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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

PALMER COKING COAL
COMPANY, LLP; WEYERHAEUSER
NR COMPANY; BNSF RAILWAY
COMPANY; PACCAR INC; and
BROWNING-FERRIS INDUSTRIES
OF ILLINOIS, INC.,

Defendants.

NO. 17-2-28787-3 KNT

AMENDEMENT TO CONSENT
DECREE

I. INTRODUCTION

Consent Decree No. 17-2-28787-3 KNT (Decree) signed by the State of Washington, Department of Ecology (Ecology), Palmer Coking Coal Company, LLP, Weyerhaeuser NR Company, BNSF Railway Company, PACCAR Inc., and Browning-Ferris Industries of Illinois, Inc., and entered by King County Superior Court on November 6, 2017, requires that the Potentially Liable Parties (PLPs) perform remedial actions identified in the Cleanup Action Plan (CAP) (Exhibit B of the Decree) and the Compliance Monitoring Plan Documents (CMP) (Exhibit D of the Decree). By this stipulated amendment to Consent Decree No. 17-2-28787-3 KNT (Amendment), the parties mutually agree to amend the Decree to modify the requirements

1 specified in the CAP and CMP in response to the detection of 1,4-dioxane in three groundwater
2 monitoring wells located near the north end of the Site. Ecology has determined that this
3 Amendment is in the public interest.

4 This Amendment does not attempt to recite all of the provisions of the Decree. Provisions
5 of the Decree not specifically changed in this Amendment remain in full force and effect.

6 II. JURISDICTION

7 This Amendment is issued pursuant to the authority of RCW 70A.305.040(4) and Section
8 XV of the Decree. This Amendment is considered a substantial change to the work to be
9 performed under the Decree, and is being formally amended by this written stipulation among
10 the Parties to be entered by the Court.

11 III. AMENDMENTS

12 The Decree is hereby amended to add the attached amendment to the CAP as a new
13 Exhibit G (CAP Amendment). The CAP Amendment is to be implemented by the Defendants in
14 accordance with the Schedule included therein. Exhibit G amends the CAP, including the
15 contingent response actions in Section 5.5.5.5, as well as associated requirements under the
16 CMP, to address the low level 1,4-dioxane groundwater detections at the north end of the Site.

17
18 Effective date: _____

19 STATE OF WASHINGTON
20 DEPARTMENT OF ECOLOGY

ROBERT W. FERGUSON
Attorney General

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22 _____
BROCK MILLIERN
Program Manager
23 Toxics Cleanup Program
360-407-7177

24 _____
IVY M. ANDERSON, WSBA #30652
Assistant Attorney General
360-586-4619

25 Date: _____

Date: _____

26 PALMER COKING COAL COMPANY, LLP

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By: _____
Its: _____
Date: _____

WEYERHAEUSER NR COMPANY

By: _____
Its: _____
Date: _____

BNSF RAILWAY COMPANY

By: _____
Its: _____
Date: _____

PACCAR INC

By: _____
Its: _____
Date: _____

BROWNING-FERRIS INDUSTRIES OF ILLINOIS, INC.

By: _____
Its: _____
Date: _____