list-style-type: none"> • Submit within 30 calendar days after effective date of agreed order. • Submit revised report(s) within 45-calendar days after receiving Ecology written comments.
2 2a 2b	Groundwater monitoring plan, including <ul style="list-style-type: none"> • Quality assurance project plan • Site safety and health plan 	<ul style="list-style-type: none"> • Submit within 90 calendar days after effective date of agreed order • Submit within 90 calendar days after effective date of agreed order • Submit revised plan(s) within 45 calendar days of receipt of Ecology written comments.
3	Annual groundwater monitoring reports	<ul style="list-style-type: none"> • Submit by March 1 for data from preceding year.
4	Quarterly remedial action progress reports	<ul style="list-style-type: none"> • Submit within 60 days of the end of the previous calendar quarter.