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Honorable _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, STATE OF)
WASHINGTON, PUYALLUP TRIBE OF)
INDIANS, and MUCKLESHOOT INDIAN TRIBE,) CIVIL NO.
)
Plaintiffs,) COMPLAINT
)
v.)
)
ADVANCE ROSS SUB COMPANY, BNSF)
RAILWAY COMPANY, BP PRODUCTS NORTH)
AMERICA, INC. AND ATLANTIC RICHFIELD)
COMPANY, BRANDRUD FURNITURE, INC.,)
NEMSHOFF CHAIRS, INC. AND HERMAN)
MILLER, INC., CANAM MINERALS/KLEEN)
BLAST DIV., CARSTENS COMPANY, CHEVRON)

COMPLAINT - 1

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1 U.S.A. INC., UNION OIL COMPANY OF)
2 CALIFORNIA, TEXACO DOWNSTREAM)
3 PROPERTIES INC., CITY WATERWAY)
4 INVESTMENTS, INC., CLOSING DAYS, INC.,)
5 FORMERLY KNOWN AS RICHARD A. JOHNSON)
6 CEDAR PRODUCTS, INC., FORMERLY D/B/A)
7 JOHNSON POSTMAN COMPANY, EXXONMOBIL)
8 OIL CORPORATION AND EXXON MOBIL)
9 CORPORATION, F. S. HARMON)
10 MANUFACTURING COMPANY,)
11 GLACIER NORTHWEST, INC. (LONE STAR)
12 NORTHWEST), GLOBE MACHINE)
13 MANUFACTURING COMPANY, GULL)
14 INDUSTRIES, INC., INVESTCO FINANCIAL)
15 CORPORATION, J.M. MARTINAC)
16 SHIPBUILDING CORPORATION, KING COUNTY)
17 METRO TRANSIT DIVISION,)
18 LOUISIANA-PACIFIC CORPORATION, MARINE)
19 IRON WORKS, INC., MCFARLAND CASCADE)
20 HOLDINGS, INC., CASCADE POLE AND)
21 LUMBER COMPANY AND MCFARLAND)
22 CASCADE POLE & LUMBER COMPANY,)
23 MENASHA CORPORATION, MOORAGE)
24 ASSOCIATES, LLC, MOUNTAIN STATES)
25 POWER (PACIFICORP), MUFU UNION BANK,)
26 N.A., NESTLÉ USA, INC., NICHOLS TRUCKING)
27 COMPANY / JOHN AND ELDEENA NICHOLS,)
28 NORTHWEST ETCH TECHNOLOGY, INC.,)
OFFICEMAX INCORPORATED, OLYMPIC)
CHEMICAL CORPORATION, OMYA, INC.,)
PACIFIC NORTHERN OIL CORP., PETRICH)
MARINE DOCK, LLC, PHILLIPS 66 COMPANY,)
PRECISION MACHINE WORKS, INC., PREMIER)
INDUSTRIES, INC., PUGET SOUND ENERGY,)
RAINIER PLYWOOD CO., SHELL OIL)
COMPANY, SHORE TERMINALS LLC,)

COMPLAINT - 2

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1 SUPERVALU, INC., THE BOEING COMPANY,)
 2 THE DIL TRUST, INCLUDING ITS)
 3 PREDECESSOR THE DILLINGHAM)
 4 CORPORATION, THE JACK MORRIS ESTATE/)
 5 MORRIS FAMILY TRUSTS, THE JOSEPH L.)
 6 TRUCCO AND JEAN E. TRUCCO LIVING TRUST,))
 7 COLONIAL FRUIT & PRODUCE, INC., THE)
 8 WATTLES COMPANY, THREE RIVERS)
 9 MANAGEMENT, INC. FOR THE FORMER)
 10 HYGRADE FOOD PRODUCTS CORP.,)
 11 TRUCK-RAIL HANDLING, INC., UNION PACIFIC)
 12 RAILROAD COMPANY, WASHINGTON FLORAL)
 13 SERVICE, INC., WASHINGTON STATE)
 14 DEPARTMENT OF TRANSPORTATION, and)
 15 WOODWORTH & COMPANY, INC.)
 16)
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Defendants.

