

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Norton Industries, Inc., TC Systems,  
Inc., and the Port of Everett

SECOND AMENDMENT TO AGREED  
ORDER

No. DE 7818

TO: Norton Industries, Inc.  
James B. Schack – President  
24615 142nd Ave SE  
Kent, Washington 98042-5153

TC Systems, Inc.  
Mary Utick, President  
360 E. 1st St., #820  
Tustin, California 92780

Port of Everett  
Lisa Lefebber, Chief Executive Officer  
PO Box 538  
Everett, Washington 98206

**INTRODUCTION**

The State of Washington, Department of Ecology (Ecology), Norton Industries, Inc. (Norton), and TC Systems, Inc. (TC) entered into Agreed Order No. DE 7818 (Order) on August 5, 2012. The Order requires Norton and TC (collectively the potentially liable persons (PLPs)) to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and WAC 173-204-560, and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 addressing both potential upland and in-water (i.e., nearby marine sediment) contamination for the Site.

**MINOR CHANGE / AMENDMENT**

Pursuant to Section VIII.L of the Order, Ecology and the PLPs hereby stipulate to amend the Order in this Second Amendment to add the Port of Everett (Port) as a party to the Order. This

amendment to the Order does not result in a substantial change to the Order or its exhibits. This minor change to the Order does not attempt to recite all of the provisions found in the Order. Provisions of the Order not specifically changed in this modification remain in full force and effect. The minor change to the Order described below shall take effect upon Ecology's execution of this Second Amendment.

Upon Ecology's execution of this Second Amendment, the following provisions of and exhibits to the Order shall be deemed modified, without further action by Ecology or the PLPs, to reflect the inclusion of the Port as a party to the Order:

#### **IV. DEFINITIONS**

B. Parties: Refers to the State of Washington, Department of Ecology, Norton, TC Systems, and the Port.

C. Potentially Liable Persons (PLPs): Refers to Norton, TC Systems, and the Port.

#### **V. FINDINGS OF FACT**

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

D. Norton acquired ownership of property at the Site in December 8, 1983, when it purchased it from William E. Boeing Jr. of Seattle, Washington. On December 6, 2019, the Port of Everett (Port) acquired real property that is part of the Site from Norton.

#### **VI. ECOLOGY DETERMINATIONS**

A. Norton, TC Systems, and the Port are "owners or operators" as defined in RCW 70A.305.020(17) of a "facility" as defined in RCW 70A.305.020(5).

B. Based upon credible evidence, Ecology issued a PLP status letters to Norton and TC Systems dated November 20, 2009, and the Port dated August 10, 2020, pursuant to RCW 70A.305.040, RCW 70A.305D.020(21), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued determinations that Norton, TC

Systems, and the Port are PLPs under RCW 70A.305.040. Ecology notified Norton and TC Systems by letters dated February 26, 2010 and the Port by letter dated September 23, 2020 of these determinations.

Execution date of this Second Amendment: December 18, 2020

**NORTON INDUSTRIES, INC.**

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**TC SYSTEMS, INC.**

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Barry Rogowski  
Manager of HQ Cleanup Section  
Toxics Cleanup Program  
Department of Ecology  
300 Desmond Drive Southeast  
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360-407-7226

**PORT OF EVERETT**

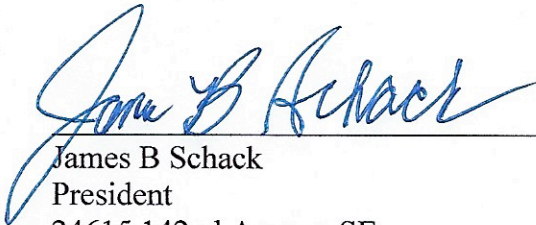
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425-259-3164

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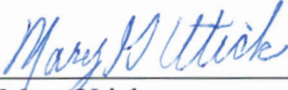
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