

EXHIBIT B
SCOPE OF WORK

Capital Industries Remedial Action Scope of Work

1. Deliverable Process

Capital Industries, Inc. (Capital) shall submit the required deliverables (or, "documents") referenced below to the Ecology Project Coordinator in accordance with the due date established in Exhibit C. Ecology shall review each draft document (meaning the initial submittal of the document) and approve it as Final, approve it as Final with modifications, or disapprove it with comments. If the document is disapproved, Capital shall submit a revised document to the Ecology Project Coordinator in accordance with the due date established in Exhibit C or, if no date is provided in Exhibit C, in Ecology's disapproval letter. The revised document must satisfactorily address Ecology's comments. Ecology will then approve the revision as Final, approve it as Final with modifications, or disapprove it with comments. Failure to submit a revised document which adequately addresses each of Ecology's comments shall constitute a violation of the Order.

As noted in Section VII.D of the Agreed Order, if at any time after the first exchange of comments on draft documents, Ecology determines Capital is making insufficient progress in preparing an approvable document, Ecology may choose to complete and issue the final deliverable.

In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's Project Coordinator, the Parties shall utilize the dispute resolution procedure set forth in Section VIII.J of the Agreed Order.

2. RI Work Plan

The purpose of a remedial investigation is to collect, develop, and evaluate sufficient information regarding a site to proceed to a feasibility study of technically feasible cleanup alternatives, culminating in the selection of a cleanup action under WAC 173-340-360 through 173-340-390. Sufficient investigations must be conducted to characterize the distribution of contaminants of concern (COCs) present at the site, and the threat to human health and the environment. At this Site, Capital has already collected a significant amount of investigation data. To focus the collection on only critical outstanding data, investigations shall be designed to build upon information already available. These investigations shall address the following:

- Soils, as required by WAC 173-340-350(7)(c)(iii)(B)
- Geology and groundwater system characteristics, as required by WAC 173-340-350(7)(c)(iii)(C)
- Air, as required by WAC 173-340-350(7)(c)(iii)(D)
- COC sources, as required by WAC 173-340-350(7)(c)(iii)(G)

- characterization/estimation of media background for those media where COCs exceed cleanup levels¹. When background concentrations of COCs are characterized/estimated, a differentiation shall be made between levels representative of *natural* and *area* background (consistent with WAC 173-340-200 and -709).

A potential receptor of contaminated groundwater associated with the Site is the Duwamish River. Capital will assess if COCs released at the Capital property discharge to the Duwamish River, or may discharge to the river in the future.

Capital shall prepare an RI Work Plan. The RI Work Plan will assemble and evaluate existing data on the Site, including the results of any interim or other cleanup actions, initial investigations, site hazard assessments, and other site investigations. Capital shall submit the draft RI Work Plan to the Ecology Project Coordinator in accordance with the due date established in Exhibit C.

The RI Work Plan will include:

- a) a preliminary conceptual site model as defined in WAC 173-340-200;
- b) proposed cleanup standards applicable for the Site, and technical/regulatory justification for these proposals;
- c) likely applicable state and federal laws under WAC 173-340-710;
- d) a listing of the critical assumptions being made in proceeding with the RI, including the assumed/likely contaminants of potential concern;
- e) a listing -- based on the conceptual site model, existing data, and the assumptions being made about the Site -- of the critical data gaps that must be filled in order to complete the RI. In preparing this list, Capital shall refer to the RI characterization requirements described above;
- f) a Field Sampling Plan compliant with WAC 173-340-820, which contains proposals for filling critical data gaps, including:
 - the objectives and rationale for proposed soil and/or groundwater monitoring well/points;
 - figures identifying the locations of all proposed monitoring points;
 - a description of proposed monitoring well construction;
 - a discussion of any access considerations Capital will need to address prior to installation;
 - borehole logging proposals;
 - standard operating procedures (SOPs) for: soil sample collection, well installation, surveying, developing; groundwater sample management of investigation-derived wastes;
 - a discussion of field records associated with installation, development, and surveying of monitoring wells;
 - proposals for obtaining Washington State regulatory approval for all monitoring wells;
 - an installation, surveying, and development schedule per well/point; and,

¹ If it is Capital's intention to adjust cleanup levels to factor-in background concentrations.

