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DEPARTMENT OF  
JUDICIAL ADMINISTRATION

ATTORNEY GENERAL'S OFFICE  
Ecology Div. - Lacey

DEPARTMENT OF  
JUDICIAL ADMINISTRATION

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

No. 93-2-01448-1

Plaintiff,

AMENDMENT OF CONSENT  
DECREE (CHAMPION  
INTERNATIONAL)

v.

CHAMPION INTERNATIONAL  
CORPORATION, SALMON BAY  
TERMINALS, INC., and COASTAL  
TRANSPORTATION, INC.,

Defendants.

I. INTRODUCTION

1. In 1993 the King County Superior Court approved the Consent Decree in this matter entered by the plaintiff, Washington State Department of Ecology (Ecology), and the defendants, Champion International Corporation (Champion), Salmon Bay Terminals, Inc. (Salmon Bay), and Coastal Transportation, Inc. (Coastal).

2. The Consent Decree (Decree) required the defendants to implement certain remedial actions at the site. The defendants have completed all work required by the Decree except for conducting certain sampling.

3. Ecology has decided that it will not, at this time, require that the Defendants conduct sediment sampling required

COPY

1 by the Decree for the purpose of further characterization and  
2 cleanup of the nearshore sediments operable unit.

3 4. The purposes of this Amendment are: (1) to document  
4 the completion of remedial work specified in the Consent Decree  
5 for the upland portion of the site; (2) to revise the Work To Be  
6 Performed section to provide for operation and maintenance  
7 inspection of the asphalt/concrete cap which verifies the  
8 performance of the remedial action for the upland portion of the  
9 site; and (3) to clarify the scope of the Decree, specifically  
10 with respect to the nearshore sediments operable unit.

## 11 II. STATEMENT OF FACTS

12 5. The Consent Decree described the site as comprising  
13 two operable units: the area formerly operated by Champion as a  
14 plywood mill (the upland portion of the site) and the nearshore  
15 sediments located north of the mill area.

16 6. The Consent Decree required the defendants to perform  
17 certain remedial action as specified in Section V (Work To Be  
18 Performed), Exhibit A (Cleanup Action Plan), and Exhibit B  
19 (Engineering Design Document).

20 7. The required work included: asphalt capping for the  
21 boiler ash operable unit, land use restrictions with long-term  
22 monitoring and periodic review for the entire site operable  
23 unit, and land use restrictions and long-term monitoring and  
24 periodic review for the offshore sediments operable unit.

25 8. The asphalt cap over the boiler ash area has been  
26 constructed and the only remaining remedial work required by the

1 Consent Decree for the upland portion of the site is operation  
2 and maintenance of the asphalt/concrete cap.

3 9. Ecology has concluded that sediment contamination at  
4 the site exceeds the narrative standards for freshwater  
5 sediments. See generally WAC 173-204-100(3) & (7). However,  
6 Ecology is not requiring any additional sediment monitoring for  
7 the purpose of further evaluating the contaminated sediments at  
8 this time.

9 10. Ecology is also not requiring sediment cleanup at this  
10 time. Ecology may, in the future, require additional sediment  
11 monitoring and/or sediment cleanup at the site as authorized by  
12 law.

13 **III. OUTSTANDING OBLIGATIONS UNDER THIS DECREE**

14 11. Defendants will ensure that the following land use  
15 restrictions are maintained:

- 16 - Prohibit use of site groundwater for drinking;
- 17 - Protect asphalt cap;
- 18 - "No Trespassing" signs;
- 19 - Prohibit recreational activities;
- 20 - Ensure future development will not create condition of  
21 methane accumulation; and
- 22 - No disturbance of off-shore sediments, provided  
23 defendants may conduct dredging operations so long as  
24 dredged materials are disposed of as authorized under  
25 the Puget Sound Dredged Disposal Analysis (PSDDA)  
26 process (or, if that process is modified or abolished,

1 as authorized by law) and may perform in-water  
2 construction after consultation with Ecology and a  
3 determination by Ecology that such construction will  
4 not preclude future sediments cleanup.

5 Within 60 days of the effective date of this amendment,  
6 defendants shall record a revised restrictive covenant  
7 reflecting these restrictions on the use of the property.