I. INTRODUCTION

16 The United States of America (“United States”), on behalf of the National Oceanic and
 17 Atmospheric Administration (“NOAA”) and the United States Department of the Interior; the
 18 State of Washington (the “State”) through the Washington State Department of Ecology; the
 19 Puyallup Tribe of Indians; and the Muckleshoot Indian Tribe (collectively, “Plaintiffs”), hereby
 20 files this complaint against defendants Advance Ross Sub Company, BNSF Railway Company,
 21 BP Products North America, Inc. and Atlantic Richfield Company, Brandrud Furniture, Inc.,
 22 Nemshoff Chairs, Inc. and Herman Miller, Inc., CanAm Minerals/Kleen Blast Div., Carstens
 23 Company, Chevron U.S.A. Inc., Union Oil Company of California, Texaco Downstream
 24 Properties Inc., City Waterway Investments, Inc., Closing Days, Inc., formerly known as Richard

1 A. Johnson Cedar Products, Inc., formerly d/b/a Johnson Postman Company, ExxonMobil Oil
2 Corporation and Exxon Mobil Corporation, F. S. Harmon Manufacturing Company, Glacier
3 Northwest, Inc. (Lone Star Northwest), Globe Machine Manufacturing Company, Investco
4 Financial Corporation, J.M. Martinac Shipbuilding Corporation, King County Metro Transit
5 Division, Louisiana-Pacific Corporation, Marine Iron Works, Inc., McFarland Cascade Holdings,
6 Inc., Cascade Pole and Lumber Company and McFarland Cascade Pole & Lumber Company,
7 Menasha Corporation, Moorage Associates, LLC, Mountain States Power (PacifiCorp), MUFG
8 Union Bank, N.A., Nestlé USA, Inc., Nichols Trucking Company / John and Eldeena Nichols,
9 Northwest Etch Technology, Inc., OfficeMax Incorporated, Olympic Chemical Corporation,
10 OMYA, Inc., Pacific Northern Oil Corp., Petrich Marine Dock, LLC, Phillips 66 Company, and
11 its predecessor-in-interest ConocoPhillips Company, Precision Machine Works, Inc., Premier
12 Industries, Inc., Puget Sound Energy, Rainier Plywood Co., Shell Oil Company, Shore Terminals
13 LLC, SUPERVALU, Inc., The Boeing Company, The DIL Trust, including its predecessor the
14 Dillingham Corporation, The Jack Morris Estate/Morris Family Trusts, The Joseph L. Trucco
15 and Jean E. Trucco Living Trust, Colonial Fruit & Produce, Inc., The Wattles Company, Three
16 Rivers Management, Inc. for the former Hygrade Food Products Corp., Truck-Rail Handling,
17 Inc., Union Pacific Railroad Company, Washington Floral Service, Inc., Washington State
18 Department of Transportation, and Woodworth & Company, Inc. (“Defendants”) pursuant to
19 Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of
20 1980, as amended (CERCLA), 42 U.S.C. § 9607; the Model Toxics Control Act (MTCA),
21 chapter 70.105D RCW; Section 311 of the Clean Water Act (CWA), 33 U.S.C. § 1321; the
22 Washington Water Pollution Control Act (WPCA), Wash. Rev. Code ch. 90.48; and
23
24
25

26 COMPLAINT - 4

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1 Section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2702(b)(2)(A). This
2 Complaint raises claims against Defendants for Natural Resource Damages (as defined below) in
3 the Commencement Bay Nearshore/Tideflats Superfund site.

4
5 Plaintiffs United States of America, by authority of the Attorney General, on behalf of
6 the National Oceanic and Atmospheric Administration of the Department of Commerce and the
7 Department of the Interior; State of Washington through the Washington Department of
8 Ecology; Puyallup Tribe of Indians; and Muckleshoot Indian Tribe, allege as follows:

9 I. GENERAL ALLEGATIONS

10 1. This is a civil action under section 107(a) of the Comprehensive Environmental
11 Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607(a); section 311 of
12 the Clean Water Act (CWA), 33 U.S.C. § 1321; section 1002(b) of the Oil Pollution Act
13 (OPA), 33 U.S.C. § 2702(b); and the Model Toxics Control Act (MTCA), Wash. Rev.
14 Code ch. 70.105D, for damages for injury to, destruction of, or loss of natural resources
15 resulting from the release of hazardous substances and discharges of oil into the Thea Foss and
16 Wheeler-Osgood Waterways of the Commencement Bay/Nearshore Tideflats Superfund site in
17 Tacoma, Washington.

