State of Washington
Department of Ecology

In the Matter of Remedial Action by:
Airport Board City of Spokane/Spokane County
Enforcement Order
No. DE 22584

To: Lawrence J. Krauter
Chief Executive Officer
Spokane International Airport
9000 W. Airport Drive, Suite 204
Spokane, WA 99224

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Exhibit A Location Diagram
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1. Introduction

The objective of the State of Washington, Department of Ecology (Ecology) under this Enforcement Order (Order) is to require remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Airport Board City of Spokane/Spokane County (SIA) to conduct a Remedial Investigation (RI) and Feasibility Study (FS) per WAC 173-340-350, groundwater monitoring, and interim actions as needed at the Site, generally depicted in the Location Diagram (Exhibit A). Ecology believes the actions required by this Order are in the public interest.

2. Jurisdiction

This Enforcement Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

3. PLP(s) Bound

This Order shall apply to and be binding upon SIA. To the extent allowed by law, changes in ownership or corporate status shall not alter SIA's responsibility under this Order. SIA 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.

4. Definitions

Unless otherwise specified herein, the definitions set forth in RCW 70A.305, WAC 173 204, and WAC 173-340 shall control the meanings of the terms in this Order.

4.1 Site

The Site is referred to as Spokane International Airport PFAS Site. The Site constitutes a facility under RCW 70A.305.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. Based upon factors currently known to

Ecology, the Site is generally located at 9000 West Airport Drive in Spokane, WA as shown in the Location Diagram (Exhibit A).

4.2 Potentially Liable Person (PLP)

Refers to Airport Board City of Spokane/Spokane County, also known as the Spokane International Airport and referred to as SIA throughout this Order.

4.3 Enforcement Order or Order

Refers to this Order and each of the exhibits to the Order. All exhibits are an integral and enforceable part of this Order.

5. Findings of Fact

Ecology makes the following findings of fact, without any express or implied admissions of such facts by EO PLP(s):

5.1 Based upon factors currently known to Ecology, the Site is generally located at 9000 West Airport Drive in Spokane, WA as shown in the Location Diagram (Exhibit A).

5.2 Airport Board City of Spokane/Spokane County is an "Owner or Operator", as defined in RCW 70A.305.020(22), of the Site.

5.3 Ecology's Toxics Cleanup Database indicates multiple releases of hazardous substances have occurred on SIA property including metals, petroleum, and halogenated solvents.

5.4 SIA, operating at the Site was required by federal law to use products containing perfluoroalkyl substances to meet requirements under the Airport's Federal Aviation Administration operating certificate pursuant to Federal Aviation Regulations 14 CFR Part 139.

5.5 Groundwater monitoring events completed in 2017 and 2019 identified perfluoroalkyl substances on Site. The following reports were submitted to Ecology during 2023:

- AECOM, Monitoring Well Installation and Groundwater Monitoring for Perfluorinated Chemicals, report dated December 12, 2017.
- SES, Limited Assessment of Electric Avenue Waste Disposal/Fire Pit Training Area, report dated April 23, 2019.

5.6 Ecology was notified of a release of hazardous substances on the Site from a March 30, 2023, Environmental Report Tracking System (ERTS) complaint. On May 12, 2023, an initial investigation field report was completed, and the Site was recommended to be placed on the Confirmed and Suspected Contaminated Sites List.

5.7 On October 9, 2023, Ecology provided SIA a letter in which Ecology invited SIA to

negotiate a draft Agreed Order and Scope of Work that required SIA to complete an RI/FS at the site. The 60-day negotiation period began on October 11, 2023.

5.8 On November 9, 2023, Ecology received a letter from SIA which requested a 60-day extension to the Agreed Order negotiation period, for a total negotiation period of four months. Ecology approved the extension on the conditions that SIA would 1) provide all remaining comments on the draft documents by December 4, 2023, and 2) negotiations would not extend past February 8, 2024. SIA did not provide all remaining comments by December 4 and, in a January 11, 2024 correspondence, declared it would not be able to commit to an Agreed Order by February 8, 2024.

5.9 On February 7, 2024, Ecology received a letter from SIA which requested an additional 60-day extension on the Agreed Order negotiation period, for a total negotiation period of six months. Ecology approved a thirty-day extension and indicated if a signed Agreed Order was not received by March 11, 2024, Ecology would issue this Enforcement Order by March 29, 2024.

6. Ecology Determinations

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

6.1

Airport Board City of Spokane/Spokane County is an "Owner or Operator", as defined in RCW 70A.305.202(22) of the Site.

6.2

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

6.3

Based upon credible evidence, Ecology issued a PLP status letter to SIA dated July 6, 2023, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that SIA is a PLP under RCW 70A.305.040 and notified SIA of this determination by letter dated August 17, 2023.

6.4

Pursuant to RCW 70A.305.030(1), .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.

6.5

Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action plan. Ecology anticipates that emergency interim actions may be required during the duration of this Order as described in Task 4 of Exhibit B. These Ecology Required Emergency Interim Action(s) would be implemented when Ecology sends notice in writing and are focused on reducing the threat to human health or the environment through source control or containment elements. Based on these circumstances, Ecology has determined that those interim actions may be necessary and are warranted under WAC 173-340-430 and WAC 173-340-880.

6.6

Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action plan. Ecology anticipates that interim actions may be required during the duration of this Order as described in Task 5 of Exhibit B. This Additional Interim Action(s) would be implemented when Ecology sends notice in writing to the PLP or after Ecology concurs with a request from the PLP and is focused on reducing the threat to human health or the environment through source control or containment elements. Based on these circumstances, Ecology has determined that interim actions may be necessary and are warranted under WAC 173-340-430.

