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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

November 20, 2023

Robert Fix
Executive Director
Port of Bellingham
1801 Roeder Avenue
Bellingham, WA 98227
(robert.fix@portofbellingham)

Colin Bornstein
President
Bornstein Seafoods, Inc.
1001 Hilton Ave
P.O. Box 188
Bellingham, WA 98227
(colin@bornstein.com)

Re: Satisfaction of Department of Ecology Agreed Order No. 16186 for the following Site:

- **Site Name:** I & J Waterway
- **Site Address:** 1000 block of Hilton Avenue, Bellingham, WA
- **Site Number:** 2012
- **Facility/Site No.:** 31456431

Dear Robert Fix and Colin Bornstein:

Thank you for working with the Washington State Department of Ecology (Ecology) on the I & J Waterway site (Site). This letter provides written notification that Ecology has determined that the work required by Agreed Order No. 16186 (Order) under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, has been satisfactorily completed. This letter also describes the next steps for the Site.

Completion of Remedial Actions Required by the Order

Ecology has determined that the Port of Bellingham (Port) and Bornstein Seafoods, Inc. (Bornstein) have satisfactorily completed the work to be performed requirements of the Order for the Site. Ecology made this determination pursuant to Section IX (Satisfaction of Order).

Section VII (Work to Be Performed) of the Order specified the remedial actions required for SCU-1. The Port and Bornstein were required to prepare draft and final Pre-Remedial Design Investigation Project Plans

Robert Fix and Colin Bornstein

November 20, 2023

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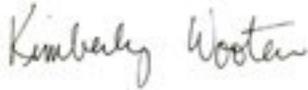
a draft and final Engineering Design Report, 90% complete Construction Plans and Specifications (Plans and Specs) and 100% complete Plans and Specs for Ecology review and submit written quarterly progress reports during the performance of the Order. After reviewing the supporting documentation, Ecology has determined that other than the requirement to prepare 100% complete Plans and Specs, the remedial actions in the Order's Section VII have been satisfactorily completed. Preparation and submission of 100% complete Plans and Specs for SCU-1 are requirements of the November 9, 2023, Consent Decree (Whatcom County Superior Court No. 23-2-01699-37).

Next Steps at the Site

Now that the Consent Decree is in effect, the Port and Bornstein must now undertake the actions set forth in the Consent Decree's "Work to be Performed" section for implementation of Ecology's selected cleanup action for the SCU-1 portion of the Site.

Thank you for your efforts toward cleaning up this Site. Should you have any questions, please contact Ecology's project coordinator Lucy McInerney at (425) 410-1400 or lucy.mcinerney@ecy.wa.gov.

Sincerely,



Kim Wooten, Ph.D.

Region Manager

Toxics Cleanup Program, NWRO

ecc: Lucy McInerney, Ecology, lucy.mcinerney@ecy.wa.gov
John Level, Office of the Attorney General, john.level@atg.wa.gov