- a proposed date for submitting a notification to Ecology that the new wells/points are installed and ready for sampling.
- g) an identification of the type, quality, and quantity of data necessary to complete the RI;
- h) an RI Quality Assurance Project Plan;
- i) proposals for conducting the RI COC fate and transport analysis;
- j) a safety and health plan conforming to the requirements specified in WAC 173-340-810;
- k) interim actions that may be necessary to address the releases at the Site, if these can be reasonably discerned at this point;
- l) an RI schedule, including milestone dates for activities occurring between approval of the Work Plan and submittal of the Draft RI Report;
- m) the location of Capital's data/record storage, and a description of the measures to be used to maintain and secure it; and
- n) a draft Public Participation Plan, or a proposal to submit such a Plan by a date approvable by Ecology. This Plan shall contain, at a minimum: i) a discussion of Capital's plans to comply with public notice requirements (in WAC 173-340-600); ii) the location of a document repository, and/or web-site, which interested members of the public may use to obtain information about the site; iii) methods for identifying public concerns about the site investigation; iv) methods for addressing public concerns and conveying information to the public; and, v) procedures for modifying the Plan, as needed, as the site cleanup progresses. The Plan shall comply with requirements, and be consistent with guidance, in Ecology's Guide to Public Involvement (June 1999), the Model Toxics Control Act, and WAC 173-340-600.

Upon approval of the RI Work Plan, Capital shall carry out the RI per the Work Plan's approved schedule.

3. **RI Report**

The RI Report documents RI activities and prepares the way for a feasibility study of technically feasible Site cleanup alternatives. Capital shall submit the draft RI Report to the Ecology Project Coordinator in accordance with the due date established in Exhibit C.

The purpose of the RI is to collect data necessary to adequately characterize the site for the purpose of developing and evaluating cleanup action alternatives. The RI Report shall therefore contain the following information, as appropriate:

- a) general information required by WAC 173-340-350(7)(c)(i)
- b) a Site conditions map, as required by required by WAC 173-340-350(7)(c)(ii)
- c) information regarding current and proposed land and resource uses, as required by WAC 173-340-350(7)(c)(iii)(E)
- d) a description of all RI field investigations, and all investigation-related information proposed for inclusion in the Report by the approved RI Work Plan

- e) maps/figures identifying the locations of all pertinent previous and new investigation-related sampling and monitoring
- f) summary tables of all pertinent media sampling results, to include: sample collection date; sample location; and constituents analyzed for and their concentrations. In addition, method reporting limits, method detection limits, and Practical Quantitation Levels shall be provided.
- g) results of quality assurance activities and how and why they relate to the RI Report's findings and conclusions (see *h* below). A discussion of the assessment of data usability and the results of that analysis shall also be provided. All data, including rejected and qualified data, shall be reported. If data are rejected (due to poor quality or because they appear to be outliers), and are not used in the RI analysis, the technical basis for excluding the data shall be presented
- h) conclusions and findings, substantively supported, of the investigations performed to characterize media contaminated by releases from the facility. Findings and conclusions shall include descriptions of below-surface stratigraphy and hydrogeologic parameters, as well as characterization of the nature and extent of COCs. Regulatory designations classifying affected air, surface water and groundwater shall be included as applicable
- i) a hydrogeological conceptual model describing how, where, and why groundwater moves in the area, and how groundwater contamination should be expected to migrate (direction and velocity) over time and distance
- j) preliminary identification of all Site applicable cleanup levels and likely applicable state and federal laws. Cleanup levels shall be proposed and tabulated for all COCs in each contaminated medium and for each pathway where a release has occurred using WAC 173-340-700 through 173-340-760
- k) the results of a groundwater beneficial use analysis (per WAC 173-340-720(2))²
- l) the identification of potentially impacted natural resources and ecological receptors, as required by WAC 173-340-350(7)(c)(iii)(F)
- m) a revised source-to-receptor conceptual site model, updated from the model included in the RI Work Plan
- n) an analysis of COC fate and transport
- o) a discussion of the uncertainty associated with the RI's contaminant characterization and fate and transport analysis. This discussion shall include assessment of existing data quality, the conservativeness of all critical assumptions, and conclusions about i) how accurately the information gathered about the site

