

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

The Port of Bellingham and the City of
Bellingham

SECOND AMENDMENT
TO AGREED ORDER

No. DE 3441

TO: The Port of Bellingham
P.O. Box 1677
Bellingham, Washington 98227

City of Bellingham
210 Lottie Street
Bellingham, Washington 98225

EXHIBITS:

EXHIBIT G Scope of Work and Schedule

A. INTRODUCTION

Agreed Order No. DE 3441 (2006 Order), entered into by the State of Washington, Department of Ecology (Ecology), the Port of Bellingham (Port), and the City of Bellingham (City) in 2006, required the Port and City (hereinafter collectively referred to as "PLPs") to conduct a remedial investigation and feasibility study (RI/FS) for the Central Waterfront Site (Site) in Bellingham, Washington. In August 2012, Ecology and the PLPs amended the 2006 Order, which required the PLPs to perform an interim action to excavate and remove non-aqueous phase liquid (NAPL) petroleum and petroleum contaminated soil/sediments from the Chevron Subarea beach in order to prevent petroleum sheen on Whatcom Waterway.

Pursuant to Section H. 12 of the 2006 Order, Ecology and the PLPs hereby stipulate to a second amendment of the 2006 Order. By this second amendment to the 2006 Order, the PLPs will develop a public-review draft Cleanup Action Plan (DCAP) per WAC 173-340-380.

This amendment does not attempt to recite all of the provisions of the Order. Provisions of the Order not specifically changed in this amendment remain in full force and effect.

G. WORK TO BE PERFORMED

7. The PLPs shall develop a DCAP for the Site. PLPs shall develop the DCAP according to the work schedule set forth in Scope of Work and Schedule (Exhibit G).

Effective date of this Order: _____

PORT OF BELLINGHAM

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

ROBERT FIX
Executive Director
Port of Bellingham
(360) 676-2500

ROBERT W. WARREN, P. Hg., MBA
Regional Manager
Northwest Regional Office
Toxics Cleanup Program
(425) 649-7054

Dated: _____

Dated: _____

CITY OF BELLINGHAM

KELLI LINVILLE
Mayor, City of Bellingham
(360) 778-8100

Dated: _____

APPROVED AS TO FORM:

Office of the City Attorney

ATTEST:

Finance Director

Dated: _____

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DEPARTMENTAL APPROVAL:

PETER RUFFATTO
City Attorney