

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into by and between BRIDGE POINT TACOMA, LLC (“Bridge”) and the STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY (“Ecology” and collectively with Bridge, the “Parties”), as of the latest date of execution by all signatories to this Agreement.

RECITALS

WHEREAS, Bridge is the applicant for the project known as Bridge Point Tacoma 2MM (“Project”) located in the City of Tacoma, Washington (“City”) more particularly described in the Mitigated Determination of Nonsignificance (“MDNS”) issued for the Project by the City on April 21, 2023, including its Attachments and Exhibits.

WHEREAS, Bridge applied for coverage under the Construction Stormwater General Permit (“CSWGP”). Ecology issued a determination of coverage on December 19, 2023. Ecology also issued an Administrative Order (“Order”) imposing conditions, including four conditions relating to traffic and air quality (“Conditions”) that appear on page 13 of the Order, an annotated copy of which is attached as Exhibit A to this Agreement.

WHEREAS, on January 2, 2024, Bridge appealed the Conditions in the Order to the Pollution Control Hearings Board (“Board”), Case No. 24-001 (“Appeal”). The Appeal is pending.

WHEREAS, the Parties now wish to resolve their disputes about the Order and Conditions.

NOW, THEREFORE, in consideration of the following mutual promises and covenants, the Parties agree as follows:

AGREEMENTS

1. Payment. Within 30 calendar days of the execution of this Agreement, Bridge will pay \$8,950,000 (Eight Million Nine Hundred and Fifty Thousand and No/100 Dollars)) (“Payment”) to Ecology to address traffic and air pollution in South Tacoma.

2. Use of Settlement Funds. The Payment will be used solely to monitor, maintain and/or improve traffic and air quality conditions in South Tacoma, defined for the purposes of this agreement as the area of Tacoma located south of Washington State Route 16, west of South Pine Street, north of South 56th Street, and east of the Tacoma Recovery & Transfer Center at 3510 S Mullen St, Tacoma, WA 98409. This area is identified on a map in Exhibit B. The Payment may not be used for any purposes not listed in this section. The Payment may be used to fund:

- a. Additional air quality monitoring in South Tacoma conducted by Ecology or, pursuant to an interagency agreement with Ecology, by the Puget Sound Clean Air Agency. Monitoring may include staff time necessary for comparative analysis of air quality

outside of South Tacoma. Expenditures on additional monitoring may include operational and staffing costs, costs of constructing new monitoring stations or upgrading existing monitoring stations, and costs to purchase new monitoring equipment.

- b. Weatherization programs for South Tacoma residences, administered by Ecology or, pursuant to an interagency agreement with Ecology, by the Department of Commerce or Pierce County Human Services. Any weatherization program may include provision of portable air cleaners and replacement filters for South Tacoma residences. Any weatherization program must prioritize South Tacoma residences in the vicinity of South Union Avenue and must be targeted at reducing impacts to indoor air quality and/or human health caused by diesel pollution.
- c. Support of an existing diesel truck replacement grant program or zero emissions truck grant program to incentivize replacement of pre-2007 medium and heavy-duty trucks operating in the South Tacoma community with newer, cleaner vehicles and promote the transition to clean energy vehicles. The grant program must be an existing program administered by Ecology or, pursuant to an interagency agreement with Ecology, by a local port authority or other local entities as identified by Ecology. The funding provided to any grant program must be specifically targeted at reducing diesel pollution in South Tacoma.
- d. Ecology outreach to South Tacoma residents to identify community preferences with respect to mitigation and monitoring measures and to educate residents on available mitigation programs.
- e. Other measures to maintain or improve traffic and air quality in South Tacoma, that are specifically requested by South Tacoma residents pursuant to outreach by Ecology, that would be administered by Ecology, and are approved by the Director of Ecology or their designee. In no case shall the Payment be used to oppose development of the Project, but nothing in this agreement shall preclude Ecology from providing funding to South Tacoma community organizations provided such funding is not used to oppose development of the Project.

3. Revised/New Order. Within 14 calendar days of payment by Bridge, Ecology will issue a revised or new Order that removes the Conditions and related narrative (“Related Narrative”) and makes no other substantive changes. The Conditions and Related Narrative are annotated on Exhibit A.

4. Dismissal. Within 7 calendar days of issuance of a revised or new Order, Bridge will move to withdraw the Appeal with prejudice and without costs or attorneys’ fees to any party. The Parties consent to the submission of this Agreement to the Board if required by the Board.

5. No Additional Conditions. Ecology agrees that, based on Bridge’s commitments in this Agreement, it will not seek to impose additional traffic or air quality conditions on the

Project provided that there are no substantial changes to the Project so that it is likely to have significant adverse air quality impacts.