7. Work to be Performed

Based upon the above Findings of Fact and Ecology Determinations, Ecology hereby orders SIA to comply with all provisions of this Order and any modifications to this Order, including all exhibits to this Order and all documents incorporated by reference into this Order. Ecology hereby orders that SIA take the following remedial actions at the Site. SIA must conduct these remedial actions in accordance with WAC 173-340 and -204:

7.1

SIA will complete a Remedial Investigation, Feasibility Study, conduct groundwater monitoring, and implement interim actions as needed in accordance with the schedule and terms of the Scope of Work and Schedule, Exhibit B, and all other requirements of this Order.

7.2

If SIA learns of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in any media, SIA, within seven (7) days of learning of the change in condition, shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses, sampling results) relating to the change in conditions. In the event that Ecology determines that this unanticipated or changed circumstances warrant changes in the Scope of Work (e.g., the RI/FS Work Plan), Ecology shall modify the associated Work Plan in writing accordingly or direct SIA to modify and submit the modified Work Plan to Ecology for approval. SIA shall perform the Work Plan as modified.

7.3

SIA shall submit to Ecology written monthly Progress Reports as described in Task 7 of Exhibit B.

7.4

All plans or other deliverables submitted by SIA for Ecology's review and approval under the Scope of Work and Schedule (Exhibit B) shall, upon Ecology's approval, become integral and enforceable parts of this Order. SIA shall take any action required by such deliverable.

7.5

If Ecology determines that SIA has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to SIA, perform any or all portions of the remedial action or at Ecology's discretion allow SIA the opportunity to correct. In an emergency, Ecology is not required to provide notice to SIA. SIA shall reimburse Ecology for the costs of doing such work in accordance with Section 8.2 (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section 10 (Enforcement).

7.6

Except where necessary to abate an emergency situation or where required by law, SIA shall not perform any remedial actions at the Site outside those remedial actions required by this Order to address the contamination that is the subject of this Order,

unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section 8.10 (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, SIA must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within twenty-four (24) hours of the discovery of the event.

7.7

Ecology may determine that, in addition to tasks described in the Scope of Work, other additional work may be necessary to accomplish the objectives of MTCA. SIA must perform these response actions in addition to those required by the Scope of Work, if Ecology determines that such actions are necessary to meet the requirements of MTCA. SIA must complete the additional work according to the standards, specifications, and schedule set forth or approved by Ecology in a written modification to any Work Plan. Ecology reserves the right to conduct the work itself, to seek reimbursement from SIA for the costs incurred in performing the work, and/or to seek any other appropriate relief. Nothing in this Paragraph shall be construed to limit Ecology's authority to require performance of further response actions at the Site.

8. Terms and Conditions

8.1 Public Notice

RCW 70A.305.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing this 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 this Order is inadequate or improper in any respect.

8.2 Remedial Action Costs

SIA shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for or on the Site under RCW 70A.305, including remedial actions and Order preparation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Ecology has accumulated $47,317.56 in remedial action costs related to this Site as of December 31, 2023. For all Ecology costs incurred, SIA shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared

quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70A.305.060, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

8.3 Designated Project Coordinators

The project coordinator for Ecology is:

Jeremy Schmidt
Eastern Regional Office, Department of Ecology
4601 N. Monroe Street
Spokane, WA 99205
509-724-1164
jesc461@ecy.wa.gov

The project coordinator for SIA is:

Lisa L. Corcoran, C.M.
Spokane International Airport
9000 W. Airport Drive, Suite 204
Spokane, WA 99224
509-455-6406
lcorcoran@spokaneairports.net

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and SIA, 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.

8.4 Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of

Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43, .220.

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

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

SIA shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s), subcontractor(s), and other key personnel to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

8.5 Access

RCW 70A.305.030(1)(a) authorizes Ecology or any Ecology authorized representative to enter all property at the Site that SIA either owns, controls, or has access rights to, after reasonable notice unless an emergency prevents such notice. SIA shall use their best efforts to secure access rights for those properties within the Site not owned or controlled by SIA where remedial activities or investigations will be performed pursuant to this Order.

As used in this Section, “best efforts” means the efforts that a reasonable person in the position of SIA would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, as required by this Section. Ecology will notify SIA if access to property not owned or controlled by SIA is required and if, within 30 days of that notice, SIA is unable to accomplish what is required through “best efforts,” they shall notify Ecology, and include a description of the steps taken to comply with the requirements. If Ecology deems it appropriate, it may assist SIA, or take independent action, in obtaining such access and/or use restrictions. Ecology reserves the right to seek payment from SIA for all costs, including cost of attorneys’ time, incurred by Ecology in obtaining such access or agreements to restrict land, water, or other resource use.

SIA shall inform Ecology of any areas of the Site which are covered by Transportation Security Regulations Part 1542 (Airport Security). SIA may request a reasonable delay to providing access to these areas of the Site so that SIA and Ecology's representatives may further confer regarding the purpose of the inspection in the area and appropriate precautions for complying with Transportation Security Regulation requirements. SIA shall notify Ecology in advance of any required security clearance required for such an area.

8.6 Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, SIA 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 7 (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.

Upon Ecology's request, SIA shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by SIA pursuant to the implementation of this Order. SIA shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

8.7 Access to Information

SIA shall provide to Ecology, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within SIA's possession or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the work. SIA shall also make available to Ecology, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the work.

Nothing in this Order is intended to waive any right SIA may have under applicable law to limit disclosure of Records protected by the attorney work-product privilege and/or the attorney-client privilege. If SIA withholds any requested Records based on an assertion of

privilege, SIA shall provide Ecology with a privilege log specifying the Records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged, including: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, biological, or engineering data, or the portion of any other record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

Notwithstanding any provision of this Order, Ecology retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under any other applicable statutes or regulations.

