STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action at the:	)	
WESTERN FARM SERVICE PASCO FACILITY 3482 Glade Road North Pasco, Washington 99302	)	AGREED ORDER No. 03TCPER-5649

TO: *Crop Production Services, Inc., dba Western Farm Service, Inc.*

Collectively referred to herein as Potentially Liable Persons (PLPs)

I. JURISDICTION

This Agreed Order ("Order") is issued pursuant to the authority of RCW 70.105D.050(1).

II. FINDINGS OF FACT

The Washington Department of Ecology ("Ecology") makes the following Findings of Fact, without admission of such facts by the PLPs:

1. Since January 1993, Crop Production Services, Inc. ("CPS") has owned the facility located at 3482 Glade Road North near Pasco, Washington, in the SW 1/4 NE 1/4 Section 25, Township 10 North, Range 29 East, Willamette Meridian (the "Glade Road Facility," *see Exhibit A, Site Map*). Between January 1993 and July 1995, CPS operated the Glade Road Facility.

2. Since July 1995, Western Farm Service, Inc. ("WFS") has operated the Glade Road Facility.

3. From August 1985 to January 1993, PureGro Company ("PureGro") owned and operated the Glade Road Facility. From approximately 1973 to August 1985, the Glade Road Facility was owned by Burlington Northern Railroad and leased and operated by PureGro.

4. When PureGro was at the Glade Road Facility, fertilizers and pesticides were formulated, mixed, packaged, and distributed to buyers for off-site application to agricultural fields.

5. Since CPS has owned the Glade Road Facility, fertilizers have been mixed, packaged, and distributed to buyers for off-site application to agricultural fields.

6. The Glade Road Facility covers more than twenty acres (*see Exhibit B, Facility Map*).

   Currently, WFS's operations at the Glade Road Facility include:

- Warehouses for storage of pesticides and fertilizers;
- Chemical storage building;
- Dry fertilizer storage area;
- Equipment rinse pads with sumps and/or storage tanks;
- Above-ground storage tanks for fertilizers, pesticides, and rinse waters;
- Above-ground storage tanks for gasoline and diesel fuels;
- Equipment repair shop; and
- Office building.

Formerly, PureGro's operations at the Glade Road Facility also included:

- 21-0-0-7 fertilizer "reactor" with accompanying fertilizer and sulfuric acid tanks and above-ground storage tanks for 21-0-0-7 product;
- Warehouse for formulation and storage of micronutrients;
- Above-ground storage tanks for fumigants;
- Underground storage tanks (UST) for gasoline, diesel, and aviation fuel;
- Additional equipment rinse pads;
- Rinse water drainage area;
- Oil shed;
- Helicopter pads;
- Sandblasting area with concrete containment pad; and
- An additional office building.

7. Evidence of prior releases at the Glade Road Facility are contained in the following documents:
    - Dames and Moore, 1986 (March 27), *Report Concerning Release of Phosphoric Acid, Glade Road Facility, Pasco, Washington*, prepared for PureGro Company
    - Department of Ecology, 1990 (August 22), *Field notes for Toxic Cleanup Program's Initial Investigation to evaluate May, 1989 fertilizer spill*
    - Department of Ecology, 1990 (September 13), *Early Notice Letter to PureGro Company regarding May, 1989 fertilizer spill*
    - Department of Ecology, 1991 (August 20), Letter *to PureGro regarding Ecology's Hazard Ranking for the Glade Road Facility*
    - Department of Ecology, 1995 (August 30), *Hazardous Waste and Toxics Reduction Program Inspection Report for August 9, 1995 dangerous waste compliance evaluation inspection*
    - Department of Ecology, 1996 (June 12), *Hazardous Waste and Toxics Reduction Program Compliance Report for May 19, 1996 dangerous waste compliance evaluation inspection*
    - Department of Ecology, 1996 (July 9), *Memorandum to Toxics Cleanup Program file summarizing Ecology's Glade Road Facility tour on June 25, 1996*
    - Department of Ecology, 1997 (July 10), *Memorandum to Toxics Cleanup Program file summarizing Ecology's Glade Road Facility tour on July 7, 1997*
    - EMCON, 1997 (March 18), *Remedial Investigation Report, Former PureGro Property, Pasco, Washington*, prepared for Unocal Asset Management Group
    - Hart Crowser, 1993 (December 29), *Phase II Investigation Report, Pasco, Washington*, prepared for Unocal Corporation