² Unless Capital intends to assume that Site-related groundwater is *potable*.

represents true site conditions, and ii) how RI hypotheses have been developed so as to conservatively represent true site conditions

p) a brief account of efforts made to notify all property owners and tenants whose properties are located above groundwater and/or soils containing COCs exceeding Site cleanup levels. For the purposes of this notification, cleanup levels established to protect groundwater for use as drinking water shall be included as values to compare COC concentrations to

q) a description and discussion of the standard and any proposed conditional soil, surface water, sediment, air, and/or groundwater point(s) of compliance

r) a brief feasibility study plan, for future implementation of a study that would evaluate potential final cleanup action alternatives prior to preparation of a site cleanup action plan

4. Interim Measures Evaluation

Following preparation of the RI Report, and by a date established in Exhibit C, Capital shall prepare and submit an analysis and assessment of the performance of any/all interim actions implemented at the site. This evaluation shall include the following information as appropriate:

a) a summary of interim measures implemented at the time of the RI Report (see Section 9)

b) remedial action objectives

c) an evaluation of the performance of interim measures at achieving, or potentially achieving, remedial action objectives

d) an evaluation of any residual threats, as described by WAC 173-340-350(8)(c)(i)(E)

e) a focused evaluation of other potential interim measures

5. Vapor Intrusion

Capital shall prevent the unacceptable exposure of residents, workers, and other human receptors to contaminated indoor air caused by vapor intrusion -- if those vapors are related to releases from the Capital property. Based on assessments of the potential for vapor intrusion to adversely affect indoor air quality, interim measures (mitigation measures) have already been installed by others in areas as far west as the 100 block of S. Findlay St.

Capital shall: (1) assess properties in the Potential Vapor Intrusion Area³ to determine if COCs associated with releases at the Capital property presents a potential vapor intrusion threat; (2) further evaluate buildings where contamination by COCs associated with releases at the Capital property presents a potential vapor intrusion threat; (3) mitigate

³ Defined initially for this AO SOW as the area shown in Exhibit A (Site Diagram). This definition may need to be revised during or following the RI based on the collection of new data.

those buildings where contamination by COCs associated with releases at the Capital property presents a potential vapor intrusion threat and/or where indoor air has been shown to be unacceptably impacted and the intrusion of contaminated soil gas is a likely cause; (4) ensure that the mitigation systems in buildings in the affected area are meeting performance targets; and, (5) provide maintenance, as needed, so that all mitigation systems in buildings in the affected area continue to meet performance targets. This will require three basic strategies: an assessment strategy, a mitigation strategy, and an inspection/maintenance/monitoring strategy.

a) Assessment. Capital shall prepare and submit a draft "Vapor Intrusion Assessment Work Plan" to Ecology in accordance with the due date established in Exhibit C. The Work Plan shall include proposals for assessing properties in the Potential Vapor Intrusion Area. These properties shall be evaluated with respect to subsurface media contamination by COCs associated with releases from the Capital property and the likelihood that the media contamination may act to contaminate indoor air via vapor intrusion. Proposals shall include routine periodic evaluations in areas where groundwater or soil VOCs continue to pose an unacceptable vapor intrusion threat. The Work Plan shall propose the documents – sampling and analysis plans and reports, e.g. – that will be used as part of the assessment to obtain information and report assessment findings. If subsurface media contamination poses a potential source for contaminating indoor air via vapor intrusion at a property, the Work Plan shall describe how Capital will proceed to further assess the building-specific indoor air impact or mitigate the pathway as an interim action.

