



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 6, 2011

Mr. Clifford Boerner  
211 Shore Drive Apt 109  
Bremerton, WA 98310

Dear Mr. Boerner:

**Re: Bethel Former Texaco Consent Decree**

In 1992 you signed a Consent Decree (Decree) with the State of Washington, Department of Ecology on behalf of B. and C.B. Enterprises. The Decree addressed the Bethel Former Texaco Site located at 4831 Bethel Avenue S.E., Port Orchard, Washington. The Decree was approved and entered by the Kitsap County Superior Court. In the Consent Decree Ecology determined that B. and C.B. Enterprises was eligible for full funding for remediation costs and that B. and C.B. Enterprises obligation to reimburse Ecology for its remedial action costs would be satisfied by using funds from the Toxics Control Account. The Decree further stated that funding for the cleanup was dependent upon the availability of funds. The Decree also states that Ecology's determination regarding full funding applies only to B. and C.B. Enterprises and is not transferable to any other person, including any subsequent purchaser of the Defendant's property. Section VIII. Reimbursement of Ecology's Cost, Subsection B. page 10

In 1999, the Bethel Former Texaco Site was sold to Fred Meyer. Due to the sale and under the conditions of the Consent Decree described above, neither B. and C.B. Enterprises or Ecology have any further obligations under the Decree.

Because neither party has remaining obligations, Ecology desires to close out the Decree. Since the Decree was entered by the Court, Ecology will need to submit a Motion to Dismiss the Decree. Before Ecology does so, we seek your agreement to dismiss the Decree. We enclose a short agreement form for your signature and have also enclosed a pre-addressed and stamped envelope for your convenience. Your signature on the form will be your agreement that the Court should dismiss the Decree. Ecology will inform the Court that you have so agreed.

With respect to the on-going cleanup of the site, Ecology remains committed to the cleanup and is currently working with Fred Meyer to complete the cleanup. If you have any questions about the enclosed form or the process of dismissing the Decree, please do not hesitate to contact me at the number below.

Sincerely,

Robert W. Warren, Section Manager  
Toxics Cleanup Program  
Northwest Regional Office





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I agree with and consent to the dismissal of the Consent Decree between B. and C.B. Enterprises and the State of Washington, Department of Ecology. I authorize Ecology to take the necessary steps to dismiss the Decree.”

Clifford J. Boerner  
Mr. Clifford Boerner

4-6-11  
Date

