

SCANNED

14 2 02593
AMDC
Amended Decree
18903838



FILED
COUNTY CLERK

2025 MAY 22 P 4:28

WHATCOM COUNTY
WASHINGTON

**STATE OF WASHINGTON
WHATCOM COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

CITY OF BELLINGHAM, a Washington
municipal corporation; PORT OF
BELLINGHAM, a Washington municipal
corporation; WASHINGTON STATE
DEPARTMENT OF NATURAL
RESOURCES,

Defendants.

NO. 14-2-02593-5

FIRST AMENDMENT TO CONSENT
DECREE RE: CORNWALL AVENUE
LANDFILL SITE

Pursuant to Section XV of the Consent Decree entered by this Court on December 2, 2014, Plaintiff, State of Washington, Department of Ecology (Ecology), and Defendants, City of Bellingham (City), Port of Bellingham (Port), and Washington State Department of Natural Resources (DNR), hereby stipulate to amend Section VII (Designated Project Coordinators) and Section XI (Progress Reports) of the Consent Decree. This Amendment does not attempt to recite all of the provisions of the 2014 Consent Decree. Provisions of the 2014 Consent decree not specifically changed in this Amendment remain in full force and effect.

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1 **VII. DESIGNATED PROJECT COORDINATORS**

2 The Project Coordinator for Ecology is:

3 Julia Schwarz
4 PO Box 330316
5 Shoreline WA 98133-9716
6 425-410-1400
7 Julia.schwarz@ecy.wa.gov

8 The Project Coordinator for Defendants is:

9 Craig Mueller
10 City of Bellingham
11 104 W. Magnolia Street, Suite 109
12 Bellingham, WA 98225
13 360-778-7922
14 camueller@cob.org

15 Each project coordinator shall be responsible for overseeing the implementation of
16 this Decree. Ecology's project coordinator will be Ecology's designated representative for
17 MU-1 and MU-2. To the maximum extent possible, communications between Ecology
18 and Defendants and all documents, including reports, approvals, and other
19 correspondence concerning the activities performed pursuant to the terms and conditions of
20 this Decree shall be directed through the project coordinators. It is the responsibility of
21 the City's project coordinator to distribute materials to DNR and the Port. The project
22 coordinators may designate, in writing, working level staff contacts for all or portions of
23 the implementation of the work to be performed required by this Decree.

24 Any party may change its respective project coordinator. Written notification shall
25 be given to the other party at least ten (10) calendar days prior to the change.

26 **XI. PROGRESS REPORTS**

 Unless otherwise directed by Ecology, Defendants shall submit to Ecology written
progress reports that describe the actions taken during the previous reporting period to
implement the requirements of this Decree. All Progress Reports shall be submitted by the tenth
(10th) day of the month following the end of the quarter in which they are due starting after the

1 first full quarter following the effective date of this decree. Defendants shall submit Progress
2 Reports quarterly until completion of the Construction Completion Report, and thereafter
3 Defendants shall submit Progress Reports annually. The Progress Reports shall include the
4 following:

5 A. A list of on-site activities that have taken place during the reporting
6 period.

7 B. Description of any sample results which deviate from the norm.

8 C. Detailed description of any deviations from required tasks not otherwise
9 documented in project plans or amendment requests.

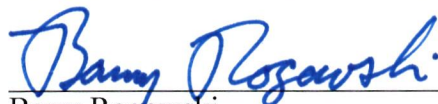
10 D. Description of all deviations from Schedule of Work and Deliverables
11 (Exhibit C) during the current reporting period and any planned deviations in the
12 upcoming reporting period.

13 E. For any deviations in schedule, a plan for recovering lost time and
14 maintaining compliance with the schedule.

15 F. All raw data (including laboratory analyses) received by the Defendants
16 during the past reporting period and an identification of the source of the sample.

17 G. A list of planned activities for the upcoming reporting period.

18
19 STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

20 

21 Barry Rogowski
22 Program Manager
23 Toxics Cleanup Program
360-407-3738

24 Date: 4/1/25

25 //

26 //

NICHOLAS W. BROWN
Attorney General



John A. Level, WSBA #20439
Assistant Attorney General
360-586-6753

Date: 5/16/25

WASHINGTON STATE DEPARTMENT
OF NATURAL RESOURCES

ROBERT W. FERGUSON
Attorney General

Kathryn W. Taylor

Kathryn W. Taylor
Chief Operating Officer
360-902-1001

Christa L. Thompson, WSBA #15431
Sr. Counsel for DNR
360-586-3511

Date: 1/2/2025

Date: _____

PORT OF BELLINGHAM

Robert Fix
Executive Director
Port of Bellingham
360-676-2500

Date: _____

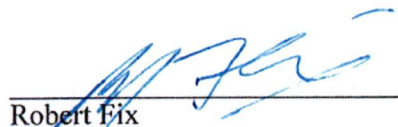
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WASHINGTON STATE DEPARTMENT
OF NATURAL RESOURCES