18 II. JURISDICTION AND VENUE

19 2. This Court has jurisdiction over this case pursuant to sections 107 and 113(b) of
20 CERCLA, 42 U.S.C. §§ 9607 and 9613(b); section 311(n) of the CWA, 33 U.S.C. § 1321(n);
21 section 1017(b) of OPA, 33 U.S.C. § 2717(b); and 28 U.S.C. §§ 1331, 1345 and 1367(a).

22 3. Venue is proper in this district pursuant to section 113(b) of CERCLA, 42 U.S.C.
23 § 9613(b); section 1017(b) of OPA, 33 U.S.C. § 2717(b); and 28 U.S.C. § 1391(b) and (c).

24 III. THE SITE

25 4. The Thea Foss and Wheeler-Osgood Waterways are a highly industrialized area
26 that opens into Commencement Bay in Tacoma, Washington.

1 5. The “Thea Foss and Wheeler-Osgood Waterways” as used in this Complaint
2 means any portion of the Thea Foss and Wheeler-Osgood Waterways (including the shoreline,
3 intertidal areas, tributaries, estuaries and bottom sediments) in the State of Washington where
4 hazardous substances and oil originating from the facilities identified below that have been
5 owned or operated by the Defendants have come to be located.

6 6. “Commencement Bay” as used in this Complaint means any portion of
7 Commencement Bay (including the shoreline, intertidal areas, tributaries, estuaries and bottom
8 sediments) lying south of a line drawn from Point Defiance to Dash Point. This area includes
9 but is not limited to the Commencement Bay/Nearshore Tideflats Superfund site.

10 7. The Thea Foss and Wheeler-Osgood Waterways and Commencement Bay are
11 contaminated with a variety of hazardous substances, including arsenic, antimony, cadmium,
12 chromium, copper, mercury, nickel, lead, zinc, bis(2 ethylhexyl) phthalate, hexachlorobenzene,
13 hexachlorobutadiene, polychlorinated biphenyls (PCBs), and polycyclic aromatic hydrocarbons
14 (PAHs). Overall, the Trustees have documented the presence of approximately 20 hazardous
15 substances in the marine sediments of the Thea Foss and Wheeler-Osgood Waterways.

16 8. The Thea Foss and Wheeler-Osgood Waterways and Commencement Bay are
17 navigable waters within the meaning of section 1001(21) of OPA, 33 U.S.C. § 2701(21), and
18 section 502(7) of the CWA, 33 U.S.C. § 1362(7).

19 9. “Natural Resource Damages” means damages, including costs of damage
20 assessment, recoverable under Section 107 of CERCLA, 42 U.S.C. § 9607; Wash. Rev.
21 Code ch. 70.105D; Section 311 of the Clean Water Act (CWA), 33 U.S.C. § 1321; Wash. Rev.
22 Code ch. 90.48; and Section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (OPA), 33 U.S.C. §
23 2702(b)(2)(A), for injury to, destruction of, or loss of natural resources resulting from releases of
24 hazardous substances or discharges of oil to the Commencement Bay Environment at or from

1 sites along, adjacent to or draining to the Thea Foss and Wheeler Osgood Waterways.

2 IV. PLAINTIFFS

3 9. Pursuant to section 107(f) of CERCLA, 42 U.S.C. § 9607(f), section 1006 of
4 OPA, 33 U.S.C. § 2706, section 311(f)(5) of the CWA, 33 U.S.C. § 1321(f)(5), and 40 C.F.R. §
5 300.600, the United States is trustee for certain natural resources in Commencement Bay.