6. Defense. Ecology will defend the revised or new Order if it is appealed.

7. Compromise of Claims. The Parties understand and agree that this Agreement is the compromise of disputed claims and the execution and performance of this Agreement does not constitute and shall not be construed as an admission regarding any disputed matter of law or fact or of wrongdoing, responsibility or liability of any Party.

8. Release. Upon entry of an order dismissing the Appeal pursuant to Paragraph 3 of this Agreement, except with respect to the Parties' right to enforce the terms and obligations of this Agreement, and Ecology's statutory authority to enforce the terms and obligations of the CSWGP and the new or revised Order, the Parties shall, and hereby do, mutually release, acquit, and forever discharge one another and their subsidiaries and affiliates, its and their partners, investors, parent companies, officers, lenders, members, managers, employees, directors, shareholders, successors, assigns, representatives, and agents from any and all claims, demands, damages, controversies, or suits of any kind or nature whatsoever, whether known or unknown, asserted or not asserted, foreseen or unforeseen, whether past, present or future, pertaining to or arising out of the incidents and occurrences upon which the Appeal is based and occurring prior to the date of this Agreement.

9. Remedies. In the event that either party violates the terms of this Agreement, the other party may pursue all remedies available by law. In any action to enforce the terms of this Agreement, the prevailing party shall be entitled to an award of its reasonable costs and attorneys' fees incurred.

10. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Venue for any action arising out of or relating to this Agreement shall lie in Thurston County Superior Court.

11. Agreement Not Enforceable by Third Parties. This Agreement is neither expressly nor impliedly intended for the benefit of any third party and is neither expressly nor impliedly enforceable by any third party.

12. Successors and Assigns. This Agreement shall inure to the benefit of, and be binding upon the Parties, their respective successors, transferees and assigns.

13. Authority to Execute. Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity, represents and warrants that he or she is fully authorized to execute and deliver this Agreement on behalf of the entity or Party for which he or she is signing. The Parties hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.

14. Interpretation. This Agreement was drafted and reviewed by counsel for the Parties and there shall not be a presumption or construction against any of the Parties.

15. Entire Agreement. This Agreement contains the entire understanding between the Parties with respect to the subject matter hereof. No amendment or modification to this Agreement shall be valid or effective unless made in writing and executed by the Parties after the effective date of this Agreement.

16. Counterpart Originals. This Agreement may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by a Party shall have the same force and effect as if that Party had signed all other counterparts.

17. Effective Date: This Agreement is effective as of the latest date of execution by all signatories to this Agreement.

Dated: November 4, 2024

Bridge Point Tacoma, LLC

DocuSigned by:
Nick Siegel
By: 5A4C0A2328704DC...
Nick Siegel
Its: Vice President

Dated: _____, 2024

State of Washington Department of Ecology

By: *Laura Watson* Digitally signed by Laura Watson
Date: 2024.11.01 12:41:06 -07'00'
Laura Watson
Its: Director

EXHIBIT A

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER) DOCKET # 21612
AGAINST) Construction Stormwater General Permit
Sierra Construction Company) WAR311285
Bridge Point Tacoma, LLC)

To: Sierra Construction Company Bridge Point Tacoma, LLC
Attention: Bryan Ploetz Attention: Matt Gladney
14800 NE Woodinville Way 9525 Bryn Mawr Ave, Suite 700
Woodinville, WA 98072 Rosemont, IL 60018

On March 31, 2022, Sierra Construction Company and Bridge Point Tacoma, LLC (Applicants) applied to the Washington State Department of Ecology (Ecology) for coverage under the Construction Stormwater General Permit (CSWGP) to construct an industrial warehouse project in Tacoma, Washington (Project). On August 15, 2023, Ecology received the final outstanding item related to the CSWGP coverage application for the Project. On August 28, 2023, Ecology informed Applicants that it could not make a CSWGP coverage decision because a State Environmental Policy Act (SEPA) appeal had stayed the Mitigated Determination of Nonsignificance (MDNS) for the Project. On November 15, 2023, Ecology was informed that the SEPA appeal associated with the Project had been resolved and the Project's MDNS was effective.

Applicants propose to construct and operate an industrial warehouse facility in the South Tacoma neighborhood of Tacoma, Washington. The completed industrial warehouse facility would cover approximately 156 acres and consist of four buildings, freight loading docks, parking lots, private access roads, pedestrian walkways, landscaping, stormwater infrastructure, public sanitary sewer and water main extensions. The Project would be constructed in two phases (soil mitigation and site development/construction) and involves approximately 119 acres of soil disturbance. During full operation the Project will generate an estimated 4,980 new weekday daily vehicle trips, including 1,411 trips by heavy-duty diesel trucks. Eighty percent of these daily truck trips will travel through a residential area located between the Project site and SR 16.