Hillary Franz
Commissioner of Public Lands
360-902-1001

Date: _____

PORT OF BELLINGHAM


Robert Fix
Executive Director
Port of Bellingham
360-676-2500

Date: 3/4/25

ROBERT W. FERGUSON
Attorney General

Christa L. Thompson, WSBA #15431
Sr. Counsel for DNR
360-586-3511

Date: _____

WASHINGTON STATE DEPARTMENT
OF NATURAL RESOURCES

ROBERT W. FERGUSON
Attorney General

~~Hillary Franz~~
~~Commissioner of Public Lands~~
360-902-1001

S/Christa L. Thompson
Christa L. Thompson, WSBA #15431
Sr. Counsel for DNR
360-586-3511

Date: _____

Date: 11/22/24

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Executive Director
Port of Bellingham
360-676-2500

Date: _____

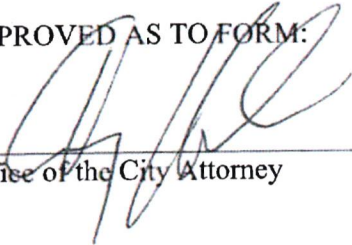
1 CITY OF BELLINGHAM

2
3 
4 Kim Lund
Mayor, City of Bellingham
360-778-8100

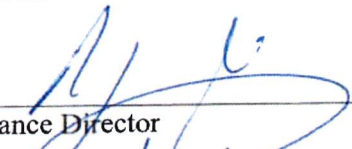
1/14/2025

5
6 Dated: _____

7 APPROVED AS TO FORM:

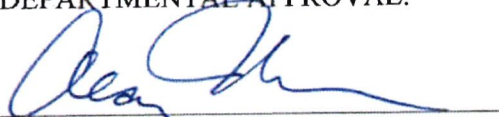
8 
9 Office of the City Attorney

10
11 ATTEST:

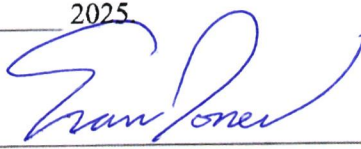
12 
13 Finance Director

14 Dated: 1/16/25

15
16 DEPARTMENTAL APPROVAL:

17 
18 Alan Marriner
19 City Attorney

20 ENTERED this 21ST day of MAY 2025

21 
22
23 JUDGE
24 Whatcom County Superior Court
25
26

SCANNED

14-2-02593
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18903811



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WHATCOM COUNTY
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STATE OF WASHINGTON
WHATCOM COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
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Plaintiff,

v.

CITY OF BELLINGHAM, a Washington
municipal corporation; PORT OF
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RESOURCES,

Defendants.

NO. 14-2-02593-5

JOINT MOTION FOR ENTRY OF
AMENDED CONSENT DECREE

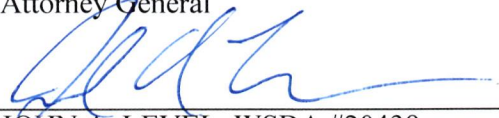
Plaintiff, State of Washington, Department of Ecology, and Defendants, City of Bellingham, Port of Bellingham, and Washington State Department of Natural Resources, bring this motion seeking entry of the attached Amended Consent Decree regarding remedial actions taken at the Cornwall Avenue Landfill Site in Bellingham, Washington. This amendment is necessary to allow for a change to the language found in sections VII (Designated Project Coordinators) and XI (Progress Reports) of the Consent Decree. *See* Declaration of John Level ¶¶ 5, 6.

The Parties request that the court approve and enter the Amended Consent Decree, pursuant to Consent Decree Section XV (Amendment to Decree). The Parties also request that the

1 court retain jurisdiction over this action until the work required by the Amended Consent Decree
2 is completed and the Parties request a dismissal of this action.