- Hart Crowser, 1994 (August 25), *Sample Results, Helicopter Pads, Pasco, Washington*, prepared for Unocal Corporation
- Hart Crowser, 1994 (October 11), *Sample Results, Organochlorine Pesticides, Pasco, Washington*, prepared for Unocal Corporation
- Maul, Foster, & Alongi, 2001. *Final Phase II Remedial Investigation Technical Report, Glade Road Facility, Pasco, Washington.* April 2001.
- Maul, Foster, & Alongi, 2001. *Supplemental Data for the Final Phase II Remedial Investigation Technical Report, Glade Road Facility, Pasco, Washington.* May 2001.
- Maul, Foster, & Alongi, 2002. *Final Feasibility Study Report, Glade Road Facility, Pasco, Washington.* August 2002.
- PureGro Company, 1990 (May 25), Letter *to Ecology summarizing releases of hazardous substances at the facility prior to May 4th, 1990*
- Remediation Technologies, Inc., 1989 (August), *Sampling Plan for Determining the Extent of Pesticide Contamination in the Open-Top Tank Area, Pasco, Washington*, prepared for PureGro Company
- Remediation Technologies, Inc., 1990 (April), *Site Investigation of the Open-Top Tank Area, Pasco, Washington*, prepared for PureGro Company
- Scientific Applications International Corporation, 1991 (June), *Site Hazard Assessment, PureGro Company Pasco Site, Franklin County, Washington*, prepared for Department of Ecology
- Summit Envirosolutions, 1995 (March 31), *Independent Remedial Action Report, Phosphoric Acid Release, Crop Production Services, Inc., Pasco, Washington*, prepared for Crop Production Services
- Western Farm Service, Inc., 1996 (March 26), Letter *to Ecology regarding June, 1995 liquid magnesium sulfate spill*
- Woodward-Clyde, 1997 (April 22), *Summary of Site Remedial Actions and Responses to Ecology Comments, Western Farm Service Glade Road Facility, Pasco, Washington*, prepared for Western Farm Service, Inc.

8. Remedial measures taken to clean up past releases at the Glade Road Facility are documented in the reports listed above.

9. Past releases have resulted in documented contamination of groundwater at the Glade Road Facility. Based on the results of groundwater sampling conducted from 1996 to 2002, groundwater samples contained nitrate and dinoseb concentrations that exceeded the federal drinking water maximum contaminant levels (MCLs) of 10 mg/L and 7 μg/L, respectively. The sampling results show that the dinoseb concentrations have decreased over time.

10. Past releases have resulted in documented contamination of soils at the Glade Road Facility. The concentrations of some contaminants exceed soil cleanup levels established in the Washington *Model Toxics Control Act (MTCA) Cleanup Regulation* (Chapter 173-340 WAC).

11. On March 5, 1997, Ecology sent a *"Notice of Potential Liability for the Release of Hazardous Substances Under the Model Toxics Control Act"* to Union Oil Company of California d.b.a. Unocal (parent company of PureGro) and Agrium, Inc. (parent company of

WFS and CPS). On May 6, 1997, Ecology sent notices of potential liability to WFS, CPS, and PureGro.

12. Based on the review of all information submitted by the companies named above, Ecology determined that credible evidence existed to name WFS, CPS and PureGro as Potentially Liable Persons ("PLPs") for releases of hazardous substances at the Glade Road Facility.

13. On July 18, 1997, Ecology sent letters of *"Determination of Potentially Liable Person Status"* to WFS, CPS, and PureGro.

14. In 1997, PureGro, WFS, and CPS entered into Agreed Order DE97TC-E104 with Ecology to complete a Phase I Remedial Investigation ("RI") report. The Agreed Order also provided for the completion of a Phase II RI and Feasibility Study (FS) report (collectively "RI/FS").

13. EMCON completed the Phase I RI report in 1998. The report was a compendium of previous work completed at the Glade Road Facility.

14. The Phase II program was conducted by EMCON and Maul Foster & Alongi, Inc. ("MFA") in 1999 and 2000. A Phase II RI report was submitted in April 2001. The Phase II RI Report presented a summation of previous investigations conducted at the Glade Road Facility and the findings of the Phase II RI program.

15. In February 2001, MFA performed supplemental RI work to address data gaps in the information compiled for the Phase II RI report. The supplemental RI report was submitted in May 2001.