Narrative

The Project is located within and adjacent to the delisted Commencement Bay, South Tacoma Channel Superfund site (Toxics Cleanup Site ID 734 and 1640) and is contaminated with arsenic, lead, copper, PCBs, and cPAHs. On the Project site there are four wetlands, a stream that is a tributary to Flett Creek, and a Fish and Wildlife Conservation Area. There are a substantial number of residences within one-quarter mile of the Project site. The residential parcels nearest to the Project site are approximately 250 feet away from the Project site's northwest boundary. In addition, there are residences located along the primary and secondary truck routes to and from the Project site. The communities surrounding the Project are on the Climate Commitment Act list of overburdened communities for fine particles and cumulative criteria air pollution, and rank 10 (out of 10) for health disparities, diesel exhaust, and proximity to heavy traffic roadways on

Narrative

the Washington Environmental Health Disparities Map. Accordingly, Ecology has determined that these communities face disproportionate impacts from air pollution.

The primary air pollutants from the Project will include dust emissions during construction and diesel particulate matter, nitrogen oxides, and greenhouse gases from vehicle traffic during construction and operation. To mitigate the Project’s air, climate, and traffic impacts below levels of significance, the City of Tacoma required construction equipment engines meet Tier 4 standards for fuel efficiency and emissions, best management practices for fugitive dust emissions, signage and tenant agreements implementing a no-idling policy for all vehicles on site, compliance with the Project site’s Soil Management Plan, new streets/access roads, new sidewalks, new traffic signals, intersection modifications, and monitoring.

I. AUTHORITIES

In exercising its authority under 33 U.S.C. § 1318, RCW 90.48.120(2), and RCW 43.21C.060, Ecology has examined Applicants’ application for coverage under the CSWGP pursuant to the following:

- 1. Conformance with 33 U.S.C. § 1251 et seq. and Chapter 90.48 RCW.
- 2. Conformance with the state water quality standards contained in Chapter 173-200 WAC and Chapter 173-201A WAC.
- 3. Conformance with the CSWGP.
- 4. Conformance with applicable SEPA policies under RCW 43.21C.060 and WAC 173-802-110.

Pursuant to the foregoing authorities and in accordance with 33 U.S.C. § 1318, RCW 90.48.120(2), RCW 43.21C.060, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 197-11-660, and WAC 173-802-110, as more fully explained below, Ecology is granting with conditions Applicants’ request for coverage under the CSWGP.

II. CONDITIONS OF APPROVAL

a. Water Quality

Section S2.A.1.e of the CSWGP requires applicants to notify Ecology if they are aware of contaminated soils and/or groundwater at their project sites. To enable Ecology to cover contaminated construction sites under the CSWGP while preventing discharges that may cause violations of any water quality standard, CSWGP Condition G12 allows Ecology to include in a companion administrative order additional requirements for known constituents of concern.

Applicants notified Ecology that the Project site contains contaminated groundwater and contaminated soil that has the potential to discharge in stormwater and dewatering water to Flett Creek due to the proposed construction activity. The CSWGP does not have water quality sampling or benchmarks for Arsenic, Lead, Copper, PCBs, and cPAHs (See Table 1 below);

however, the permit requires compliance with the Water Quality Standards for Surface Water of the State of Washington (173-201A WAC), Groundwater Quality Standards (173-200 WAC), sediment management standards (WAC 173-204), and human-health based criteria in the Federal water quality criteria applicable to Washington (40 CFR Part 131.45).

Ecology is establishing indicator levels for the Project site. Indicator levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation and above which it may. Indicator levels in this Order were derived from the Acute Freshwater Aquatic Life Criteria and the method's minimum quantitation level. Groundwater Benchmarks were derived from the Industrial Stormwater General Permit because there are no groundwater benchmark standards for construction related projects.

For these reasons, and in accordance with RCW 90.48.120(2), it is ordered that to remain in compliance with Construction Stormwater General Permit WAR311285 Applicants must take the actions listed below at the location known as the Bridge Industrial site, East side of South Taylor Street between South 36th Street and South 56th Street, Tacoma WA 98409.

