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KING COUNTY
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SEATTLE, WA

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EXPO2

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

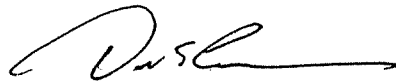
Defendant.

NO. 07-2-33672-9 SEA

ORDER ENTERING FIRST
AMENDMENT TO CONSENT
DECREE [~~Proposed~~]

Having reviewed the Joint Motion for Entry of the First Amendment to the Consent Decree, it is hereby ORDERED AND ADJUDGED that the First Amendment in this matter is entered and that the Court shall retain jurisdiction over the Consent Decree to enforce its terms.

DATED this 17 day of Oct, 2008.




Superior Court Judge/Commissioner


ORIGINAL

1 Presented by:

2 ROBERT M. MCKENNA
3 Attorney General

K&L GATES LLP

4 
5 KRISTIE E. CAREVICH, WSBA #28018
6 Assistant Attorney General


7 CRAIG S. TRUEBLOOD, WSBA #18357
8 Attorney for Defendant

9 Attorneys for Plaintiff
10 State of Washington,
11 Department of Ecology
12 (360) 586-6762

BNSF Railway Company
(206) 623-7580

1 RECEIVED

2 OCT 24 2008

3 DEPARTMENT OF
4 JUDICIAL ADMINISTRATION

5
6
7 STATE OF WASHINGTON
8 KING COUNTY SUPERIOR COURT

9 STATE OF WASHINGTON,
10 DEPARTMENT OF ECOLOGY,

11 Plaintiff,

12 v.

13 BNSF RAILWAY COMPANY,

14 Defendant.

NO. 07-2-33672-9 SEA

FIRST AMENDMENT TO CONSENT
DECREE RE: BNSF FORMER
MAINTENANCE AND FUELING
FACILITY

15
16 Pursuant to Section XV of the Consent Decree Re: BNSF Former Maintenance and
17 Fueling Facility in Skykomish, Washington (Site), entered by this Court on October 19, 2007,
18 Plaintiff, State of Washington, Department of Ecology (Ecology), and Defendant BNSF
19 Railway Company, hereby stipulate to amend the Consent Decree as follows: The
20 "Northwest Regional Section Manager (Section Manager)" shall replace the "Manager of the
21 Land and Aquatics Cleanup Section (Section Manager) at Ecology's Headquarters Office" in
22 Section XIV.A.3 (Resolution of Disputes).

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1 Except as set forth above, all other provisions of the Consent Decree remain in full
2 force and effect, unchanged by this First Amendment.

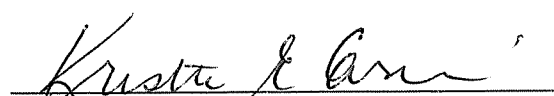
3
4 **STATE OF WASHINGTON**
5 **DEPARTMENT OF ECOLOGY**

6 

7 James Pendowski
8 Program Manager
9 Toxics Cleanup Program
10 (360) 407-7177

11 Date: 9/10/08

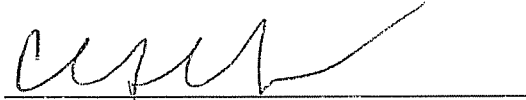
4 **ROBERT M. MCKENNA,**
5 **ATTORNEY GENERAL**

6 

7 Kristie E. Carevich, WSBA No. 28018
8 Assistant Attorney General
9 (360) 586-6762

10 Date: 9/15/08

11 **BNSF RAILWAY COMPANY**

12 

13 Charles W. Shewmake
14 Vice President and General Counsel

15 Date: 9/11/08

16
17
18 ENTERED this _____ day of OCT 17 2008, 2008.

19
20 DEAN S. LUM
21 JUDGE
22 King County Superior Court
23
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OCT 24 2008

DEPARTMENT OF
JUDICIAL ADMINISTRATION

**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

NO. 07-2-33672-9 SEA

JOINT MOTION FOR ENTRY OF
FIRST AMENDMENT TO CONSENT
DECREE

Plaintiff, State of Washington, Department of Ecology, and Defendant, BNSF Railway Company (collectively "the Parties"), bring this motion seeking entry of the attached First Amendment to the Consent Decree (Decree) regarding BNSF's Former Maintenance and Fueling Facility in Skykomish, Washington (Site). This amendment is necessary to reflect Ecology's transfer of regional management responsibility for the Site to Ecology's Northwest Regional Office, which requires a change to the Section Manager reference for deciding disputes under Section XIV.A.3 (Resolution of Disputes) of the Decree. Warren Declaration (Warren Decl.) ¶ 3. Ecology has determined this First Amendment is not a substantial change to the Consent Decree that would require public notice under WAC 173-340-600. Warren Decl. ¶ 4.

The Parties request that the Court approve and enter the First Amendment to Consent Decree, pursuant to the Consent Decree Section XV (Amendment to Decree). The parties also

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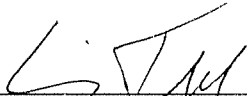
1 request that the Court retain jurisdiction over this action until the work required by the Consent
2 Decree is completed and the Parties request a dismissal of this action.

3 DATED this 22 day of September, 2008.

4 ROBERT M. MCKENNA
5 Attorney General

K&L GATES LLP

6 
7 KRISTIE E. CAREVICH, WSBA #28018
8 Assistant Attorney General


CRAIG S. TRUEBLOOD, WSBA #18357
Attorney for Defendant

9 Attorneys for Plaintiff
10 State of Washington,
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