8.8 Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of the work performed pursuant to this Order, SIA 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.

8.9 Delay in Performance

8.9.1

SIA shall notify Ecology of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone and email to the Ecology Project Coordinator within forty-eight (48) hours after SIA first knew or should have known that a delay might occur. SIA shall adopt all reasonable measures to avoid or minimize any such delay. Within seven (7) days after notifying Ecology by telephone and email, SIA shall provide to Ecology written notification fully describing the nature of the delay, the anticipated duration of the delay, any justification for the delay, all actions taken or to be taken to prevent or minimize the delay or the effect of the delay, a schedule for implementation of any measures to be taken to mitigate the effect of the delay, and any reason why SIA should not be held strictly accountable for failing to comply with any relevant requirements of this Order. Increased costs or expenses associated with implementation of the activities called for in this Order is not a justification for any delay in performance.

8.9.2

Ecology shall consider any delay in performance of this Order that, in Ecology's judgment, is not properly justified by SIA a violation of this Order. Any delay in performance of this Order shall not affect SIA's obligations to fully perform all obligations under the terms and conditions of this Order.

8.10 Amendment of Order

The Ecology Project Coordinator may make minor changes to any plan or schedule or the work to be performed under this Order without formally amending this Order. The Ecology Project Coordinator may direct such changes in writing or verbally. Ecology will memorialize any verbal change in writing, but the effective date of the change is the date Ecology's Project Coordinator verbally directed the change.

To make substantial changes to any plan or schedule or the work to be performed, Ecology will formally amend this Order. Such amendments will be in writing and signed by the Regional Section Manager of the Toxics Cleanup Program. Such amendments are subject to public notice and comment.

No informal advice, guidance, suggestion, or comment by Ecology's Project Coordinator or other Ecology representatives regarding any deliverables submitted by SIA shall relieve SIA of their obligation to obtain any formal approval required by this Order, or to comply with all requirements of this Order, unless it is formally modified.

8.11 Endangerment

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

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

If Ecology concurs with or orders a work stoppage pursuant to this section, SIA'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 8.1 (Delay in Performance) 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.

8.12 Reservation of Rights

Ecology reserves its rights under RCW 70A.305, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Nothing in this Order shall limit the power and authority of Ecology to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing in this Order shall prevent Ecology from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring SIA in the future to perform additional activities pursuant to MTCA, CERCLA or any other applicable law.

SIA reserves its right to challenge the requirement to conduct remedial actions as being preempted by federal law. However, SIA and Ecology agree to first explore in good faith whether different or additional actions that the Parties agree would not be subject to preemption could be implemented to address the event. All Parties then reserve their right to all claims and defenses if good faith efforts to agree to different or additional actions do not result in agreement between the Parties.

8.13 Other Claims

By issuance of this Order, Ecology assumes no liability for injuries or damages to persons or property resulting from any acts or omissions of SIA. Ecology shall not be deemed a party to any contract entered into by SIA or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Order.

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against SIA or any person not a party to this Order, for any liability such person may have under MTCA, CERCLA, other statutes, or common law.

No action or decision by Ecology pursuant to this Order shall give rise to any right to judicial review, except as set forth in RCW 70A.305A.070.

8.14 Transfer of Interest in Property

Before any voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by SIA, SIA shall provide

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.

Further, prior to SIA's transfer of any interest in all or any portion of the Site, SIA shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and at least thirty (30) days prior to any transfer, SIA shall notify Ecology of said transfer. Upon transfer of any interest, SIA shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

8.15 Compliance with Applicable Laws

8.15.1 **Applicable Laws**

All actions carried out by SIA pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70A.305.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order. SIA has a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or SIA, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLP must implement those requirements.

8.15.2 **Relevant and Appropriate Requirements**

All actions carried out by SIA pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or SIA, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and SIA must implement those requirements.

8.15.3

Pursuant to RCW 70A.305.090(1), SIA may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, SIA shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70A.305.090(1) that have been issued by local government, Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At

this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

8.15.4

SIA has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or SIA determines that additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or SIA shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, SIA 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 SIA and on how SIA must meet those requirements. Ecology shall inform SIA in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. SIA shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

8.15.5

Pursuant to RCW 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and SIA shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70A.305.090(1), including any requirements to obtain permits.

9. Satisfaction of Order

The provisions of this Order shall be deemed satisfied upon SIA's receipt of written notification from Ecology that SIA has completed the remedial activity required by this Order, and that SIA has complied with all other provisions of this Enforcement Order.

10. Severability

If a court issues an order that invalidates any provision of this Order or finds that SIA has sufficient cause not to comply with one or more provisions of this Order, SIA shall remain bound to comply with all provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

11. Enforcement

Pursuant to RCW 70A.305.050, this Order may be enforced as follows:

11.1

The Attorney General may bring an action to enforce this Order in a state or federal court.

11.2

The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

11.3

A liable party, who refuses without sufficient cause, to comply with any term of this Order will be liable for:

11.3.1

Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

11.3.2

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

11.4

This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70A.305.070.

Effective date of this Order: 3/29/2024

State of Washington
Department of Ecology

Nicholas Acklam
Section Manager
Toxics Cleanup Program
Eastern Regional Office
509-818-7457

Exhibit A | Spokane International Airport (SIA)

October 2, 2023

1:36,112

0 0.23 0.45 0.9 mi

0 0.35 0.7 1.4 km

N

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Exhibit B | Scope of work and schedule

Scope of work

Purpose

The work under this Enforcement Order (EO) requires the Potentially Liable Person (PLP) to conduct a Remedial Investigation (RI) and Feasibility Study (FS), Ecology Required Emergency Interim Actions if required by Ecology, and Additional Interim Actions if required or agreed to by Ecology. The purpose of the RI/FS for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The PLP shall coordinate with Ecology throughout the development of the work required by the EO and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The PLP shall furnish all personnel, materials, and services necessary for, or incidental to, performing the RI, FS, or any interim actions at the Site.