1. Follow Barghausen Engineering Construction Stormwater Pollution Prevention Plan Report (21633-R-SWPPP-2022-03-28.pdf).
2. Phase 1 (soil mitigation) shall include stripping of approximately the top one foot of potentially contaminated soil and placing the removed soil in the locations specified for buildings A or B as identified in the TRC Environmental Corporation Soil Management Plan for Property Development.
3. Temporary Erosion and Sediment Control Best Management Practices (BMPs) shall be installed before land disturbance activities begin.
4. On site stormwater runoff during Phase 1 shall initially flow over land, via constructed temporary channels and V ditches, to the on-site temporary infiltration basins as identified in TRC Soil Management Plan for Property Development.
5. The temporary infiltration basins consist of a lined settling forebay that discharges into an oversized infiltration basin. The infiltration basins shall be sized to have enough capacity to hold all potentially contaminated dewatering water or stormwater.
6. Install a water sampling station between the settling forebay and the infiltration basin to monitor for the groundwater benchmarks listed in Table 1. Conduct Groundwater Benchmark sampling monthly. Ecology reserves the right to request additional sampling.
7. Submit monitoring results to the Contaminated Construction Stormwater Inspector, Evan Wood, at evan.wood@ecy.wa.gov, within 24 hours of receipt by Applicant(s) or any other responsible party.
8. Sampling for contaminants found in Table 1 must be reported on the required Discharge Monitoring Report (DMR) according to Permit conditions (S5.B Discharge Monitoring Reports).

9. If Groundwater Benchmarks are exceeded, Applicant(s) shall implement and maintain appropriate source control and/or treatment BMPs within 10 days of the date of the benchmark exceedance. If installation of necessary treatment BMPs is not feasible within 10 days, Ecology may approve additional time if Applicant(s) requests an extension within the initial 10-day response period.
10. During Phase 1, all stormwater shall be infiltrated and there shall be no discharge to Flett Creek or any other surface waters of the State. Any surface water discharge must be immediately reported to Ecology (ERTS (360) 407-6300) and Applicants must cease the discharge immediately.
11. Applicants shall install additional storage capacity using Baker Tanks, or equivalent, if needed to prevent discharge to surface water during Phase 1.
12. Phase 2 (site development/construction) shall include grading and development of the planned industrial warehouses, parking areas, and infrastructure. Phase 2 shall include treatment of potentially contaminated construction stormwater and dewatering water with discharge to Flett Creek.
13. Capture, contain, and treat all potentially contaminated dewatering water or contaminated stormwater prior to discharge to Flett Creek during Phase 2.
14. Install all pre-treatment and treatment systems prior to any discharge of dewatering water or potentially contaminated construction stormwater to Flett Creek during Phase 2. Treatment systems shall include, but are not limited to, Temporary Erosion Sediment and Control ponds with a silt fence baffle, sediment riser outlet and Chitosan Filtration System. Applicants shall provide the locations, connection systems, specifications, and discharge points of all treatment systems to Ecology for review and approval before they are installed.
15. The treatment system must have enough capacity to hold the treated dewatering water or stormwater until it has been tested to determine if any of the indicator levels listed in Table 2 have been exceeded. No dewatering water or stormwater may be discharged before it has been tested for the parameters listed in Table 2. If any of the indicator levels listed in Table 2 are exceeded, Applicants must stop the discharge of treated dewatering water or contaminated stormwater to the Flett Creek, until it has been retested to determine that all parameters are equal to or below the indicator levels in Table 2. If any of the indicator levels are exceeded after being retested, Applicants shall install an additional treatment system. Additional treatment systems must be approved by Ecology before use.
16. Once the effectiveness of the treatment system has been determined, Applicants may revert to a flow-through treatment system after the minimum three sampling and testing events and upon written approval from Ecology. The flow-through treatment system design must be submitted to Ecology for review prior to use.

17. If a flow-through treatment system is adopted, all contaminated dewatering water or contaminated stormwater must be sampled weekly while discharging and tested for the parameters listed in Table 2. If a flow-through system is utilized, the lab samples shall be the fastest method to determine compliance.
18. When using a flow-through treatment system, if any of the indicator levels listed in Table 2 are exceeded, Applicants must stop the discharge of treated dewatering water or stormwater to the Flett Creek until it has been retested to determine that all parameters are equal to or below the indicator levels in Table 2. If any of the indicator levels are exceeded after being retested, Applicants shall modify the existing flowthrough treatment system to increase its effectiveness or install an Ecology approved- treatment system or truck the contaminated stormwater or groundwater off-site for disposal in an approved manner.
19. Sampling for contaminants found in Table 2 must be reported on the required DMR according to Permit conditions (S5.B Discharge Monitoring Reports).
20. If sampling is conducted more frequently than required by this Order, the results of this monitoring must be included in the calculation and reporting of the data that is submitted in the DMRs.
21. Any discharge to waters of the state above the indicator levels for contaminants found in Table 2 must be immediately reported to Ecology (ERTS (360) 407-6300). Cease the discharge until Indicator Levels can be met.
22. All captured sediment from the treatment of the dewatering water or contaminated stormwater shall be transported to the locations specified for buildings A or B or be transported to an approved disposal facility based on the level of contamination.
23. When it is not feasible to immediately haul contaminated soils offsite or to the building A or B locations, the soils shall be placed in a covered area to minimize contact with stormwater.
24. All monitoring data shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 137-50 WAC. Final lab reports shall state the units provided in Table 1 and Table 2. Final lab reports shall be submitted to the Ecology Contaminated Construction Stormwater Inspector, Evan Wood, at evan.wood@ecy.wa.gov, within 24 hours of receipt by Applicant(s) or any other responsible party.
25. All sampling data shall be reported monthly on DMRs electronically using Ecology's secure online system WQWebDMR, in accordance to permit condition S5.B. If the measured concentration is below the detection level, Applicants shall report single analytical values below detection as "less than the detection level (DL)" by entering "<"

followed by the numeric value of the detection level (e.g., “<0.1”). All other values above DL must be reported as the numeric value.

