

Erol Morey

Section VI (Work to be Performed): The decree states that the Port has elected to take the lead in remedial actions but also holds all defendants jointly and severally liable.

Recommendation: Clarify the specific obligations of each defendant to avoid future disputes over responsibility.

Suggested language: "The Port shall take the lead in execution of remedial actions, while Univar Solutions USA LLC remains fully liable for compliance and cost-sharing, as outlined in financial assurance provisions."

Section VI(6) (Financial Assurance Mechanisms): The decree requires financial assurance estimates within 60 days but lacks explicit consequences for failure to comply.

Recommendation: Specify enforcement measures, such as penalties or Ecology's right to suspend work until compliance is met.

Suggested addition: "Failure to submit required financial assurances within the prescribed period may result in penalties, including suspension of remedial activities or Ecology undertaking actions at the expense of the Defendants."

Thank you for the opportunity to review the draft decree.