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STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

SKAGIT COUNTY,

Defendant.

NO. 15-2-00056-2

JOINT MOTION TO DISMISS

COMES NOW Plaintiff, the State of Washington, Department of Ecology (Ecology), by and through its attorney, Koalani Kaulukukui-Barbee, Assistant Attorney General, and Defendant, Skagit County, by and through Stephen R. Fallquist, Deputy Prosecuting Attorney, and jointly move the Court to dismiss this action. This action involved the implementation of a Consent Decree originally entered by the Court in this matter on January 14, 2015 (Decree). The Decree governed remedial action at the Truck City Truck Stop site (Site) generally located at 3216 Old Highway 99 South, in Mount Vernon, Washington, pursuant to Washington State's Model Toxics Control Act, RCW 70.105D. Ecology has determined that the Defendant has completed the remedial action described in the Decree, including each of the tasks set forth in Section VI (Work to Be Performed) of the Decree, and has received written notification

1 from Ecology in accordance with Section XXVI (Duration of Decree), dated May 4, 2018. See
2 Ex. A.¹

3 The remedial work having been completed, the parties therefore stipulate to dismissal
4 of this action and seek an Order for Dismissal from the Court pursuant to Section XXVI
5 (Duration of Decree). The parties recognize and intend that dismissal of this action shall not
6 alter the binding effect of any and all continuing rights and duties of the parties under the
7 Decree, including but not limited to the provisions of Section XIII (Retention of Records),
8 Section XIX (Covenant Not to Sue), Section XX (Contribution Protection), Section XXI
9 (Indemnification), and Section XXVII (Claims Against the State).

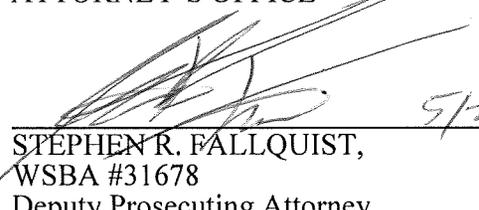
10 Therefore, the parties now move for dismissal of this action with prejudice and without
11 costs to either party.

12 DATED this 24th day of May 2018.

13 ROBERT W. FERGUSON
14 Attorney General

SKAGIT COUNTY PROSECUTING
ATTORNEY'S OFFICE

15 
16 _____
17 KOALANI KAULUKUKUI-BARBEE,
18 WSBA #50642
19 Assistant Attorney General
20 Attorneys for Plaintiff
21 State of Washington
22 Department of Ecology
23 360-586-3513

15 
16 _____
17 STEPHEN R. FALLQUIST,
18 WSBA #31678
19 Deputy Prosecuting Attorney
20 Attorney for Defendant
21 Skagit County
22 360-416-1600

24 _____
25 ¹ See also public documents relating to the Site and Ecology's determination that Truck City Truck Stop
26 remedial work at the Site is complete online at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=5176> (last
visited April 26, 2018).

EXHIBIT A



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 4, 2018

Mr. Tim Holloran
Skagit County Administrator
Skagit County Administrative Services
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Re: Satisfaction of Prospective Purchaser Consent Decree No. 15 2 00056 2, and No Further Action at the following Site:

- **Site Name:** Truck City Truck Stop
- **Site Address:** 3216 Old Highway 99 South, Mount Vernon WA 98237
- **Cleanup Site No.:** 5176
- **Facility/Site No.:** 2673

Dear Mr. Tim Holloran:

Thank you for working with the Washington State Department of Ecology (Ecology) on the Truck City Truck Stop (Site). This letter provides written notification that the remedial actions required by Prospective Purchaser Consent Decree (Decree) have been satisfactorily completed and that no further remedial action is necessary to clean up contamination at the Site under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This letter also describes the removal of the Site from Ecology's Hazardous Sites List. The Decree became effective on January 14, 2015.

Satisfaction of Decree

Ecology has determined the requirements of the Decree have been satisfied. Ecology made this determination pursuant to Section XXVI (Duration of Decree). This Decree shall remain in effect until dismissed by the Court.

The remedial actions required by the Decree are specified in Section VI (Work to Be Performed) and detailed in the Cleanup Action Plan (Exhibit D). Skagit County was required to implement the Cleanup Action Plan, which included excavation of all contaminated soil and perform confirmation ground water monitoring until a minimum of four consecutive quarters of gasoline range petroleum hydrocarbons and benzene concentrations remain below MTCA Method A cleanup levels in all Site monitoring wells.

Mr. Tim Holloran
May 4, 2018
Page 2

After inspecting the Site and reviewing the supporting documentation, Ecology has determined that the remedial actions required by the Decree have been satisfactorily completed.

No Further Action Determination

Ecology has determined that no further remedial action is necessary to clean up contamination at the Site under MTCA. Ecology has also determined that no post-cleanup controls or monitoring are necessary under MTCA.

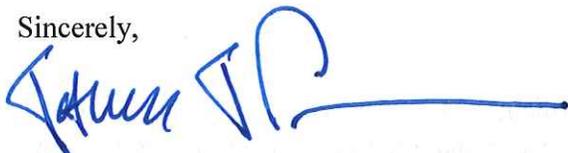
Delisting of the Site

Based on the no further action determination, Ecology proposed removing the Site from the Hazardous Sites List (HSL). Ecology published notice of the proposal in the Site Register and provided a 30-day public comment period, from January 26, 2018 to February 26, 2018. No comments were received. After determining that no comments were received, Ecology removed the Site from the HSL on April 16, 2018. The removal will be reflected in the next publication of the HSL in the Site Register.

Thank You

Thank you for cleaning up the Site. Should you have any questions, please do not hesitate to contact Ecology's Toxics Cleanup Program, Project Manager, Dale Myers by phone at 425.649.4446 or e-mail dale.myers@ecy.wa.gov.

Sincerely,



James J. Pendowski, Manager
Toxics Cleanup Program

drm:nm:tj

cc: Mr. Marc Estvold, Project Manager for Skagit County
Yen-Vy Van, Maul Foster & Alongi, Inc.
Koalani Kaulukukui-Barbee AAG
Dale Myers Ecology
Jason Kasper Ecology