b) Mitigation. Capital shall prepare and submit a draft "Vapor Intrusion Mitigation Work Plan" to Ecology in accordance with the due date established in Exhibit C, if it appears, pursuant to a vapor intrusion assessment conducted consistent with a) above, that a building requires mitigation. The Work Plan shall describe how Capital will proceed to design, install, implement, and operate mitigation systems in buildings if the results of vapor intrusion assessment indicate that mitigation is necessary to control vapor intrusion from COCs associated with releases by Capital. The Work Plan shall propose the documents – design plans and reports, e.g. – that will be used during mitigation to obtain Ecology concurrence on system selection and performance. The Work Plan shall include proposals for mitigating specific properties in the Potential Vapor Intrusion Area if Capital has determined they require such protection.

A separate Mitigation Work Plan shall include proposals for mitigating the 5900 1st Ave. S. Building. This Work Plan shall be submitted to Ecology in accordance with the due date established in Exhibit C.

c) Continuing Obligations. Capital shall prepare and submit a draft "Vapor Intrusion Inspection, Monitoring, and Maintenance" Work Plan to Ecology in accordance with the due date established in Exhibit C. The Work Plan shall describe how Capital will proceed to inspect and maintain systems, and monitor performance. The Work Plan shall propose those documents – inspection checklists and reports, and monitoring plans and reports, e.g. – that will be used post-mitigation to obtain information and report findings.

Capital shall include a proposed schedule for inspection/maintenance activities, as well as monitoring. The proposed schedule will be sensitive to the structure mitigated, the type of mitigation installed, the nature of the contamination below and nearby the building, and the form of exposure expected in the event the mitigation fails. This Work Plan, like the two previously described, shall focus on actions required during the timeframe extending from Work Plan preparation to Ecology's approval of the draft Cleanup Action Plan.

d) Progress Reporting. In each of the three Vapor Intrusion Work Plans described above, Capital shall propose how assessment, mitigation, inspection, and monitoring information being collected on an on-going basis will be communicated to Ecology in Progress Reports. Specifically, the Work Plans shall set out which Progress Reports will contain vapor intrusion-related information, the type of information that will be contained in the Reports, and how the information will be formatted.

In preparing the work plans described in a, b, and c above, Capital may utilize the July 6, 2007, approved Interim Vapor Intrusion Plan developed by the West of 4th Avenue Group. This Plan and Ecology's approval letter are contained in Exhibit D. Capital may also utilize other approved vapor intrusion-related plans, memoranda, and reports prepared by Philip Services Corporation for their Georgetown facility cleanup.

6. Groundwater Monitoring

Capital shall monitor COCs associated with releases from the Capital property in groundwater according to the schedule set forth in an approved Groundwater Monitoring Plan until this contamination has been effectively addressed.

Capital shall prepare and submit a draft Groundwater Monitoring Plan to the Ecology Project Coordinator in accordance with the due date established in Exhibit C. The Plan shall propose the monitoring wells to be monitored, how frequently groundwater per well shall be sampled, what measurements/analyses shall be performed per sample, and how and when data will be presented in progress reports. The Plan shall also comply with requirements in WAC 173-340-410 and include:

- objectives of the monitoring program and associated data needs;
- figures identifying the locations of all proposed monitoring points;
- standard operating procedures (SOPs) for borehole logging, monitoring well construction, surveying, well development, purging, sampling, taking water level and quality measurements, well-decommissioning, etc.;
- descriptions of sample storage, transportation, and chain-of-custody procedures;
- descriptions of monitoring well construction and well logs;
- a description of how and when monitoring wells are and will be inspected and maintained;
- a discussion of field records associated with monitoring;
- a discussion of well surveying, and proposals, if needed, to re-survey any wells;

- a discussion of access considerations for the proposed monitoring network (i.e., a description of who, per well, owns the property and how the field team will access the well for sampling);
- a description of actions that will be taken to secure all monitoring points;
- a Quality Assurance Project Plan for routine groundwater monitoring;
- proposals for managing any solid or dangerous waste generated;
- a monitoring and reporting schedule per well/point; and,
- a proposal for new monitoring points and/or screened intervals, if required to meet the monitoring program's objectives or to otherwise fill critical RI or interim action data gaps. This shall include the objectives/rationale for each proposed monitoring well/point, figure(s) showing locations, and a description of the proposed construction.