26. Noncompliance with permit requirements or the provisions of this Order shall be immediately reported to the Southwest Regional Office of the Department of Ecology in accordance with Permit Condition S5.F, Noncompliance Notification.

Table 1. Bridge Industrial Infiltration Basin Monitoring

Sierra Construction Company must use the specified analytical methods and benchmarks in the following table for monitoring unless the method used produces measurable results in the sample and The Environmental Protection Agency (EPA) has listed it as an EPA-approved method in 40 CFR Part 136. If the Sierra Construction Company uses an alternative method, not specified in the order and as allowed above, it shall be approved by Ecology prior to the use of the alternate methodology.

Pollutant & CAS No. (if available)	Sampling Frequency	Sample Type	Required Analytical Protocol	Groundwater Benchmark Level, µg/L
POLYCHLORINATED BIPHENYLS (PCBs)				
Total PCBs ^a	Monthly	Grab	EPA Method 8082A	Report Only
CARCINOGENIC POLYCYCLIC AROMATIC HYDROCARBONS (CPAH)				
Benzo(a)anthracene (56-55-3)	Monthly	Grab	EPA Method 8270E	Report Only
Benzo(b)fluoranthene (205-99-2)	Monthly	Grab	EPA Method 8270E	Report Only
Benzo(k)fluoranthene (207-08-9)	Monthly	Grab	EPA Method 8270E	Report Only
Benzo(a)pyrene (50-32-8)	Monthly	Grab	EPA Method 8270E	Report Only
Chrysene (218-01-9)	Monthly	Grab	EPA Method 8270E	Report Only
Dibenzo(a-h)anthracene (53-70-3)	Monthly	Grab	EPA Method 8270E	Report Only
Indeno(1,2,3-cd)Pyrene (193-39-5)	Monthly	Grab	EPA Method 8270E	Report Only
METALS				
Arsenic, Dissolved (7440-38-2)	Monthly	Grab	200.8	150
Copper, Total (7440-50-8)	Monthly	Grab	200.8	14
Lead, Total (7439-92-1)	Monthly	Grab	200.8	64.6

NONCONVENTIONAL POLLUTANTS					
Diesel and Oil-Range Hydrocarbons (NWTPH-Dx) ^b	Monthly	Grab	Ecology NWTPH Dx		10 mg/L
Gasoline-Range Hydrocarbons (NWTPH-Gx) ^c	Monthly	Grab	Ecology NWTPH-Gx		10 mg/L
Construction Stormwater General Permit Benchmarks					
Parameter	Sampling Frequency	Sample Type	Benchmark	Analytical Method	
Turbidity	Monthly	Grab	25-250 NTU	SM2130 ^d	
pH	Monthly	Grab	6.5 - 8.5 SU	SM4500-H ⁺ B	
<p>a Total PCBs are the sum of all congener or all isomer or homolog or Aroclor analyses.</p> <p>b NWTPH-Dx = Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils). The detection level and quantitation levels for this pollutant is representative of the sum of its components.</p> <p>c NWTPH-Gx = Northwest Total Petroleum Hydrocarbons – Volatile petroleum products (includes aviation and automotive gasolines, mineral spirits, Stoddard solvent and naphtha). The detection level and quantitation levels for this pollutant is representative of the sum of its components.</p> <p>d Or equivalent.</p>					

Table 2. Bridge Industrial Surface Water Monitoring

Sierra Construction Company must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for monitoring unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Sierra Construction Company uses an alternative method, not specified in the order and as allowed above, it shall be approved by Ecology prior to the use of the alternate methodology.