Deliverables prepared under this EO shall be submitted to Ecology for review and approval in electronic format as both a tracked Word document (.doc) and Adobe (.pdf) format. Work may not begin for each task before receiving written approval from Ecology.

The PLP or their contractors shall submit all sampling data generated under this EO and previously collected at the site to Ecology for entry into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. Validated data is required to be in the EIM database within 60 days of submittal.

The Scope of Work (SOW) is divided into seven major tasks as follows:

Task 1.A Site Assessment Report for PFAS
Task 1.B Initial Investigation for PFAS
Task 1.C Remedial Investigation and Feasibility Study (RI/FS) Work Plan
Task 2. Remedial Investigation
Task 3.A Remedial Investigation (RI) Report
Task 3.B Feasibility Study (FS) Report
Task 4. Ecology Required Emergency Interim Action(s) (if required)
Task 5. Additional Interim Action(s) (if required)
Task 6. Quarterly Groundwater Monitoring and Reporting
Task 7. Progress Reports

Task 1. A. Site Assessment Report for PFAS

The PLP will prepare a Site Assessment Report for PFAS which will consist of a desktop review of the operational history of the airport as well as available reports regarding releases of hazardous substances. The goal is to identify potential source areas for further investigation and guide the collection and interpretation of soil and groundwater analytical data. This review includes:

1. **General Facility Information,** including, but not limited to legal description of the facility, present owner and/or operator including chronological listing of past owners and/or operators, adjacent property owners, zoning designations of property and adjacent properties, and other pertinent information.
2. **Site History** providing descriptions of historical, current, and future Site activities/operations, including historical use of Aqueous Film Forming Foam (AFFF) and their location.
3. **Purchase history** of AFFF relating the brand, quantity, and date.
4. **Suspected Source Areas** or known source areas, including but not limited to:

    4.1 Firefighting training areas (historical and current).

    4.2 Firefighting equipment testing and maintenance areas.

    4.3 Disposal areas.

    4.4 Stormwater drainage infrastructure and management areas receiving flows from suspected source areas.

    4.5 Wastewater systems used to contain discharged fire-extinguishing materials.

    4.6 Historic and current storage areas for AFFF.

    4.7 Tanks, vehicles, equipment, and distribution systems that were used to store or apply AFFF.

    4.8 Hangars that contain AFFF fire suppression systems (historical and current).

    4.9 Spills.

    4.10 Incident response(s) that used AFFF.

    4.11 Historical grading/construction projects at the Site associated with suspected source areas.

5. **Review Data Reports** from previous analysis of PFAS in soils, groundwater, surface water, and sediments along with documentation of any remedial activities if undertaken.

In addition to the desktop review, the site assessment report will develop and present a preliminary Conceptual Site Model (CSM) that describes the current understanding of contaminant release, fate and transport (including migration pathways in all environmental media and identifying potential receptors), and Site-specific concerns such as identification of natural resources and ecological receptors.

The PLP will provide Ecology with an Agency Review Draft Site Assessment Report for PFAS. After incorporating Ecology's comments on the Agency Review Draft Site Assessment Report for PFAS and after Ecology approval, the PLP shall prepare and submit to Ecology the Final Site Assessment Report for PFAS.

B. Initial Investigation for PFAS

The PLP will conduct an initial field investigation to provide data to support the development of a comprehensive RI Work Plan. Sampling will consist of in-place groundwater wells and soils in the potential source areas identified during the Site Assessment. A Work Plan for the Initial Investigation will be prepared and submitted to Ecology for approval prior to commencing field work. The Initial Investigation Work Plan will include:

1. **Sampling and Analysis Plan (SAP)** shall conform to the requirements of WAC 173-340-820 and WAC 173-340-830, and shall generally contain:

    1.1. Purpose and objectives of the data collection activities.

    1.2. Specific sampling methods, including number and type of QA/QC samples. The sampling suite should be guided by historical property use.

    1.3. Sampling locations and designations, including access considerations.

    1.4. Types of media to be sampled (e.g., soil, groundwater, surface water, catch basin solids, stormwater runoff, seeps, sediment, etc.) and the number of samples of each.

    1.5. Proposed number and location of monitoring wells, soil borings, test pits and other investigative activities.

    1.6. Schedule and task assignments.

    1.7. Supplies and equipment.

1.8. Monitoring well construction requirements.

1.9. Analytical procedures, methods, and detection limits.

1.10. Sample custody procedures, including holding times, containers, and preservation.

1.11. Investigation-derived waste management.

1.12. Shipping and handling arrangements.

2. **Health and Safety Plan** to cover the level of chemical protection, hazard evaluation, waste characteristics and special considerations and emergency information in accordance with WAC 173-340-810.

3. **Quality Assurance Project Plan (QAPP**) to include field quality assurance/quality control (QA/QC) methods, chain of custody procedures, laboratory QA/QC methods, electronic data management, archival, and transmittal protocols.

4. **Inadvertent Discovery Plan** shall outline procedures to perform in the event of a discovery of archaeological materials or human remains, in accordance with applicable state and federal laws.

The PLP will provide Ecology with an Agency Review Draft Initial Investigation for PFAS Work Plan. After incorporating Ecology's comments on the Agency Review Draft Initial Investigation for PFAS Work Plan and after Ecology approval, the PLP shall prepare and submit to Ecology the Final Initial Investigation for PFAS Work Plan which shall be implemented based on the schedule contained in this Exhibit.