All monitoring, testing, and analytical data obtained pursuant to this section shall be concurrently submitted to the Ecology Project Coordinator in digital data files on compact disc (or other mutually agreeable electronic media). These data files shall be formatted in accordance with instructions provided by Ecology.

Capital has already installed monitoring wells in the affected area. If additional wells are needed to complete the RI, and this is known at the time the RI Work Plan is being prepared, they and the methods and dates of their installation shall be included in the RI Work Plan.

If later, after the Monitoring Plan has been implemented, it appears to Capital and/or Ecology that additional wells, not anticipated by the approved Plan, are required to complete the RI, monitor interim actions, or for any other purpose associated with the agreed order, these new wells will be proposed in Work Plans under "Additional Work" (Section 9 below). In such a case, Capital will modify the Monitoring Plan to include the information described in this section (above) for the newly proposed wells, and re-submit it for approval.

7. **Progress Reports**

Capital shall prepare Progress Reports to notify Ecology of recently conducted activities and plans for future work, to transmit data, and to communicate the results of monitoring (any) interim action performance. Progress Reports shall be submitted to the Ecology Project Coordinator per the schedule in Exhibit C (although this schedule may be modified if Capital proposes a different schedule in the RI Work Plan and Ecology approves the new schedule). These Progress Reports will not be subject to disapproval requiring revision. If Ecology discovers errors or notes deficiencies in any given Progress Report, Ecology shall direct Capital to correct these errors/deficiencies in the next Progress Report.

Progress Reports shall regularly contain the following information:

- a) a description of all Agreed Order-related work completed since the last progress report;
- b) quality-assured results of all media monitoring analyses obtained since the last progress reporting interval, including laboratory detection limits achieved for each

constituent, in accordance with the approved Monitoring Plan. For each monitoring analyte/parameter, the progress report shall contain tables with the resulting data per well, together with an identification of pertinent cleanup level(s) per analyte;

c) data validation information associated with the groundwater monitoring results being reported;

d) figures depicting the groundwater concentrations of COCs and other analytes/parameters identified in the Monitoring Plan;

e) figures depicting groundwater elevation contours for all monitored saturated zones;

f) vapor intrusion assessment, mitigation, inspection, and monitoring information, as described in the approved Vapor Intrusion Work Plans;

g) summaries of all problems encountered during the reporting period and actions taken to rectify those problems;

h) a summary of communications with any public interest groups, affected area property owners/tenants, governmental agencies, environmental interest groups, etc., related to implementation of the agreed order and Scope of Work; and,

i) projected work for the next reporting period.

j) status report on interim measures. This report shall include a description of work performed in accordance with any approved interim measure work plans, and the environmental results attributed to the measures, since the last reporting interval. It shall also: (1) describe any problems associated with interim measure O&M and corrective actions taken, or proposed for being taken, to resolve the problems; and, (2) interim measure-related work planned during the next upcoming reporting period.

The RI Work Plan shall establish how frequently these reports contain the following additional interim measure-related information⁴:

- interim measure/action performance data
- a comparison of the effectiveness of each measure compared to (1) its design goals, (2) its effectiveness at start up, and (3) its effectiveness since the last reporting interval
- if performance monitoring data are unable to meet the criteria for showing that adequate progress is being made toward attaining the measure's objectives, recommendations to improve the action's effectiveness. In such a

⁴ This information is expected to be contained in the **Interim Measures Evaluation** described in Section 3. However, the RI Work Plan should propose how often performance-monitoring information should be prepared and communicated in advance of the RI Report's due date. This will allow some decisions to be made, and actions taken (if needed), in response to new information as it becomes available, and without waiting until preparation of the RI Work Plan.

