

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**City of Bellingham**

TERMINATION OF  
AGREED ORDER NO. DE 2016

TO: The City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225-4089

**I. INTRODUCTION**

Agreed Order No. DE 2016 (Order), entered into by the State of Washington, Department of Ecology (Ecology) and the City of Bellingham (City) in March 2005, required the City to perform a Remedial Investigation/Feasibility Study (RI/FS) at the Little Squalicum Park Site (Ecology Facility Site ID No. 7551533), located at 640 Marine Drive in Bellingham, Washington. This agreement effectively terminates the Order, and is based on circumstances described below.

**II. JURISDICTION**

Ecology has the authority to issue agreed orders and the discretion to terminate such orders under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**III. BACKGROUND**

Pursuant to a Consent Decree by and between the Oeser Company and the U.S. Environmental Protection Agency (EPA), Civil Action No. C05-1491-JCC, Little Squalicum Creek and surrounding areas were designated by the U.S. EPA as part of a larger Superfund site related to a neighboring wood-treatment facility (the Oeser Site). The Consent Decree required no action be taken in the Creek and surrounding areas as part of the remedy for the Oeser Site. However, the City's draft final Little Squalicum Park RI revealed wood-treatment chemicals in soils, sediments, groundwater, and surface water of the Park at levels of concern to human health and the environment. EPA has now notified Ecology and the City that it is overseeing implementation of a non-time critical removal action to be

conducted by responsible parties under federal law in the area(s) of Little Squalicum Park where wood-treatment chemicals have subsequently been found. Based on EPA's notification to Ecology and the City that it is assuming oversight of Little Squalicum Creek and surrounding areas for purposes of a non-time critical removal action, Ecology has agreed to terminate its existing MTCA Order with the City and transfer oversight responsibility to EPA. Separately, the portion of Little Squalicum Park where an old municipal landfill was identified during RI activities will become a new site for which Ecology will continue to oversee remedial work under MTCA.

**IV. AGREEMENT TO TERMINATE**

Ecology and the City hereby agree that Agreed Order No. DE 2016 shall have no more force or effect. The City agrees to pay any outstanding oversight costs, as required by the Order and which Ecology has incurred before the effective date of this Termination.

**V. SIGNATURE AUTHORITY**


The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Termination Agreement and to execute and legally bind such party to the same.

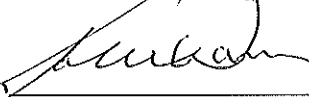
**VI. EFFECTIVE DATE**

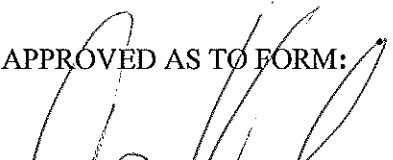
This Termination shall be effective upon the latter date of signature of both parties.

**CITY OF BELLINGHAM**

**STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY**

 9/30/09  
\_\_\_\_\_  
Dan Pike  
Mayor, City of Bellingham  
(360) 778-8100

 10/30/09  
\_\_\_\_\_  
Robert W. Warren  
Section Manager  
Toxics Cleanup Program  
Northwest Regional Office  
(425) 649-7054

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Office of the City Attorney

ATTEST:  
  
\_\_\_\_\_  
Finance Director