After completion of the Initial Investigation for PFAS field activities, the PLP will provide Ecology with an Agency Review Draft Initial Investigation for PFAS Report. After incorporating Ecology's comments on the Agency Review Draft Initial Investigation for PFAS Report and after Ecology approval, the PLP shall prepare and submit to Ecology the Final Initial Investigation for PFAS Report.

C. Remedial Investigation and Feasibility Study (RI/FS) Work Plan

The PLP will prepare a RI/FS Work Plan (Work Plan) that includes an overall description and schedule of all RI activities and FS development. The Work Plan will clearly describe the project management strategy for implementing and reporting on RI/FS activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI/FS must be outlined. The Work Plan will utilize information gathered in Tasks 1.A and 1.B of this Scope of Work.

A Remedial Investigation Planning Meeting will be held prior to submittal of the Work Plan to:

- review requirements for the Work Plan.
- plan Remedial Investigation field work.
- Review the information learned from Tasks 1.A and 1.B of this Scope of Work.
- discuss the preliminary Conceptual Site Model.
- identify project data needs and possible interim actions.

The Work Plan shall outline procedures for the RI and FS, comply with WAC 173-340-350, and should include the following information:

1. **General Facility Information,** including, but not limited to legal description of the facility, present owner and/or operator including chronological listing of past owners and/or operators, adjacent property owners, zoning designations of property and adjacent properties, and other pertinent information.
2. **Site History** providing descriptions of historical, current, and future Site activities/operations, and their location.
3. **Facility Access Strategy** that describes Site access restrictions, requirements, and strategies to minimize delays due to Site access complications for the duration of the RI/FS work. The Facility Access Strategy shall describe how Site access can be organized to comply with requirements outlined in WAC 173-340-800 and in accordance with applicable law, including but not limited to 49 CFR Part 1542 and 14 CFR Part 139.
4. **Site Conditions Map(s)** that illustrate relevant current Site features such as property boundaries, proposed facility boundaries, surface topography, surface, and subsurface structures (including the airport's stormwater management system), utility lines, well locations, and other pertinent information (for example, surface water bodies near the vicinity of the Site). All maps will be consistent with the requirements in WAC 173-340-840(4) and be of sufficient detail and accuracy to document all current and future work performed at the Site.
5. **Site geology and hydrogeology** and a brief discussion of local climate. Should include well logs of known monitoring well locations, groundwater supply wells, and identification of known surface water and other ecological resources within a minimum of one mile extending from the perimeter of the Spokane International Airport, and a summary of well construction details, including top of casing elevations and well screen elevations.
6. **Suspected Source Areas** - locations of all known and suspected source areas, including but not limited to:

6.1. Direct discharges

6.2. Disposal and waste areas.

6.3. Stormwater drainage infrastructure and management areas receiving flows from suspected source areas.

6.4. Tanks, vehicles, equipment, and distribution systems used for storage of hazardous materials.

6.5. Historical grading/construction projects at the Site associated with suspected source areas.

7. **Data Reports** from previous analysis of soils, groundwater, surface water, and sediments along with documentation of any remedial activities if undertaken.

8. **Preliminary Conceptual Site Model** that describes the current understanding of contaminant release, fate, and transport (including migration pathways in all environmental media and identifying potential receptors), and Site-specific concerns such as identification of natural resources and ecological receptors.

9. **Sampling and Analysis Plan (SAP)** for use during all Site characterization activities and for SOW Task 6 Quarterly Groundwater Monitoring and Reporting. The plan shall conform to the requirements of WAC 173-340-820 and WAC 173-340-830, and shall generally contain:

9.1. Purpose and objectives of the data collection activities.

9.2. Specific sampling methods, including number and type of QA/QC samples. The sampling suite should be guided by historical property use.

9.3. Sampling locations and designations, including access considerations.

9.4. Types of media to be sampled (e.g., and at a minimum: soil, groundwater, surface water, catch basin solids, stormwater runoff, seeps, sediment, etc.) and the number of samples of each.

9.5. Proposed number and location of monitoring wells, soil borings, test pits and other investigative activities.

9.6. Schedule and task assignments.

9.7. Supplies and equipment.

9.8. Monitoring well construction requirements.

9.9. Analytical procedures, methods, and detection limits.

9.10. Sample custody procedures, including holding times, containers, and preservation.

9.11. Investigation-derived waste management.

9.12. Shipping and handling arrangements.

10. **Health and Safety Plan** to cover the level of chemical protection, hazard evaluation, waste characteristics and special considerations and emergency information in accordance with WAC 173-340-810.
11. **Quality Assurance Project Plan (QAPP**) to include field quality assurance/quality control (QA/QC) methods, chain of custody procedures, laboratory QA/QC methods, and electronic data management, archival, and transmittal protocols.
12. **Inadvertent Discovery Plan** shall outline procedures to perform in the event of a discovery of archaeological materials or human remains, in accordance with applicable state and federal laws.
13. **Groundwater Monitoring Plan**, to include:

13.1. Description of groundwater monitoring activities in compliance with WAC 173-340-410(3).

13.2. Groundwater sampling equipment, description and rationale for pump intake placement, and sampling protocols.

13.3. Description of field parameter measurements and instrumentation.

13.4. Sample collection, handling, packaging, and transport requirements.

13.5. Required method detection limits and reporting limits.

13.6. Monitoring locations (existing and proposed) and well construction logs.

13.7. Analytical methods for an analytical suite that shall be sufficiently broad to encompass contaminants known or found to be present in soil and groundwater at the Site.

13.8. Quarterly reporting procedures developed in accordance with SOW Task 6, Groundwater Monitoring.

13.9. The Groundwater Monitoring Plan shall reference the SAP and QAPP whenever possible to reduce redundancy between those and the Groundwater Monitoring Plan.

