



COPY ORIGINAL FILED
MAY 23 2013

SUPERIOR COURT
SPOKANE COUNTY, WA

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

DCO MANAGEMENT, LLC (formerly
Kaiser Aluminum & Chemical
Corporation, LLC),

Defendant.

NO. 13202067-4

COMPLAINT

Plaintiff, State of Washington, Department of Ecology (Ecology) alleges as follows:

I. DESCRIPTION OF ACTION

1. This action is brought on behalf of the State of Washington, Department of Ecology (Ecology) to enter a settlement agreement known as a Consent Decree (Decree), which requires remedial action at a facility where there has been a release and/or threatened release of hazardous substances.

2. The Complaint and settlement are limited to the scope of the Decree. The facility, or Site, is referred to as Heglar Kronquist Site. The Site is located approximately 10 miles northeast of downtown Spokane, Washington.

1 **II. JURISDICTION**

2 3. This Court has jurisdiction over the subject matter and over the parties pursuant
3 to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. Venue is proper in
4 Spokane County, the location of the Site.

5 **III. PARTIES**

6 4. Plaintiff Ecology is an agency of the State of Washington responsible for
7 overseeing remedial action at sites contaminated with hazardous substances under
8 Chapter 70.105D RCW, the MTCA.

9 5. Defendant is DCO Management, LLC (formerly Kaiser Aluminum & Chemical
10 Corporation, LLC).

11 **IV. FACTUAL ALLEGATIONS**

12 6. The Site is primarily located on property used for a gravel pit which closed in
13 1969.

14 7. Environmental investigations conducted at the Site indicate that releases and/or
15 potential releases of hazardous substances including black dross which was composed of
16 39% sodium chloride, 19% potassium chloride, 35% aluminum oxide, 4% free aluminum,
17 2% cryolite, and 1% carbides and nitrides have occurred at the Site above applicable standards
18 as set forth in the MTCA Cleanup Regulation, Chapter 173-340 WAC.

19 8. Defendant DCO Management, LLC is a current lessee of the Site, and/or
20 generator of hazardous substances that have come to be located at the Site.

21 9. Defendant has been named or has accepted status as potentially liable person
22 (PLPs) for the Site under MTCA.

23 10. Ecology has determined that contamination at the Site presents a threat to
24 human health or the environment, and that a final cleanup is necessary to remedy
25 contamination.
26

1 11. Ecology developed a draft Cleanup Action Plan (CAP) for the Site and
2 negotiated a draft Consent Decree with Defendant for implementation of the CAP.

3 12. The draft CAP was subject to public notice and comment between September
4 18, 2012, and October 18, 2012.

5 13. The final CAP was issued October 2012.

6 14. The Consent Decree was subject to public notice and comment between April 3,
7 2013, and May 2, 2013.

8 15. Ecology and Defendant have now entered into the final Consent Decree
9 requiring cleanup of the Site. The final CAP is an integral and enforceable exhibit to the
10 Decree.

11 **V. CAUSES OF ACTION**

12 16. Ecology realleges all preceding paragraphs.

13 17. Ecology alleges that Defendant is responsible for remedial action at the Site,
14 pursuant to Chapter 70.105D RCW.

15 **VI. PRAYER FOR RELIEF**

16 18. Ecology requests that the Court approve and order entry of the proposed
17 Consent Decree.

18 19. Ecology further requests that the Court retain jurisdiction to enforce the terms of
19 the Consent Decree.

20 DATED this 21st day of May 2013.

21 ROBERT W. FERGUSON
22 Attorney General



23 ANDREW A. FITZ, WSBA #22169
24 Senior Counsel

25 Attorneys for Plaintiff
26 State of Washington, Department of Ecology
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