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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

MOUNT BAKER HOUSING  
ASSOCIATION,

Defendant.

NO. 16-2-29584-3 SEA

AMENDMENT NO. 2 TO PROSPECTIVE  
PURCHASER CONSENT DECREE

**INTRODUCTION**

A. A Prospective Purchaser Consent Decree (Decree) was entered by this Court on December 8, 2016. The Decree is a negotiated settlement between the State of Washington, Department of Ecology (Ecology) and Mount Baker Housing Association (MBHA), entered pursuant to RCW 70.105D.040(5), to (1) prospectively resolve the potential liability of MBHA for contamination at the Mount Baker Properties Site (Site) arising from a release(s) or threatened release(s) of hazardous substances, in advance of MBHA purchasing an ownership interest in the Site, and (2) facilitate the cleanup of the Site for redevelopment and reuse as transit-oriented affordable housing.

B. Under Section IV.C of the Decree, the term “Parties” is defined to specify that in addition to Ecology and MBHA, the term applies to “all entities created by MBHA for the

1 purpose of owning real property within the Site.” These entities are referred to as “the MBHA  
2 entities.” Section IV.C further provides that “[u]pon assuming such ownership, the MBHA  
3 entities will be added as defendants to this Decree through amendment, without the need for  
4 additional public notice and comment under RCW 70.105D and WAC 173-340-600(10)(e).”

5 C. On April 17, 2017, Mt. Baker Village LLLP, a Washington State limited liability  
6 partnership, took an ownership interest in property at 2914 South McClellan Street (the  
7 property). The property comprises a portion of MBHA’s existing Mt. Baker Village Apartments  
8 complex. Mt. Baker Village LLLP is an entity created to own property at the Site. A portion of  
9 the property may lie within the Mount Baker Properties Site that is the subject of the Decree.

10 D. This second amendment (Second Amendment) is solely to add Mt. Baker Village  
11 LLLP as a defendant to the Decree, pursuant to Section IV.C of the Decree.

12 **AMENDMENT TO CONSENT DECREE**

13 Based on the foregoing, and pursuant to the provisions of Section XVI (Amendment of  
14 Decree), Ecology, MBHA, and Mt. Baker Village LLLP stipulate and agree that the Decree  
15 should be amended, as follows:

16 A. All terms of the Decree remain in effect unless expressly amended herein.

17 B. In addition to MBHA, Mt. Baker Village LLLP is added as a defendant to the  
18 Decree and to the caption of this matter.

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

ROBERT W. FERGUSON  
Attorney General

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James J. Pendowski  
Program Manager  
Toxics Cleanup Program  
360-407-7177

\_\_\_\_\_  
Andrew A. Fitz, WSBA #22169  
Senior Counsel  
360-586-6752

Date: \_\_\_\_\_

Date: \_\_\_\_\_

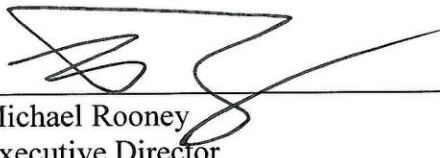
MOUNT BAKER HOUSING ASSOCIATION



\_\_\_\_\_  
Mike Rooney  
Executive Director  
206-725-4152

MT. BAKER VILLAGE LLLP, a Washington  
Limited Liability Limited Partnership, by  
2914 MCCLELLAN LLC, a Washington  
Limited Liability Company, its General  
Partner, and by MOUNT BAKER HOUSING  
ASSOCIATION, a Washington Public Benefit  
Nonprofit Corporation, its sole member and  
Manager

Date: August 29, 2017



\_\_\_\_\_  
Michael Rooney  
Executive Director  
206-725-4152

Date: August 29, 2017

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JUDGE/COMMISSIONER  
King County Superior Court

1 STATE OF WASHINGTON  
2 DEPARTMENT OF ECOLOGY

ROBERT W. FERGUSON  
Attorney General

3 



4 James J. Pendowski  
5 Program Manager  
6 Toxics Cleanup Program  
360-407-7177

Andrew A. Fitz, WSBA #22169  
Senior Counsel  
360-586-6752

7 Date: 8/29/17

Date: 8/30/17

8  
9 MOUNT BAKER HOUSING ASSOCIATION

MT. BAKER VILLAGE LLLP, a Washington  
Limited Liability Limited Partnership, by  
2914 MCCLELLAN LLC, a Washington  
Limited Liability Company, its General  
Partner, and by MOUNT BAKER HOUSING  
ASSOCIATION, a Washington Public Benefit  
Nonprofit Corporation, its sole member and  
Manager

10  
11 Mike Rooney  
12 Executive Director  
13 206-725-4152

14  
15 Michael Rooney  
16 Executive Director  
17 206-725-4152

18 Date: \_\_\_\_\_

19 Date: \_\_\_\_\_


20 ENTERED this 30th day of August, 2017.

21 *see attached electronic signature*  
22 \_\_\_\_\_  
23 JUDGE/COMMISSIONER  
24 King County Superior Court

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 16-2-29584-3  
Case Title: WASHINGTON STATE OF ECOLOGY VS MOUNT BAKER  
HOUSING ASSN  
Document Title: ORDER

Signed by: Catherine Shaffer  
Date: 8/30/2017 4:26:16 PM

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'Catherine Shaffer' written in a cursive style.

Judge/Commissioner: Catherine Shaffer

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 02A0B1FE28017BAC78E9BF6CE00C462718609D94  
Certificate effective date: 7/29/2013 11:40:17 AM  
Certificate expiry date: 7/29/2018 11:40:17 AM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Catherine  
Shaffer:PCh7R3n44hGZOTo3YYhwmw=="