The PLP will provide Ecology with an Agency Review Draft RI/FS Work Plan. After incorporating Ecology's comments on the Agency Review Draft Work Plan and after Ecology approval, the PLP shall prepare and submit to Ecology the Final RI/FS Work Plan which shall be implemented based on the schedule contained in this Exhibit.

Task 2. Remedial Investigation

The PLP shall conduct an RI that meets the requirements of WAC 173-340-350 and WAC 173-204-550 according to the Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, preliminary Sediment Management Standards (SMS) cleanup standards, and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination. The RI shall include the following elements:

1. **Site Characterization** to conduct representative sampling and testing to assess the nature and extent of contamination. Conduct analytical tests on groundwater, soil, and other potentially contaminated media in the vicinity of the Site. Data must be sufficient to delineate the sources, type, depth, concentration, mass, and areal extent of contaminants, along with information that addresses the rate and direction of contaminant movement.

2. **Groundwater**

   2.1. Install new groundwater monitoring wells, background wells, and soil borings where needed and comply with the resource protection well requirements of WAC 173-160.

   2.2. Generate well logs such that regional stratigraphy may be characterized.

   2.3. Characterize Site-specific stratigraphy and lithology based on well logs, maps, and any other information available.

   2.4. Estimate hydrogeologic parameters such as hydraulic conductivity and porosity.

   2.5. Measure water levels in all wells and new borings.

   2.6. Collect quarterly groundwater samples at Site monitoring wells so that seasonal fluctuations are captured and report results in accordance with SOW Task 6, Groundwater Monitoring and Reporting.

2.7. Analyze groundwater samples for a contaminant suite guided by historical property use.

2.8. Collect data sufficient to estimate contaminant mass degradation rates in both the saturated and vadose zones.

2.9. Generate maps and/or figures showing water levels and regional/Site hydrogeology.

3. **Soils**

3.1. Install soil borings and/or excavate test pits and collect representative soil samples for the characterization of lithology, subsurface conditions, and contaminant concentrations.

3.2. Characterize soil samples using the Unified Soil Classification System (USCS).

3.3. Generate logs for each boring and/or test pit.

3.4. Analyze soil samples for a contaminant suite guided by historical property use.

4. **Sediments**

4.1. If the potential for sediment impact is found, analyze sediment samples for the applicable contaminant suite.

5. **Surface Water**

5.1. If the potential for surface water impact is found, analyze surface water samples for the applicable contaminant suite.

6. **Potential Receptor Information** for collection of data on the surrounding human and ecological populations that may be in contact with contaminants and potential routes of exposure for those populations in support of the Feasibility Study.

6.1. Public Use/Site Access – Potential uses of the affected properties and the presence or absence of controls on Site access.

6.2. Potential Groundwater/Surface Water Uses – Any consumptive, recreational, or other use of groundwater and surface water in the area, and by which populations.

6.3. Environmental Receptors – Information on the presence of endangered or threatened species, potential habitats, and ecological environments.

Field sampling and analysis will be completed in general accordance with the SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology immediately and documented as required by Ecology.

The PLP shall provide interim data reports and updates to Ecology as new Site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request. Periodic reporting shall occur in accordance with SOW Task 7, Progress Reports.

Task 3. A. Remedial Investigation (RI) Report

The PLP shall use the information obtained in the RI to prepare an Agency Review Draft RI Report that meets the applicable requirements of WAC 173-340-350 and shall be submitted according to the Schedule in this exhibit.

The RI Report shall include the following elements:

1. **Remedial Investigation**

    1.1. Background Information

        1.1.1. Site History.

        1.1.2. Previous Studies.

    1.2. Nature and Extent of Contamination - The PLPs will prepare an assessment and description of the degree and extent of contamination. This should include:

        1.2.1. Data Analysis – Analyze all data collected during Task 2 and prepare supporting maps and tables.

        1.2.2. Lab reports, previous investigations, well and boring logs, and any other documentation of characterization activities must be included.

    1.3. ARARs Analysis - Identify Applicable local, State and Federal Laws for cleanup of the Site in accordance with WAC 173-340-710.

    1.4. Cleanup Levels/Risk Assessment Analysis - Perform a baseline Model Toxics Cleanup Act (MTCA) cleanup levels analysis/baseline risk assessment characterizing the current and potential threats to public health and the environment that may be posed by hazardous substances at the facility. The assessment will integrate cleanup standards and risk assessment as required by WAC 173-340-357 and WAC 173-340-708.

1.5. Discussion and Recommendations

1.5.1. Interpret and discuss data to determine the nature and extent of the contamination and to support final recommendations for the Site.

1.5.2. A summary of all possible and suspected source areas of contamination based on the data collected will be included.

1.5.3. Any known or potential risks to the public health, welfare, and the environment should be discussed.

1.5.4. Recommendations should be provided identifying additional data requirements.

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

The PLP shall compile the identified elements into an Agency Review Draft RI Report and submit an electronic copy to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft RI Report, the PLP shall submit the Public Review Draft RI Report to Ecology for distribution and public comment. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports either in the report or as attachments. The RI Report will not be considered Final until after a public review and comment period.

If the data collected during this investigation is insufficient to define the nature and extent of contamination, and/or to select a cleanup action plan an additional phase of investigation shall be conducted to define the extent of contamination.

B. Feasibility Study (FS) Report

The Feasibility Study will evaluate remedial alternatives for Site cleanup, consistent with MTCA and SMS requirements to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

The FS Report shall include the following elements:

1. Feasibility Study

1.1. Identification of contamination to be remediated.

1.2. Identification and initial screening of treatment technologies.

1.3. Proposed remedial alternatives and evaluation with respect to MTCA criteria. The remedial alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360 and WAC 173-204-570.