16. MFA completed the FS and submitted the report to Ecology in August 2002.

17. The FS went out for public comment in December 2002.

18. In May 2003, Ecology completed the Draft Cleanup Action Plan (DCAP) for the Glade Road Facility. In the DCAP, Ecology selected the cleanup remedial actions to be implemented at the Glade Road Facility. The actions include excavation of the dinoseb-contaminated soil in the former wash pad area, off-site treatment of the excavated soil that was in contact with the groundwater, backfilling of the soil that was excavated from depths above the zone of groundwater fluctuation, and asphalt capping of the area of backfilled soil. The remedial actions also include asphalt capping of the contaminated soil at other areas of the Glade Road Facility including the former helicopter pad area, the former gasoline UST area, the former helicopter spray office building area, and the 21-0-0-7 fertilizer spill area. Groundwater monitoring which commenced in 1996 will continue on a semi-annual basis until the dinoseb and nitrate concentrations at the on-site compliance points (monitoring wells MW-4 and MW-14 for nitrate and monitoring well MW-8 for dinoseb) are below the cleanup levels. Four consecutive quarterly sampling events will be required once nitrate and dinoseb levels are below cleanup levels at the on-site compliance points.

III. ECOLOGY DETERMINATIONS

1. CPS is the current owner of the Glade Road Facility, as defined at RCW 70.105D.020(12).

2. WFS is the current operator of the Glade Road Facility, as defined at RCW 70.105D.020(12).

3. CPS and WFS are PLPs for the work required under this Order for the Glade Road Facility.

4. "Hazardous substances," as defined at RCW 70.105D.020(7), are, and historically have been, managed at the Glade Road Facility.

5. Releases of hazardous substances to the environment, as defined at RCW 70.105D.020(20), have occurred at the Glade Road Facility.

6. Under Agreed Order DE97TC-E104, Ecology required WFS, CPS, and PureGro to undertake completion of an RI/FS for the Glade Road Facility.

7. Consistent with Section VI of Agreed Order DE97TC-E104, Ecology has determined that WFS, CPS and PureGro satisfied the remedial activities required by Agreed Order DE97TC-E104, and that the requirements of Agreed Order DE97TC-E104 are complete.

8. As set forth in the DCAP, Ecology has determined that the remedial actions to be implemented at the Glade Road Facility shall include excavation of the dinoseb-contaminated soil in the former wash pad area, off-site treatment of the excavated soil that was in contact with the groundwater, backfilling of the soil that was excavated from depths above the zone of groundwater fluctuation, and asphalt capping of the area of backfilled soil. The remedial actions shall also include asphalt capping of the contaminated soil at other areas of the site including the former helicopter pad area, the former gasoline UST area, the former helicopter spray office building area, and the 21-0-0-7 fertilizer spill area. Ecology has determined that asphalt capping is the appropriate remedy because the contaminated soils at these areas are not considered to be sources of groundwater contamination. Finally, Ecology has determined that groundwater monitoring which commenced in 1996, shall continue on a semi-annual basis until the dinoseb and nitrate concentrations at the on-site compliance points (monitoring wells MW-4 and MW-14 for nitrate and monitoring well MW-8 for dinoseb) are below the cleanup levels. Confirmation that dinoseb and nitrate levels are below cleanup levels at the on-site compliance points shall be confirmed by four consecutive quarterly sampling events.

IV. WORK TO BE PERFORMED

Based on the foregoing Findings of Facts and Determinations, Ecology hereby orders the PLPs to conduct the following remedial actions in accordance with Chapter 173-340 WAC:

1. The PLPs shall conduct a remedial action in general accordance with the Draft Cleanup Action Plan ("DCAP") attached to this Order as Exhibit C.

2. The PLPs shall participate in the public participation process associated with the DCAP and this Order. The PLPs shall submit a Public Participation Plan to Ecology. Following public

comment on the DCAP and this Order, the DCAP will become a final Cleanup Action Plan ("CAP").

3. The PLPs shall submit a work plan for the CAP that consists of a detailed description of work to be performed, personnel requirements, and schedules for implementation. The PLPs shall also prepare, as part of the work plan or separately, an Engineering Design Report, a Health and Safety Plan, a Sampling and Analysis Plan, an Operation and Maintenance Plan, and a Compliance Monitoring Plan.

4. The work plan and each element thereof shall be designed, implemented, and completed in accordance with the Model Toxics Control Act (Chapter 70.105D RCW) and its implementing regulations (Chapter 173-340 WAC) as amended, and all applicable federal, state, and local laws and regulations.