Pollutant & CAS No. (if available)	Sampling Frequency	Sample Type	Indicator Level, µg/L	Required Analytical Protocol	Detection Level, µg/L	Quantitation Level, µg/L
POLYCHLORINATED BIPHENYLS (PCBs)						
Total PCBs ⁱ	Batch/Weekly ^h	Grab	2.0 ⁱ	EPA Method 8082A	0.065	0.195
CARCINOGENIC POLYCYCLIC AROMATIC HYDROCARBONS (CPAH)						
Benzo(a)anthracene (56-55-3)	Batch/Weekly ^h	Grab	23.4 ^a	EPA Method 8270E	7.8	23.4
Benzo(b)fluoranthene (205-99-2)	Batch/Weekly ^h	Grab	14.4 ^a	EPA Method 8270E	4.8	14.4
Benzo(k)fluoranthene (207-08-9)	Batch/Weekly ^h	Grab	7.5 ^a	EPA Method 8270E	2.5	7.5
Benzo(a)pyrene (50-32-8)	Batch/Weekly ^h	Grab	7.5 ^a	EPA Method 8270E	2.5	7.5
Chrysene (218-01-9)	Batch/Weekly ^h	Grab	7.5 ^a	EPA Method 8270E	2.5	7.5

Dibenzo(a-h)anthracene (53-70-3)	Batch/ Weekly ^h	Grab	7.5 ^a	EPA Method 8270E	2.5	7.5
Indeno(1,2,3-cd)Pyrene (193-39-5)	Batch/ Weekly ^h	Grab	11.1 ^a	EPA Method 8270E	3.7	11.1
METALS						
Arsenic, Dissolved (7440-38-2)	Batch/ Weekly ^h	Grab	360 ^b	200.8	0.1	0.5
Copper, Total (7440-50-8)	Batch/ Weekly ^h	Grab	6.5 ^b	200.8	0.4	2.0
Lead, Total (7439-92-1)	Batch/ Weekly ^h	Grab	20.9 ^b	200.8	0.1	0.5
NONCONVENTIONAL POLLUTANTS						
Diesel and Oil-Range Hydrocarbons (NWTPH-Dx) ^c	Batch/ Weekly ^h	Grab	250 ^a	Ecology NWTPH Dx	250	250
Gasoline-Range Hydrocarbons (NWTPH-Gx) ^d	Batch/ Weekly ^h	Grab	250 ^a	Ecology NWTPH-Gx	250	250

Construction Stormwater General Permit Benchmarks			
Parameter	Frequency	Benchmark	Analytical Method
Turbidity	Weekly	2.5-250 NTU	SM2130 ^e
pH	Weekly	6.5 - 8.5 SU	SM4500-H ⁺ B
Flow-Through Turbidity ^f	Continuous	25-250 NTU	SM2130 ^e
Flow-Through pH ^g	Continuous	6.5 - 8.5 SU	SM4500-H ⁺ B
a	No surface water standard, value is laboratory quantitation level.		
b	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240) based on hardness of 36.0 mg/L for hardness depended metals. The indicator level for hardness dependent metals is expressed as a dissolved metal value. At or below the indicator level using analytical protocol for total or dissolved metal values meets the water quality standard.		
c	NWTPH-Dx = Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils). The detection level and quantitation levels for this pollutant is representative of the sum of its components.		
d	NWTPH-Gx = Northwest Total Petroleum Hydrocarbons – Volatile petroleum products (includes aviation and automotive gasolines, mineral spirits, Stoddard solvent and naphtha). The detection level and quantitation levels for this pollutant is representative of the sum of its components.		
e	Or equivalent.		
f	Report the average turbidity for each day a discharge occurs while the system is in operation.		
g	Report the daily minimum and maximum pH for each day a discharge occurs while the system is in operation.		
h	If permission granted for flow-through, sampling will be weekly		
i	Total PCBs are the sum of all congener or all isomer or homolog or Aroclor analyses.		

b. Air Quality

The MDNS issued by the City of Tacoma and attachments and exhibits thereto clearly identify adverse environmental and human health impacts that would result from the construction and operation of the Project. These documents show that vehicle traffic generated by the Project will cause increased emissions of several harmful air pollutants including diesel particulate matter, nitrogen oxides, and greenhouse gases, primarily from heavy-duty diesel trucks traveling to, on, and from the Project site.

The Air Quality Study for the Project concluded that operational phase onsite emissions of toxic air pollutants from the Project are not expected to produce an unacceptable human health risk to the surrounding community because ambient impacts did not exceed the acceptable source impact levels (ASILs). However, the study also found that diesel particulate matter and nitrogen dioxide emitted by heavy-duty diesel trucks as they travel to, from, and on the Project site will exceed both de minimis and small quantity emission rate (SQER) thresholds and pose a threat to the environment and public health. The study revealed the greatest adverse impacts from onsite emissions of these two toxic air pollutants are expected to be felt by the residential communities closest to the onsite trucks emitting them. While the study did not identify what nearby areas would experience the greatest impacts from diesel particulate matter and nitrogen oxides emitted from trucks traveling to and from the Project site, it did disclose that these emissions are approximately 500 times higher than the Project’s onsite diesel particulate matter emissions and 10 times higher than the Project’s onsite nitrogen oxides emissions and would adversely impact the greater community surrounding the Project site. Ecology expects that the residential parcels that will experience the greatest adverse air quality and health impacts from the increased offsite diesel particulate matter and nitrogen oxides emissions attributable to the Project will be those adjacent to the primary and secondary truck routes to and from the Project site, especially the route through which 80% of Project-related truck traffic (565 round trips daily) will travel.¹