1.4. Recommended alternative.

Prior to submittal of the Agency Review Draft FS Report, a Key Project Meeting will be held. During the Feasibility Study Pre-Report Check-In, Ecology and the PLP will review available data, an updated conceptual site model, ARARs, potential remedial alternatives, proposed points of compliance, and discuss the content and organization of the Draft FS Report.

The PLP shall compile the identified elements into an Agency Review Draft FS Report and submit an electronic copy to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft FS Report, the PLP shall submit the Public Review Draft FS Report to Ecology for distribution and public comment. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft FS Report and Public Review Draft FS Reports either in the report or as attachments. The FS Report will not be considered Final until after a public review and comment period.

Task 4. Ecology Required Emergency Interim Actions (if required)

Remedial actions implemented prior to completion of the RI/FS that will be considered interim actions include those that:

- are technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance.
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed.
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action.

Emergency interim actions will be implemented in accordance with WAC 173-340-430, WAC 173-340-880, and the EO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required. Remedial actions for contaminated sediments will be implemented pursuant to WAC 173-204-540.

If required by Ecology, the PLP will implement one or more of the following emergency interim action(s).

1. **Soil or sediment removal**
2. **Groundwater remediation**
3. **Repair, slip lining, replacement, or closure of stormwater conveyances** or other structures such as conduit, vaults, catch basins, etc.
4. **Removal of underground storage tanks and pipes**
5. **Removal of old drain fields or former surface impoundments**
6. **Proper abandonment of old wells**
7. **Removal of contaminated building or other structural material**
8. **Construction of a treatment facility**
9. **Shoreline stabilization** such as bulkhead repair, erosion or seepage control, and grading or clearing.
10. **Provision of clean drinking water** and/or installation of treatment systems for impacted residences or businesses.

If an emergency interim action is required to be performed, Ecology will notify the PLP in writing. In accordance with the Schedule, the PLP will prepare and submit for Ecology approval an Agency Review Draft Emergency Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft Emergency IAWP shall include, as appropriate:

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

The PLP shall submit an electronic copy of the Health and Safety Plan for the emergency interim action. The PLP will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the emergency

interim action and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

The PLP shall submit the Agency Review Draft Emergency IAWP to Ecology for review. After incorporating Ecology's comments, the PLP shall submit the Public Review Draft Emergency IAWP Plan to Ecology. Ecology will approve the Emergency IAWP (if appropriate) and the document will be considered Final. Once approved by Ecology, the PLP will implement the emergency interim action according to the approved schedule.

Concurrent with the execution of work outlined in the Final Emergency IAWP, Ecology will present the document and SEPA determination for public review and comment.

Upon successful completion of the work, an Agency Review Draft Emergency Interim Action Completion Report (Emergency IACR) will be prepared as a separate deliverable. The PLP shall submit the Agency Review Draft Emergency IACR to Ecology for review and approval. After incorporating Ecology's comments on the Agency Review Draft Emergency IACR and after Ecology approval, the PLP shall submit the Final Emergency IACR to Ecology.

Task 5. Additional Interim Actions (if required)

Remedial actions implemented prior to completion of the RI/FS that will be considered interim actions include those that:

- are technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance.
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed.
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action.

Interim actions will be implemented in accordance with WAC 173-340-430 and the EO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required. Remedial actions for contaminated sediments will be implemented pursuant to WAC 173-204-540. An interim action may be required by Ecology, or may be requested by the PLP and approved by Ecology.

If an interim action is to be performed, the PLP will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known).

- Summary of relevant RI/FS information, including at a minimum existing Site conditions and alternative interim actions considered.
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities.
- Compliance Monitoring Plan.
- SAP/QAPP.
- Permits and access agreements required.

The PLP shall submit an electronic copy of the Health and Safety Plan for the interim action. The PLP will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the interim action and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

The PLP shall submit the Agency Review Draft IAWP to Ecology for review. After incorporating Ecology's comments on the Agency Review Draft IAWP, the PLP shall submit the Public Review Draft IAWP to Ecology. After incorporating Ecology's comments, the PLP shall submit the Public Review Draft IAWP Plan to Ecology. After a public notice and comment period for the Public Review Draft IAWP (and SEPA determination), Ecology will approve the IAWP (if appropriate) and the document will be considered Final. Once approved by Ecology, the PLP will implement the interim action according to the approved schedule.

Upon successful completion of the work, an Agency Review Draft Interim Action Completion Report (IACR) will be prepared as a separate deliverable. The PLP shall submit the Agency Review Draft IACR to Ecology for review and approval. After incorporating Ecology's comments on the Agency Review Draft IACR and after Ecology approval, the PLP shall submit the Final IACR to Ecology.

Task 6. Quarterly Groundwater Monitoring and Reporting

Quarterly groundwater monitoring shall occur in compliance with the Groundwater Monitoring Plan developed as part of the RI/FS Work Plan. The Groundwater Monitoring Plan will describe the groundwater monitoring activities to be implemented during the period of performance of the EO and shall be a living document which is updated as necessary (e.g., change in conditions, monitoring points added or removed, etc.). Quarterly Groundwater Monitoring Reports shall include, but not be limited to, the following:

1. **Groundwater monitoring and sample collection methodology**.
2. **Description of the groundwater monitoring network**.
3. **Analytical methods**

4. **Findings**

    4.1. Groundwater Elevation Data

        4.1.1. Evaluation of groundwater flow rates and directions.

        4.1.2. Evaluation of vertical gradients.

    4.2. Ground Water Quality Data

        4.2.1. Well stabilization parameters.

        4.2.2. Results summary.

        4.2.3. Description of vertical and lateral contaminant distribution.

5. **Investigative derived waste generation** and handling documentation

6. **Tables** that include groundwater elevation data, method detection and reporting limits, stabilization parameter results, and analytical results.

