

**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).

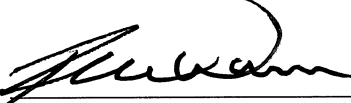
Effective date of this Order: 11/13/18

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: 9/4/18

Dated: 11/13/18

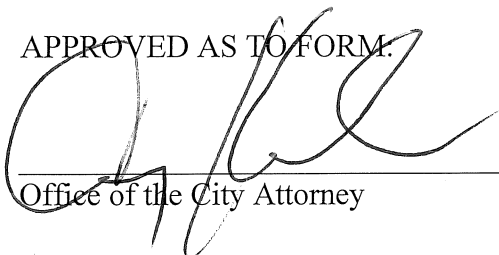
CITY OF BELLINGHAM



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

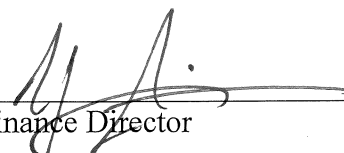
Dated: 10/23/18

APPROVED AS TO FORM.



Office of the City Attorney

ATTEST:

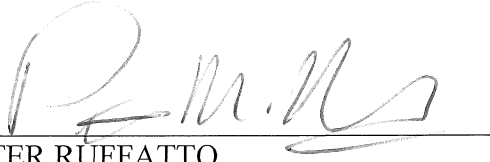


Finance Director

Dated: 10/24/18

//

DEPARTMENTAL APPROVAL:

A handwritten signature in black ink, appearing to read 'P. Ruffatto', written over a horizontal line.

PETER RUFFATTO
City Attorney

EXHIBIT G – SCOPE OF WORK AND SCHEDULE

SCOPE OF WORK

PURPOSE

The work under this Second Amendment to Agreed Order No. DE 3441 (AO) involves preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative. The purpose of the preliminary DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The Port of Bellingham (Port) and the City of Bellingham (City) shall coordinate with Ecology throughout the development of the preliminary DCAP and shall keep Ecology informed of changes to other project plans, and of any issues or problems as they develop.

PRELIMINARY DRAFT CLEANUP ACTION PLAN

The Port and City shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The preliminary DCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The Port and City will submit an Agency Review preliminary DCAP for Ecology's review and approval. The Agency Review preliminary DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The Port and City shall prepare two (2) copies of the Agency Review preliminary DCAP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, the Port and City shall revise the preliminary DCAP to address Ecology's comments and submit five (5) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

SCHEDULE OF DELIVERABLES

The schedule for deliverables described in the Second Amendment to Agreed Order and the Scope of Work is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the Port and City received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

Deliverables	Completion Times
Agency Review preliminary Draft Cleanup Action Plan (DCAP)	30 calendar days following completion of the 30-day Public Comment Period for the Second Amendment to Agreed Order
Final revisions to preliminary Draft Cleanup Action Plan (DCAP) based	60 days following receipt of Ecology's final comments on Agency Review preliminary Draft Cleanup Action Plan (DCAP)