8 12. Perform operation and maintenance to verify the  
9 performance of the remedial action for the upland portion of the  
10 site. Maintenance obligations and an inspection schedule are  
11 described in more detail in Attachment A to this amendment,  
12 Supplemental Work To Be Performed.

13 IV. FUTURE ACTIONS

14 13. Ecology's decision not to require additional sediment  
15 monitoring and/or sediment cleanup at the site at this time does  
16 not preclude Ecology from requiring such actions of the  
17 defendants in the future, and the nearshore sediments operable  
18 unit is not within the scope of the Covenant Not To Sue (§ XXVII  
19 of Consent Decree).

20 14. If Ecology decides in the future to require additional  
21 monitoring and cleanup of the nearshore sediments operable unit,  
22 requirements for such action may be addressed through another  
23 amendment to this Consent Decree, or through a new order or  
24 decree, or other cleanup implementation mechanism. This  
25 amendment neither restricts nor expands Ecology's authorities  
26 under applicable laws.

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V. TERMS AND CONDITIONS OF ORIGINAL DECREE

15. Except as expressly modified herein, all the terms and conditions of the original Decree approved by the Court on January 19, 1993 remain in effect.

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

By: *Emily Kary*  
Mary Burg, Manager  
Toxics Cleanup Program

*June 7, 1995*  
Date

STATE OF WASHINGTON  
ATTORNEY GENERAL'S OFFICE

By: *Mary Sue Wilson*  
Mary Sue Wilson, WSBA #19257  
Assistant Attorney General

*6-5-95*  
Date

CHAMPION INTERNATIONAL CORPORATION

By: *James Carraway*  
James Carraway, Senior Manager  
Environmental Affairs

*5-11-95*  
Date

By: *Mike Thorp*  
Mike Thorp  
Attorney for Champion International

*5-18-95*  
Date

SALMON BAY TERMINALS, INC.

By: *Peter Strong*  
Peter Strong  
President

*5/30/95*  
Date

COASTAL TRANSPORTATION, INC.

By: *Jennifer Belk*  
Jennifer Belk  
Attorney for Salmon Bay and  
Coastal Transportation

*5-22-95*  
Date

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ORDER AMENDING DECREE

The Court hereby orders that the Decree is amended as set forth above.

DATED this 21<sup>ST</sup> day of JUNE, 1995.

THOMAS CAMPBELL  
SUPERIOR COURT JUDGE COMMISSIONER

Presented by:

CHRISTINE O. GREGOIRE  
Attorney General

Mary Sue Wilson

MARY SUE WILSON, WSBA #19257  
Assistant Attorney General  
for State of Washington  
Department of Ecology

Approved as to Form,  
Notice of Presentation Waived:

Michael R Thorp

MIKE THORP  
HELLER EHRMAN WHITE & MCAULIFFE  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104  
for Champion International

Jennifer Belk

JENNIFER BELK  
PRESTON GATES & ELLIS  
701 Fifth Avenue, Suite 5000  
Seattle, WA 98104  
for Coastal Transportation  
and Salmon Bay Terminals

PRESTON  
THORGRIMSON  
SHIDLER  
GATES & ELLIS

ATTORNEYS AT LAW

5000 Columbia Center  
701 Fifth Avenue  
Seattle, WA 98104-7078

Telephone: (206) 623-7580  
Facsimile: (206) 623-7022

March 15, 1993

Ms. E. Christina Beusch  
Office of the Attorney General  
4407 Woodview Drive  
P. O. Box 40117  
Olympia, WA 98504-0117

Re: Champion International / Ballard Mill Site

Dear Christina:

Enclosed for your files is a copy of the restrictive covenant that has been recorded with King County. The covenant was recorded pursuant to the Consent Decree for the Champion International / Ballard Mill site and WAC 173-340-440(4)(a).

If you have any questions, please call.

Very truly yours,

PRESTON THORGRIMSON SHIDLER  
GATES & ELLIS

*Tom Backer*

By

Thomas Eli Backer

cc: Peter Strong, Salmon Bay Terminals  
Brian Sato, Ecology  
Mike Thorp, Heller Ehrman  
Ty Schreiner, Kennedy/Jenks

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