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STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

SSA TACOMA, INC.,

Defendant.

NO. 08-2-15781-0

**SUPERSEDING SECOND
AMENDMENT TO CONSENT
DECREE WITH SSA TACOMA**

I. INTRODUCTION

The Consent Decree, No. 08-2-15781-0, dated December 30, 2008 (Consent Decree), is hereby amended as set forth below in the Superseding Second Amendment to the Consent Decree.

This Second Amendment is made by the State of Washington, Department of Ecology (Ecology), and SSA Tacoma (SSA) pursuant to Section XV of the Consent Decree. On September 22, 2015, the Consent Decree was amended (First Amendment) to require SSA to perform additional investigation at the Site regarding new contaminants of concern that were previously unknown. This Superseding Second Amendment to the Consent Decree requires SSA to perform additional remedial activities at the Site to address the contaminants of

1 concern that were the subject of the investigation required by the First Amendment. The
2 Superseding Second Amendment to the Consent Decree will achieve a more effective cleanup
3 and ensure that all contaminants at the site are remediated pursuant to the requirements of the
4 Model Toxics Control Act (MTCA), RCW 70.105D, and its implementing regulations. This
5 amendment supersedes the First Amendment, entered in this Court on September 22, 2015.
6 All provisions of the Consent Decree remain in full force and effect, except as specifically
7 amended by this Superseding Second Amendment to the Consent Decree.
8

9 **II. AMENDMENT**

10 Certain Sections of the Consent Decree are amended as follows:

- 11 1. Section I.A. (Introduction). Section I.A. is amended to replace lines 2 through 7
12 on page 3 of the Consent Decree with the following: The mutual objective of
13 the State of Washington, Department of Ecology (Ecology) and SSA Tacoma,
14 Inc. (SSA) under this Decree is to provide for remedial action at a facility where
15 there has been a release or threatened release of hazardous substances. This
16 Decree requires SSA to undertake the remedial action identified in Section VI
17 (Work To Be Performed) of this Decree and specified in the Cleanup Action
18 Plan attached as Exhibit A to this Decree, and any amendments to the Cleanup
19 Action Plan.
20
21
- 22 2. Section V. (Findings Of Fact) is amended to insert the following:
23
24 P. In April 2014, samples were collected at the Site as part of a
25 potential property transaction. The data collected from these samples
26 indicated previously unknown dioxin/furan concentrations in several

1 locations that exceeded the MTCA Method C Industrial Criterion. SSA
2 immediately reported these new data to Ecology. SSA and Ecology
3 conferred and agreed that, notwithstanding the provisions of Sections
4 VI.A. and D., additional investigation and study is necessary to
5 determine what additional remedial action is necessary at the Site.
6

7 Q. On November 25, 2015, SSA submitted to Ecology a
8 Supplemental Focused Remedial Investigation and Supplemental
9 Focused Feasibility Study (SFRI/SFFS) for the previously unknown
10 dioxin/furan contamination. The SFRI/SFFS delineated the nature and
11 extent of the dioxin/furan contamination, evaluated remedial alternatives
12 to address the contamination. On November 25, 2015, SSA submitted to
13 Ecology an amendment to the Cleanup Action Plan (CAP Amendment)
14 describing additional remedial actions necessary to address the
15 dioxin/furan contamination. The CAP Amendment is attached as
16 Exhibit A to this Superseding Second Amendment. The SFRI/SFFS and
17 CAP Amendment, which were subject to public notice and comment,
18 were approved by Ecology on _____, 2016.
19

20
21 3. Section VI. (Work To Be Performed) is amended to insert the following:

22 E. Notwithstanding the provisions of Sections VI.A. and D., SSA shall
23 implement the provisions of the CAP Amendment regarding the
24 dioxin/furan contamination at the Site.
25
26

1 F. SSA shall implement the provisions of the Compliance Monitoring
2 and Contingency Plan Amendment (attached as Appendix A to the CAP
3 Amendment).

4 G. SSA shall implement the provisions of the Cap Inspection and
5 Maintenance Plan (attached as Appendix D to the CAP Amendment).
6

7 4. Section XX (Land Use Restrictions) is amended to insert the following:

8 SSA shall record a superseding Environmental Covenant (attached as
9 Exhibit B to this Superseding Second Amendment) with the office of the
10 Pierce County Auditor within ten (10) days of the completion of the
11 remedial construction described in the CAP Amendment. This
12 Environmental Covenant shall restrict future uses of the Site and
13 supersede the original Environmental Covenant included as Exhibit C of
14 the Consent Decree. SSA shall provide Ecology with a copy of the
15 recorded superseding Environmental Covenant within thirty (30) days of
16 the recording date.
17

18 5. Section XXVII (Public Participation) is amended to insert the following at line
19 13 after the first sentence ending with "Site":
20

21 An additional Public Participation Plan has been developed and is
22 attached as Exhibit C to the Superseding Second Amendment.
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1 STATE OF WASHINGTON
2 DEPARTMENT OF ECOLOGY

ROBERT W. FERGUSON
Attorney General

3
4 _____
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5 Section Manager
6 Southwest Regional Office
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9
10 Date: _____

Date: _____

11
12 SSA TACOMA, INC.

13
14 _____
KYLE LUKINS
15 Vice President – General Counsel
16 (206) 623-0304

17 Date: _____

18 ENTERED this _____ day of _____ 20____.

19
20 _____
21 JUDGE
22 Pierce County Superior Court
23
24
25
26