

RESOLUTION NO. 608

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AUTHORIZING FINAL APPROVAL OF EXTENSION OF SERVICE TO
PROVIDE THE BP CHERRY POINT REFINERY FACILITY
WITH DOMESTIC WASTEWATER TREATMENT SERVICE

WHEREAS, the Birch Bay Water and Sewer District ("District") has the capacity to treat additional domestic wastewater flows; and

WHEREAS, the BP Cherry Point Refinery ("ARCO facility") operated by Atlantic Richfield Company ("ARCO") has an existing domestic wastewater discharge which it currently treats on-site; and

WHEREAS, the District and ARCO have contracted for services in which the District provides domestic wastewater treatment services for ARCO's entire domestic wastewater discharge; and

WHEREAS, the provision of treatment services by the District for ARCO's existing domestic wastewater discharge will mutually benefit the District and ARCO and should improve area water quality; and

WHEREAS, the ARCO facility is currently outside the District's sewer service area boundaries; and

WHEREAS, RCW 36.93.090 requires that a Notice of Intention be filed with the Boundary Review Board indicating that the District plans on serving the ARCO facility with domestic wastewater service; and

WHEREAS, the Boundary Review Board has advised the District that the it did not take jurisdiction over the matter and that the Notice of Intention filed by the District is now deemed approved pursuant to RCW 36.93.100; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: The District hereby approves the extension of its system to provide domestic wastewater treatment services to ARCO's BP Cherry Point Refinery located at 4519 Grandview Road, Ferndale, Washington, for its entire domestic wastewater discharge, pursuant to the terms and conditions set forth in the agreement entered into on said subject between the District and ARCO.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts or resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses or phrases may be declared invalid

or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This Resolution shall be in full force and effect on date of adoption set forth below.

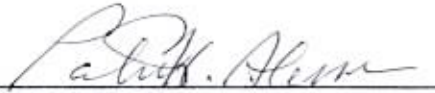
PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 10th day of May, 2001.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 608 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on May 10, 2001.


SECRETARY