5. After review of the CAP work plan, Ecology shall notify the project coordinator for the PLPs, in writing, of Ecology's approval or disapproval of the work plan. In the event of disapproval, Ecology shall specify in writing both the deficiencies and modifications recommended by Ecology.

6. Upon approval by Ecology, the CAP work plan and schedules shall be immediately attached to and incorporated into this Order and shall thereafter be an integral and enforceable part of this Order.

7. Upon approval by Ecology, the PLPs shall implement the CAP work plan.

8. Progress reports shall be completed on a semi-annual basis, and shall be submitted by the tenth day of the month in which they are due after the effective date of this Order. The reports shall address progress made during the period, work in progress, problem areas, key activities, deliverables submitted, field work and data generated, subcontracting, analytical services performed, and key staffing changes.

9. In accordance with WAC 173-340-840 (5), sampling data shall be submitted in an electronic format agreed to by the Ecology Site Manager.

V. TERMS AND CONDITIONS OF ORDER

1. 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.

2. Public Notices
   WAC 173-340-600(10)(c) requires a thirty (30) day public comment period before this Agreed Order becomes effective. 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. Should such revisions be made, the PLPs reserve the

right to agree to the revisions prior to the Order becoming effective. If the parties cannot reach agreement on any revision, Ecology reserves all rights to issue a unilateral Enforcement Order.

3. Remedial Action Costs
The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors both prior to and subsequent to the issuance of this Order for Order preparation, investigations, remedial actions, oversight, and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Ecology will continue to accrue costs pursuant to Agreed Order DE97TC-E104 until such time this Order comes into full affect.

The PLPs 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 description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Following conclusion of the dispute resolution process, any failure by the PLPs to pay Ecology's costs within 90 days of a final determination of the dispute resolution process will result in interest charges, at a minimum rate of 12 percent [WAC 173-340-550(4)].

4. Designated Project Coordinators
The project coordinator for Ecology is:

William J. Fees
Toxics Cleanup Program
4601 North Monroe
Spokane, WA 99205-1295
Telephone: (509) 329-3589

The project coordinator for the PLPs is:

Brian Miller
Western Farm Service, Inc.
P.O. Box 2300
West Lafayette, IN 47906
Telephone: (765) 497-1931

The project coordinators shall be responsible for implementation of this Order. 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. Should Ecology or the PLPs change project coordinators, each shall make best efforts to provide written notification to the other at least ten (10) calendar days prior to the change.

5. Performance
All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer, hydrogeologist, or similar expert with appropriate training, experience, and expertise in hazardous waste site investigation and cleanup. The

PLPs shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s) and of any contractors and subcontractors to be used in carrying out the terms of this Order in advance of their involvement at the Glade Road Facility. 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 will be in compliance with this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions to address releases from past practices at the Glade Road Facility, except that required by this Order, unless Ecology concurs, in writing, with such additional remedial actions. Ecology shall review and approve or deny such request within five (5) working days of receipt of the request.

Consistent with the notice requirements of this Section V(5), the PLPs hereby notify Ecology that MFA shall perform work required under this Order.

6. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Glade Road Facility at all reasonable times after first identifying themselves to the Glade Road Facility manager. Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Glade Road Facility for the purposes of, inter alia: inspecting records, operation logs, contracts, and other documents related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the Ecology project coordinator 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. To the extent Ecology makes any sound recordings, takes photographs or uses any other documentary equipment to record work it performs (collectively, "recordings"), Ecology shall provide the PLPs with copies of such recordings and allow the PLPs 30 days to determine if the recordings are business confidential/proprietary. To the extent the PLPs determine the recordings are business confidential/proprietary, the PLPs shall notify Ecology of the recordings that require business confidential/proprietary designation, and Ecology may maintain the recordings as such consistent with RCW § 43.21A.160.

The PLPs shall notify Ecology in writing if they determine that access to any property not owned or operated by the PLPs is necessary to perform any remedial action required by this Order. Prior to performing any remedial action, the PLPs shall also make best efforts to submit to Ecology fully-executed access agreements between the PLPs and the owners of such property. If, after all reasonable efforts, the PLPs are unable to achieve access, Ecology will assist in gaining access.

Ecology will make best efforts to provide a minimum of five (5) working days advance notice to PLPs of any sampling. Ecology shall allow split or replicate samples to be taken by the PLPs during an inspection unless doing so interferes with Ecology's sampling. The PLPs shall allow split or replicate samples to be taken by Ecology with Ecology's sample containers and shall make their best efforts to provide at least ten (10) working days notice before any sampling activity. Should Ecology desire to split samples during the PLPs

sampling activity, Ecology will make its best effort to provide at least five (5) working days advance notice.