Local, state, and federal requirements and enforcement are insufficient to mitigate the adverse air quality and human health impacts attributable to the Project. The Project is located within the jurisdictional boundaries of the Puget Sound Clean Air Agency, but this project does not require a permit under the Washington Clean Air Act; therefore, there is no air permitting pathway to sufficient mitigation of the impacts associated with increased emissions of diesel particulate matter and nitrogen oxides. As described in the MDNS, Applicants have agreed or will be required to use construction equipment with engines that meet Tier 4 fuel efficiency and emissions standards, control fugitive dust emissions, curb on-site vehicle idling, make various traffic-related improvements, and conduct monitoring to bring environmental and human health impacts below SEPA levels of significance. However, these measures will not eliminate the hundreds of heavy-duty diesel truck trips through residential areas or vehicle delays (queuing/idling) at stop lights surrounding the Project site that will result in increased emissions

¹ Based on an analysis of tax parcel data, there are approximately 32, 68, and 117 residential parcels within 100, 200, and 300 meters respectively along the S Union Avenue south of SR 16 route segment. Residential parcels are those identified with a land use code of 11 through 19. Other sensitive land uses include Oakland High School located approximately 200 meters from this route.

Narrative

of diesel particulate matter and nitrogen oxides and associated adverse environmental and health impacts.

Therefore, to further mitigate the impacts of increased diesel particulate matter and nitrogen oxides emissions generated by the Project, Ecology is requiring as conditions of approval that:

Conditions

1. Any and all Project-related heavy-duty trucks that travel to or from the Project site follow routes designed to minimize impacts to residences within the South and East Tacoma communities caused by diesel particulate matter and nitrogen oxides emissions.
2. Applicants make any and all necessary traffic-related improvements to minimize vehicle delays (queuing/idling) if the traffic volume, location, or number of heavy-duty truck routes changes as a result of designing truck routes to minimize diesel emissions in residential areas.
3. Within five years of the start of the operational phase of the Project, all Project-related heavy duty diesel trucks that travel to, on, or from the Project site be model year 2007 or later. Heavy duty diesel trucks from these model years have significantly lower particulate matter emission rates than pre-2007 heavy duty diesel trucks. Heavy duty diesel trucks from model years 2010 and later have significantly lower nitrogen oxides emission rates than pre-2010 heavy duty diesel trucks.
4. Applicants install infrastructure, including but not limited to charging stations, at the Project site for future use by electrified heavy-duty trucks, which would substantially reduce diesel emissions as well as greenhouse gas emissions resulting from the Project when they become commercially available.

Narrative

These conditions of approval are designed to address the adverse impacts caused by the Project and are based on the following substantive SEPA policies in WAC 173-802-110:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- Each person has a fundamental and inalienable right to a healthful environment.

Applicants shall submit to Ecology for review and approval plans and/or proposed actions related to the foregoing conditions of approval before implementation and within 180 days of the

date of the receipt of this Order. Any such approval following Ecology's review of Applicants' plans and/or proposed actions shall be in writing.

Applicants may petition Ecology to waive one or more of the foregoing conditions of approval by completing and submitting a study and/or modeling regarding the sufficiency of a subset of these conditions of approval to completely mitigate the incremental adverse air quality and human health impacts attributable to the Project. Any such waiver following Ecology's review of Applicants' study and/or modeling shall be in writing.

III. EFFECT; TRANSFER; MODIFICATIONS; FAILURE TO COMPLY

This Order does not exempt Applicants from any Construction Stormwater General Permit requirement. The Order remains in effect during construction and operation of the Project or until written notice from Ecology that the conditions no longer apply. In the event of a permit transfer to another Permittee during construction, or in conjunction with future permit requirements triggered by facility operations, compliance with this Order and the actions listed above are required. Applicants shall notify Ecology of any change in Project site owner or operator as soon as possible, and no later than within 30 days of such change. Ecology retains the right to make modifications to this Order through supplemental Order, or amendment to this Order, if it appears necessary to further protect the public interest. Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

IV. YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

File your notice of appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of Appeal" is defined in WAC 371-08-340. Serve a copy of your notice of appeal and this Order on the Department of Ecology by mail, in person, or by email. (See addresses below.)

