



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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CERTIFIED MAIL

March 9, 2016

Analiene Burns
Habitat and Restoration Manager
City of Bellingham, Public Works Department
2221 Pacific Street, Bellingham, WA 98229

Re: **Minor Modification to Consent Decree, Whatcom County Superior Court No. 15-2-02409-1 (Eldridge Municipal Landfill)**

Dear Ms. Burns,

Due to a number of circumstances, certain actions required under Exhibit C (Schedule of Work and Deliverables) to Consent Decree No. 15-2-02409-1 have not been satisfied per the schedule's deadlines. Given this, Ecology has concluded that it is necessary to amend Exhibit C.

Enclosed is a Minor Modification to Exhibit C, Consent Decree No. 15-2-02409-1. Under the terms of subsection XV of the Decree, minor changes will be documented in writing by the Department of Ecology (Ecology). Ecology has determined that the proposed change is not a substantial modification to the Decree and therefore additional public comment is not required.

If you have any questions, please contact me at (360) 715-5224.

Sincerely,

Mary K. O'Herron, P.E.
Toxics Cleanup Program
Bellingham Field Office

cc: John Level, Office of the Attorney General
Amy Kraham, Assistant City Attorney Sr.



Exhibit C
AMENDED Schedule of Work and Deliverables
Consent Decree for Eldridge Municipal Landfill Site

Deliverables/Milestones

Schedule

A. Administrative

- | | | |
|-----|---|--|
| A.1 | Lodge Consent Decree in Court (CD Effective Date) | Within 30 days of execution by City and Ecology |
| A.2 | Progress Report to Ecology | For the first 2 years following CD Effective Date, monthly on the 10 th of the month beginning after CD Effective Date. Thereafter, annually on the CD anniversary date unless additional sampling is needed or circumstances require otherwise. (C. Compliance Monitoring) |

B. Environmental (Restrictive) Covenants

- | | | |
|-----|-------------------------------------|---|
| B.1 | Draft Environmental Covenant | Submit to Ecology within 10 days of receiving Ecology's designation of especially valuable habitat. Include identification and protection of area designated as Especially Valuable Habitat |
| B.2 | Final Environmental Covenant | Submit to Ecology within 30 days following Ecology approval of draft (B.1) |
| B.3 | Environmental Covenant recorded | Record the covenant with Whatcom County Auditor within 40 days of Ecology's approval of the Final Environmental Covenant (B.1) |
| B.4 | Proof of recording of Environmental | Submit to Ecology within 30 days following Covenant recording of covenant. |

C. Compliance Monitoring

- | | | |
|-----|-------------------------------------|---|
| C.1 | Sampling and Analysis Plan Addendum | Submit to Ecology within 70 days of CD Effective Date (A.1) |
|-----|-------------------------------------|---|

C.2	Compliance Monitoring Implementation	For the first year, start within 90 days of CD Effective Date (A.1). Thereafter, annually for a minimum of one additional year to be conducted during the wettest season (December – March).
C.3	Draft Annual Groundwater Monitoring Report	Submit to Ecology annually within 60 days after receipt of current year’s analytical data
C.4	Final Annual Groundwater Report	Submit to Ecology within 30 days following Ecology approval of draft (C.3)
C.5	Draft Evaluation of need for additional sampling or Other Steps	Submit to Ecology within 60 days following second Final Annual Groundwater Report (C.4)
C.6	Final Evaluation of need for additional sampling or Other Steps	Submit to Ecology within 30 days following Ecology approval of draft (C.5)

D. Wetland Planting

D.1	Replant wetland plants in Wetland B	Start within 90 days of CD Effective Date (A.1).
D.2	Install Boundary Fence & Signage	Construct fence within 30 days of replanting of wetland plants (D.1) for both wetland areas and adjacent cottonwood tree. Install required signs.
D.3	Water Wetland B	At least once per month during the driest season (July – September) for two consecutive years.
D.4	Draft Evaluation of need for additional wetland work	Submit to Ecology within 60 days following the end of the second post-planting dry season.
D.5	Final Evaluation of need for additional wetland work	Submit to Ecology within 30 days following Ecology approval of draft (D.4)

E. Operations and Maintenance Plan

E.1	Draft Operations and Maintenance (O & M) Plan	Submit to Ecology within 150 days of CD Effective Date describing procedures for city staff working in and near the site (A.1)
E.2	Final O & M Plan	Submit to Ecology within 30 days following Ecology approval of draft (E.1)