case the report shall also describe how Capital intends to further assess the problem, and provide a date for Capital's completion of the evaluation

- if applicable, a discussion of efforts on-going to ensure that the measure(s) does not transfer the contamination to another medium, and if so, that an estimate of risks associated with the transfer

8. Document and Data Maintenance

Within thirty (30) days of the effective date of the Order a written operating record shall be kept to document activities associated with the Agreed Order and Scope of Work. The operating record shall include, at a minimum, all monitoring, testing, and analytical data obtained by Capital and the following documents (as well as amendments, revisions, and modifications to these documents):

- The Agreed Order, Order Amendments, and all Attachments;
- All documents, reports, plans, and data collected to support activities conducted pursuant to the Scope of Work;
- Records and results of all laboratory analyses performed pursuant to the Scope of Work and/or cited in Scope of Work deliverables;
- Records, or the summaries of records, to include: logs of all soil borings; any recovery well pumping rates and injection well rates; any industrial pumping well rates; and any data collected to monitor interim actions;
- Records of inspections associated with the RI/FS, interim actions, or monitoring;
- Records of any spills and releases;
- Copies of all environmental permits relevant to the RI, interim actions, or monitoring;
- Training records of facility personnel conducting activities pursuant to the Scope of Work; and,
- Well construction, maintenance and replacement records.

The operating record shall be stored and maintained at a secure location (*a repository*) approved by Ecology. The location shall be accessible to Ecology, provided that access rules are complied with to ensure data security and integrity.

9. Additional work

Additional work may become necessary due to the discovery of new information or re-assessment of Site conditions. In certain cases Capital may identify the need for additional work; in other instances Ecology may reach this conclusion. If Ecology determines that additional work should be required to complete the RI, more effectively monitor Site conditions, or implement interim actions for releases of COCs from the Capital Property, Ecology shall communicate the specific need to Capital. In most cases Ecology shall direct Capital to submit a Work Plan for performance of the additional work within sixty (60) days. Ecology's notification of the need for a Work Plan will contain: a) the objectives of the additional work, and b) the expected content of the Work Plan. For example, if the additional work is the installation of a monitoring well,

Ecology shall describe why the well is needed, where it should be located, how it should be screened, how it should be sampled, what analyses should be performed on samples, etc.

Interim Actions.

While the RI is underway there are actions that are, and/or may be, needed to address contamination quickly. Sometimes these interim actions are needed to protect receptors while the Site progresses towards its eventual cleanup. In other cases they are indicated to stop the spread of contamination or, by acting expeditiously, to otherwise minimize the costs of the final cleanup measure (see WAC 173-340-200 and -430).

Throughout the term of the Agreed Order, Capital shall continue to consider and evaluate Site information regarding contaminant behavior, releases, and suspected releases. If Capital identifies:

- a potential imminent and/or substantial threat to human health or the environment, or
- a need or opportunity (such as when an immediate action may prevent a final cleanup from becoming substantially more difficult) for an interim action,

Capital shall immediately notify the Ecology Project Coordinator.

If Ecology determines that any release or suspected release from Capital property may present a potential imminent and/or substantial threat, or Ecology determines there is a need or opportunity to begin expedited cleanup actions, Ecology shall, in writing, direct Capital to design and implement an interim measure. Any such interim measure shall be designed to protect human health and the environment and, to the maximum extent practicable, shall also strive to be consistent with, and capable of being integrated into, the likely final cleanup action for the Site.