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

Ecologyappeals@ecy.wa.gov

V. CONTACT INFORMATION

Please direct all questions about this Order to:

Evan Wood
Southwest Region Office
Water Quality Program
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Phone: (360) 706-4599
Email: ewoo461@ecy.wa.gov

Or

Rich Doenges
Southwest Region Office
Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

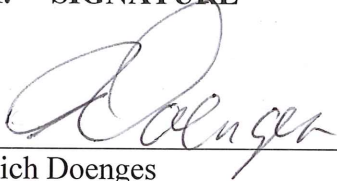
Phone: (360) 407-6307
Email: rich.doenges@ecy.wa.gov

VI. MORE INFORMATION

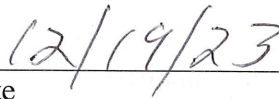
- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>

- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, rules, & rulemaking website**
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

VII. SIGNATURE

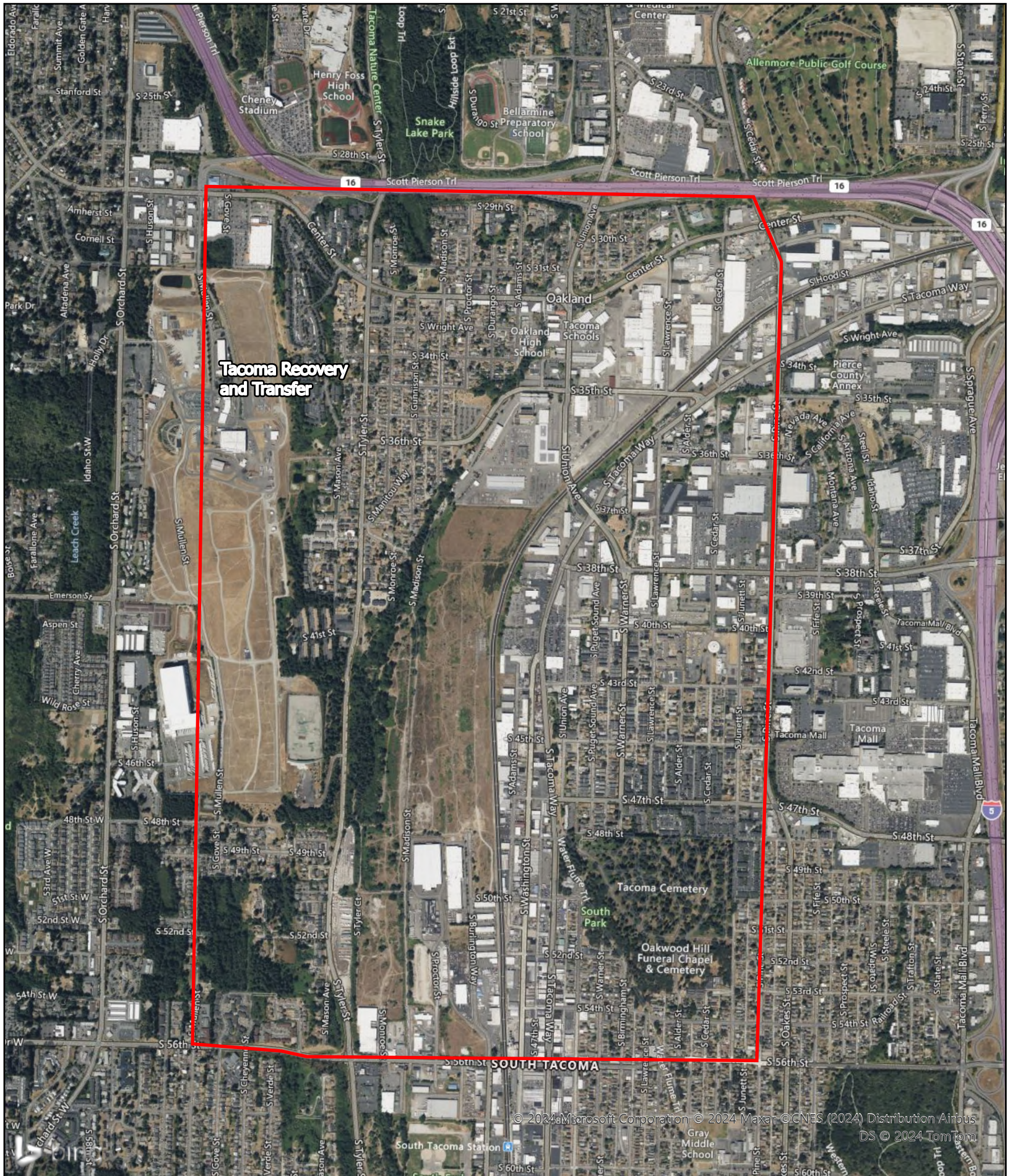


Rich Doenges
Southwest Region Director



Date

EXHIBIT B



Tacoma Recovery and Transfer

SOUTH TACOMA

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 Approximate Settlement Boundary

0 0.25 0.5 1 Miles