7. **Figures** that include a vicinity map, monitoring locations, sample results, potentiometric surface maps, and an estimated extent of contamination

8. **Appendices** with:

    8.1. Chain of custody forms.

    8.2. Raw laboratory analytical results.

    8.3. Data Validation Reports.

Task 7. Progress Reports

Progress reports shall be completed monthly and contain:

1. Site-related activities that have taken place during the reporting period, including progress on upcoming deliverables.

2. Detailed descriptions of any deviations from required tasks.

3. Detailed descriptions of any deviations from this SOW and schedule or from enforceable deliverables for the current reporting period and any planned deviations for the upcoming reporting period.

4. For any deviations in the schedule, a plan for maintaining compliance with the schedule.

5. All raw data (including laboratory analyses) received during the previous month together with a detailed description of the underlying samples collected.
6. A list of deliverables and activities for the upcoming reporting period.

Schedule of deliverables

The schedule for deliverables described in the Enforcement Order and the Scope of Work is presented below. References to days in the schedule are calendar days. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the PLP received such notification, comments, or approval. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable.

Task	Deliverables or Actions	Completion Times
1.A	PLP to Submit Draft Site Assessment Report for PFAS	60 days after the effective date of the Order
1.A	PLP to Submit revised Site Assessment Report for PFAS	14 days after PLP receives Ecology's comments on Draft Document
1.B	PLP to Submit Draft Work Plan for the Initial Investigation of PFAS, Sampling and Analysis Plan, Health and Safety Plan, and Inadvertent Discovery Plan	30 days after Ecology's approval of the Site Assessment Report for PFAS
1.B	PLP to Submit Revised Work Plan for the Initial Investigation of PFAS, Sampling and Analysis Plan, Health and Safety Plan, and Inadvertent Discovery Plan	30 days after PLP receives Ecology's comments on Draft Documents
1.B	PLP to complete all field activities for the Initial Investigation for PFAS	60 days after Ecology's approval of the Work Plan for the Initial Investigation of PFAS
1.B	PLP to Submit Draft Initial Investigation for PFAS Report	30 days after final validated laboratory data has been received
1.B	PLP to Submit Revised Initial Investigation for PFAS Report	30 days after PLP receives Ecology's comments on Draft Document

1.C	PLP to Submit Agency Review Draft RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Inadvertent Discovery Plan	60 days after Ecology's approval of the Initial Investigation for PFAS Report
1.C	PLP to Submit Revised RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Inadvertent Discovery Plan	30 days after PLP receives Ecology's comments on Draft Documents
1.C	PLP to Submit Final RI/FS Work Plan, Sampling and Analysis Plan, and Health and Safety Plan	14 days after receipt of any final Ecology comments and/or Ecology's approval of Revised RI/FS Work Plan
2	PLP to begin RI Field Work	30 days after PLP receives Ecology's approval of Revised RI/FS Work Plan
2	PLP to complete RI Field Work	12 months after RI Field Work began
3.A	PLP to submit Agency Review Draft RI Report	90 days following completion of RI Field Work
3.A	PLP to submit Revised Public Review Draft RI Report	30 days after PLP receives Ecology's comments on Draft RI Report
3.A	PLP to submit Final RI Report	30 days after receipt of any final Ecology comments and/or Ecology's approval of Public Review Draft RI Report
3.B	PLP to submit Agency Review Draft FS Report	160 days after PLP receives Ecology's approval of Public Review Draft RI Report
3.B	PLP to submit Revised Public Review Draft FS Report	30 days after PLP receives Ecology's comments on Draft FS Report
3.B	PLP to submit Final FS Report	30 days after receipt of any final Ecology comments and/or Ecology's approval of Public Review Draft FS Report
4	PLP to submit Agency Review Draft Emergency IAWP	14 days after PLP receives Ecology's written notice that an Interim Action is required

4	PLP to submit Final Emergency IAWP	7 days after PLP receives Ecology's comments on Draft IAWP
4	PLP to execute Emergency Interim Action	7 days after PLP receives Ecology's approval of Final Emergency IAWP
4	PLP to submit Agency Review Draft Emergency IACR	30 days after completion of Emergency Interim Action
4	PLP to submit Revised Draft Emergency IACR	30 days after PLP receives Ecology's comments on Agency Review Draft Emergency IACR
4	PLP to submit Revised Final Emergency IACR	30 days after receipt of any final Ecology comments and/or Ecology's approval of Revised Draft Emergency IACR
5	PLP to submit Agency Review Draft IAWP	30 days after PLP receives Ecology's written notice that an Interim Action is required or agreed to
5	PLP to submit Revised IAWP	30 days after PLP receives Ecology's comments on Agency Review Draft IAWP
5	PLP to submit Final IAWP	30 days after receipt of any final Ecology comments and/or Ecology's approval of Revised Draft IAWP
5	PLP to execute Interim Action	30 days after PLP receives Ecology's approval of Final IAWP
5	PLP to submit Agency Review Draft IACR	30 days after completion of Emergency Interim Action
5	PLP to submit Revised Draft IACR	30 days after PLP receives Ecology's comments on Agency Review Draft IACR
5	PLP to submit Revised Final IACR	30 days after receipt of any final Ecology comments and/or Ecology's approval of Revised Draft IACR
6	Quarterly Groundwater Monitoring	Every 3 months

6	Quarterly Groundwater Monitoring Reports	Quarterly, 2 months after the end of the applicable quarter (e.g., Q1 is due June 1, Q2 is due September 1, etc.)
7	Progress Reports	Monthly, on the 10th day of each following month