7. Public Participation
The PLPs shall prepare and/or update a public participation plan for the Glade Road Facility. Ecology shall maintain the responsibility for public participation at the Glade Road Facility. The PLPs shall help coordinate and implement public participation for the Glade Road Facility.

8. Retention of Records
The PLPs shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through agents, contractors, or subcontractors of the PLPs, then the PLPs agree to retain all records of the contractors or agents which pertain to fulfillment of the requirements of this Order.

9. Dispute Resolution
The PLPs may request Ecology to resolve disputes that may arise during the implementation of this Order. In the event the PLPs dispute an approval, disapproval, proposed modification, or other decision or action by Ecology's project coordinator, the PLPs shall utilize the following dispute resolution:

   A. Upon receipt in writing of the Ecology project coordinator's decision, the PLPs have seven (7) working days to notify Ecology's project coordinator in writing of their objection to the decision.

   B. Ecology's project coordinator and the PLPs' project coordinator and/or representative of the PLPs shall then confer in an effort to resolve the dispute. If Ecology's project coordinator and the PLPs' project coordinator and/or representative of the PLPs cannot resolve the dispute within seven (7) working days, Ecology's project coordinator shall issue a written decision within five (5) working days from such date.

   C. The PLPs may then request that Ecology management review the decision made by Ecology's project coordinator. Such request shall be in writing and directed to the signatory or his/her successor(s) to this Order. Ecology resolution of the dispute shall be binding and final. The project coordinators will make all reasonable efforts to comply with the project schedule in the event of a dispute. However, if requested and necessary, Ecology may consider adjustments to the project schedule.

Ecology and the PLPs 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. The PLPs are not relieved of any requirement of this Order during the pendency of the dispute and

remain responsible for timely compliance with the terms of the Order unless otherwise notified by Ecology in writing.

10. Reservation of Rights/No Settlement

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 Ecology 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 to require those remedial actions required by this Agreed Order, provided the PLPs comply with this Order.

Ecology reserves the right, however, to require additional remedial actions at the Glade Road Facility should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from releases or threatened releases of hazardous substances from the Glade Road Facility.

In the event Ecology determines conditions at the Glade Road Facility are creating, or have the potential to create, danger to the health or welfare of the people on site or in the surrounding area, or to the environment, Ecology may order the PLPs to take certain actions or to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Glade Road Facility 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 transfer of any legal or equitable interest the PLPs may have in the Glade Road Facility or any portions thereof, the PLPs shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the PLPs shall notify Ecology of the contemplated transfer.

12. Compliance with Other Applicable Laws

A. 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, except as provided in paragraph B of this section.

B. Pursuant to RCW 70.105D.090(l), the substantive requirements of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for the remedial action under this Order that are known to be applicable at the time of issuance of the Order have been included in the DCAP and are incorporated herein as if set forth in full.

The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(l) would otherwise be required for the remedial action under this Order. In the event the PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, the PLPs shall promptly notify Ecology of this 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.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

C. 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(l) would result in the loss of approval from a federal agency which is necessary for the State to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(l), including any requirements to obtain permits.

VI. SATISFACTION OF THIS ORDER

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Order have been complied with. Completion of this Order will coincide with Ecology's review and approval of the final cleanup action report. Ecology's approval of the final cleanup action report will be confirmed in writing within forty-five (45) days of receipt. Ecology's approval of the final cleanup action shall include written notification from Ecology that the PLPs have completed the remedial activity required by this Order.

VII. ENFORCEMENT

1. 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 Glade Road Facility.

   C. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, following an action brought by the Attorney General, the PLPs may be liable for:

      1. Up to three 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 $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 Section 6 of Chapter 70.105D RCW.

2. Each PLP named in this Agreed Order is individually responsible for compliance with the terms and conditions of this Order. Compliance with this Order by any PLP is not conditioned on the performance of any other PLP or group of PLPs. Similarly, the right of Ecology to enforce this Order against any PLP is not conditioned on the performance of or enforcement against any PLP or group of PLPs.

Effective date of this Order: _____

WASHINGTON DEPARTMENT OF ECOLOGY

Representative: _____

Title: _____

Date: _____

CROP PRODUCTION SERVICES, INC.

Representative: _____
Richard Gearhead

Title: _____
President

Date _____