In such cases Capital shall be directed to submit a draft Interim Measures Work Plan. The Work Plan is expected to contain the information described below:

- a) the proposed scheduling of any interim measure feasibility study, if such a study is required in order to select an optimal interim action;
- b) a description of the proposed action and an explanation of how it will meet the criteria of WAC-173-340-430(1), (2), and (3);
- c) a discussion of any other alternative actions considered and an explanation why the proposed measure(s) should be considered superior;
- d) a summary of all relevant sampling/monitoring data, as well as information supporting the proposed location(s) for interim measures;
- e) a proposal, and justification, for each measure's design, including information from applicable subsections of WAC 173-340-400 (design and construction requirements);
- f) a data collection and management plan for obtaining and reporting measure-specific quality-assured results;
- g) a compliance monitoring plan, meeting the requirements of WAC 173-340-410, and proposed performance goals for each interim measure. Definitions

of "adequate progress" in meeting the performance goals shall be included in the plan;

- h) a safety and health plan meeting the requirements of WAC 173-340-820; and,
- i) a detailed schedule for implementation of the actions in the Interim Measure Work Plan and submission of progress report information. This schedule shall also identify all post-Work Plan Interim Measure documents, and significant related activities, which will be prepared and/or carried out. This includes the preparation of engineered design documents, design specifications, construction "complete" reports, performance evaluations, and Operation and Maintenance (O&M) plans, as well as pre-and post-start-up inspections, hold points, permit applications, etc.

At any time after implementation of an interim action Capital may conclude that the action has been completed and has met its performance objectives. Capital may then propose that Progress Reports no longer be required to contain interim action status updates. If Ecology agrees, Capital may discontinue inclusion of this information.

10. New Source Areas

While the Agreed Order remains effective Capital shall notify the Ecology Project Coordinator within thirty (30) days if the Capital becomes aware of the existence of contamination associated with a previously unidentified source area on the Capital Property or within the area located down gradient of the Capital Property. A typical "source area" would be a previously unidentified area on Capital's Property where a release of COCs likely occurred. In the notification Capital shall include:

- dates of operation and/or existence of the source
- the nature of any waste and/or hazardous substances managed -- and if applicable, being managed -- at the source;
- the potential for past, current, and future releases of any COCs (or other hazardous substances that may affect the nature and extent of COCs in the environment) from the source area, and the "mechanism(s)" for creating the release;
- dates of any known releases;
- a description of the material, and an estimate of the volume, of any known releases;
- any corresponding actions that have been taken to control or remediate releases;
- any environmental data associated with the source area or media potentially affected by releases; and,
- any future plans for investigating the contamination and associated source area.

If Ecology determines, based on the potential for releases from the new source area identified on the Capital Property to result in an exceedance of media cleanup levels or otherwise threaten the health of humans or the environment, that the area must be investigated, Ecology may direct Capital to submit a Work Plan for performance of Additional Work.

11. Transmittal of Data

Progress Reports shall be routinely used to communicate the results of groundwater and interim action monitoring to Ecology. However, there may be instances when actions become contingent on particular monitoring results. In such cases Ecology may not be able to wait until the issuance of a Progress Report to obtain the data in question. In these instances the Ecology Project Coordinator shall request that the particular data be submitted in advance of the Progress Report and by a date consistent with the intended use of the data. Capital shall then make best efforts to comply with Ecology's request. The data so transmitted may be appropriately qualified.

12. Notification of Property Owners and Tenants

Within sixty (60) days of submittal of the RI Work Plan and annually thereafter, Capital shall inform property owners and their tenants, as well as utility companies in the affected area, that groundwater and/or soils contain COCs which exceed State cleanup levels. This may be limited to properties above groundwater and/or soil being addressed pursuant to the Agreed Order. The notice shall include a summary of the prior year's monitoring data, and state that certain contaminants in the soil/groundwater exceed cleanup levels and are continuing to be monitored as part of an ongoing cleanup program. For those properties associated with groundwater contamination where COC concentrations exceed drinking water-based standards, notices shall provide a warning that the groundwater should not be used for this purpose and cite pertinent regulatory limitations on production well installation and use. All notices shall include Capital and Ecology points of contact for those wishing to ask questions or obtain additional information.

13. Certification

All reports, work plans, and other submittals required by this Agreed Order, and submitted by Capital, shall be accompanied by a certification meeting the requirements of WAC 173-340-840.