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WHATCOM COUNTY  
WASHINGTON

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STATE OF WASHINGTON  
WHATCOM COUNTY SUPERIOR COURT

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

TRANS MOUNTAIN PIPELINE  
(PUGET SOUND) LLC,

Defendant.

NO. 14 2 01294 9

COMPLAINT

Plaintiff, State of Washington, Department of Ecology (Ecology) alleges as follows:

**I. DESCRIPTION OF ACTION**

1. This action is brought on behalf of the State of Washington, Department of Ecology (Ecology) to enter a settlement agreement known as a Consent Decree (Decree), which requires remedial action at a facility where there has been a release and/or threatened release of hazardous substances.

2. The Complaint and Settlement are limited to the scope of the Decree. The facility, or site, is referred to as the Laurel Station Site (Site). The Site is located at 1009 East Smith Road, Bellingham, Washington.

3. The Complaint and the Decree settling Ecology's Complaint are filed simultaneously. There has been no trial and no answer to Ecology's complaint is required.



1 containment areas associated with Tank Nos. 170 and 180 (2008), and a Supplemental RI/FS  
2 (2013). Trans Mountain has also completed interim cleanup actions that removed soil  
3 exceeding MTCA cleanup levels in certain areas of the Site.

4 11. The RI/FS indicates that releases and/or potential releases of hazardous  
5 substances, including total petroleum hydrocarbons (gasoline-, diesel-, and oil-range) and  
6 polycyclic aromatic hydrocarbons, have occurred at the Site above applicable standards as set  
7 forth in the MTCA Cleanup Regulation, WAC 173-340.

8 12. Ecology has determined that contamination at the Site presents a threat to  
9 human health or the environment, and that a final cleanup is necessary to remedy  
10 contamination. Ecology has also determined that cleanup of the Site will occur in the most  
11 expeditious manner if remedy selection for, and cleanup of, the Property moves forward now  
12 rather than waiting until documentation is completed and further characterization can be  
13 conducted for the rest of the Site.

14 13. Ecology developed a draft Cleanup Action Plan (CAP) for the Property and  
15 negotiated a draft Consent Decree with Defendant for implementation of the CAP.

16 14. The draft CAP was subject to public notice and comment between April 18, and  
17 May 19, 2014.

18 15. The final CAP was issued June 2, 2014.

19 16. The Consent Decree was subject to public notice and comment between  
20 April 18, and May 19, 2014.

21 17. Ecology and Defendant have now entered into the final Consent Decree  
22 requiring cleanup of the Property. The final CAP is an integral and enforceable exhibit to the  
23 Decree.

## 24 V. CAUSES OF ACTION

25 18. Ecology realleges all preceding paragraphs.  
26

1 19. Ecology alleges that Defendant is responsible for remedial action at the Site,  
2 pursuant to RCW 70.105D.

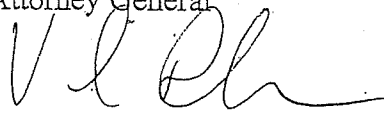
3 **VI. PRAYER FOR RELIEF**

4 20. Ecology requests that the Court approve and order entry of the proposed  
5 Consent Decree.

6 21. Ecology further requests that the Court retain jurisdiction to enforce the terms of  
7 the Consent Decree.

8 DATED this 3 day of June 2014.

9 ROBERT W. FERGUSON  
10 Attorney General

11   
12 VALERIE K. RICKMAN WSBA #46812  
13 Assistant Attorney General

14 Attorneys for Plaintiff  
15 State of Washington  
16 Department of Ecology  
17 (360) 586-6770

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