3
4 NICHOLAS W. BROWN
Attorney General

OFFICE OF THE CITY ATTORNEY

5
6 
7 JOHN A. LEVEL, WSBA #20439
Assistant Attorney General
Attorneys for Plaintiff
8 State of Washington, Department of Ecology
360-586-6753

AMY B. KRAHAM, WSBA #19959
Attorneys for Defendant
City of Bellingham
360-778-8278

9 Date: 5/16/25

Date: _____

10
11 CSD Attorneys at Law

NICHOLAS W. BROWN
Attorney General

12
13
14 HOLLY M. STAFFORD, WSBA #40674
Attorneys for Defendant
15 Port of Bellingham
360-306-3012

s/Christa L. Thompson
CHRISTA L. THOMPSON, WSBA #15431
Senior Counsel
Attorneys for Defendant
State of Washington, Department of Natural
Resources
360-586-3511

16
17 Date: _____

Date: _____

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2 is completed and the Parties request a dismissal of this action.

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Attorney General

OFFICE OF THE CITY ATTORNEY

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Assistant Attorney General
Attorneys for Plaintiff
8 State of Washington, Department of Ecology
360-586-6753

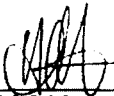
AMY B. KRAHAM, WSBA #19959
Attorneys for Defendant
City of Bellingham
360-778-8278

9
10 Date: _____

Date: _____

11 CSD Attorneys at Law

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Attorneys for Defendant
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360-306-3012

CHRISTA L. THOMPSON, WSBA #15431
Senior Counsel
Attorneys for Defendant
State of Washington, Department of Natural
Resources
360-586-3511

16
17 Date: 3-17-15

Date: _____

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5 Attorney General

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8 Assistant Attorney General
9 Attorneys for Plaintiff
10 State of Washington, Department of Ecology
11 360-586-6753

12 AMY B. KRAHAM, WSBA #19959
13 Attorneys for Defendant
14 City of Bellingham
15 360-778-8278

16 Date: _____

17 Date: _____

18 CSD Attorneys at Law

19 NICHOLAS W. BROWN
20 Attorney General

21 HOLLY M. STAFFORD, WSBA #40674
22 Attorneys for Defendant
23 Port of Bellingham
24 360-306-3012

25 CHRISTA L. THOMPSON, WSBA #15431
26 Senior Counsel
Attorneys for Defendant
State of Washington, Department of Natural
Resources
360-586-3511

27 Date: _____

28 Date: _____

SCANNED 4

14 2-02593-5

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WHATCOM COUNTY
WASHINGTON

STATE OF WASHINGTON
WHATCOM COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
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CITY OF BELLINGHAM, a Washington
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Defendants.

NO. 14-2-02593-5

Order on
JOINT MOTION FOR ENTRY OF
AMENDED CONSENT DECREE

Having reviewed the Joint Motion for Entry of the Amended Consent Decree, it is hereby
ORDERED AND ADJUDGED that the First Amendment to the Consent Decree in this matter
is entered and that the court shall retain jurisdiction over the First Amendment to the Consent
Decree to enforce its terms.

DATED this 21st day of MAY 2025.

Superior Court Judge/Commissioner

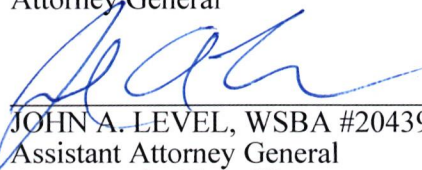
ORDER ENTERING AMENDED
CONSENT DECREE

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
(360) 586-6770

1 Presented by:

2 NICHOLAS W. BROWN
3 Attorney General

OFFICE OF THE CITY ATTORNEY

4 
5 JOHN A. LEVEL, WSBA #20439
6 Assistant Attorney General
7 Attorneys for Plaintiff
8 State of Washington, Department of Ecology
9 360-586-6753

AMY B. KRAHAM, WSBA #19959
Attorneys for Defendant
City of Bellingham
360-778-8278

10 CHMELIK SITKIN & DAVIS P.S.

NICHOLAS W. BROWN
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11 HOLLY M. STAFFORD, WSBA #40674
12 Attorneys for Defendant
13 Port of Bellingham
14 360-306-3012

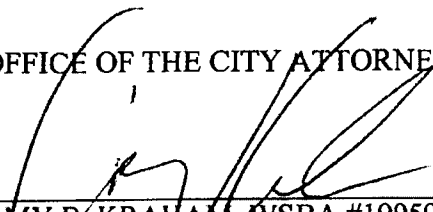
s/Christa L. Thompson
CHRISTA L. THOMPSON, WSBA
#15431
Senior Counsel
Attorneys for Defendant
State of Washington, Department of
Natural Resources
360-586-3511

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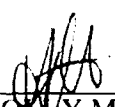
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