6 10. Pursuant to section 107(f) of CERCLA, 42 U.S.C. § 9607(f), section 1006 of
7 OPA, 33 U.S.C. § 2706, section 311(f)(5) of the CWA, 33 U.S.C. § 1321(f)(5), 40 C.F.R. §
8 300.605, Wash. Rev. Code ch. 43.21A, ch. 70.105D, and ch. 90.48, the State of Washington is
9 trustee for certain natural resources in Commencement Bay.

10 11. Pursuant to section 107(f) of CERCLA, 42 U.S.C. § 9607(f), section 1006 of
11 OPA, 33 U.S.C. § 2706, and 40 C.F.R. § 300.610, the Puyallup Tribe of Indians is trustee for
12 certain natural resources in Commencement Bay.

13 12. Pursuant to section 107(f) of CERCLA, 42 U.S.C. § 9607(f), section 1006 of
14 OPA, 33 U.S.C. § 2706, and 40 C.F.R. § 300.610, the Muckleshoot Indian Tribe is trustee for
15 certain natural resources in Commencement Bay.

16 V. DEFENDANTS

17 13. Defendants are corporations, individuals, or trusts and estates of or successors to
18 corporations or individuals, and governmental entities who are either (a) the owner and/or
19 operator of a vessel or a facility; (b) a person who at the time of disposal or release of any
20 hazardous substance owned or operated any facility at which such hazardous substances were
21 disposed of; (c) a person who by contract, agreement, or otherwise arranged for disposal or
22 treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous
23 substances owned or possessed by such person, by any other party or entity, or otherwise
24 generated any hazardous substance disposed of or treated, at any facility or incineration vessel

1 owned or operated by another party or entity and containing such hazardous substances; and/or
2 (d) a person who accepts or accepted any hazardous substances for transport to disposal or
3 treatment facilities, incineration vessels or sites selected by such person from which there is a
4 release or a threatened release of a hazardous substance that causes the incurrence of response
5 costs within the meaning of 42 U.S.C. § 9607 and Wash. Rev. Code § 70.105D.040.
6

7 14. Defendants' properties are facilities within the meaning of section 101(9) of
8 CERCLA, 42 U.S.C. § 9601(9).

9 15. There have been discharges and releases of hazardous substances and oil into the
10 Thea Foss and Wheeler-Osgood Waterways from Defendants' facilities.

11 16. Hazardous substances have been released to the Commencement Bay Environment
12 from properties or facilities owned and/or operated by each Defendant through direct discharge,
13 surface water runoff, groundwater and seeps, and that those hazardous substances have caused
14 injury to, destruction of and loss of natural resources in the Commencement Bay Environment
15 under Plaintiffs' trusteeship, including fish, shellfish, invertebrates, birds, marine sediments, and
16 resources of cultural significance. Plaintiffs further allege that each of them and the public have
17 suffered the loss of natural resource services (including ecological services as well as direct and
18 passive human use losses) as a consequence of those injuries.
19

20 VI. FIRST CLAIM FOR RELIEF

21 19. Plaintiffs reallege paragraphs 1 through 18.

22 20. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part, as
23 follows:

24 Notwithstanding any other provision or rule of law, and subject only to the
25 defenses set forth in subsection (b) of this section -

26 (1) the owner and operator of a vessel or a facility,

COMPLAINT - 8

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(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

. . . from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for

* * *

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release;

* * *

21. Materials disposed of and released in the Thea Foss and Wheeler-Osgood Waterways and Commencement Bay by Defendants include hazardous substances within the meaning of section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

22. The Thea Foss and Wheeler-Osgood Waterways and Commencement Bay are facilities within the meaning of section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

23. Releases of hazardous substances have occurred in the Thea Foss and Wheeler-Osgood Waterways and Commencement Bay within the meaning of sections 101(22) of CERCLA, 42 U.S.C. § 9601(22). The releases of hazardous substances in the Thea Foss and Wheeler-Osgood Waterways and Commencement Bay from the identified facilities owned or operated by Defendants have resulted in injury to, destruction of, or loss of natural resources within the trusteeship of one or more of the Plaintiffs.

24. Defendants are persons within the meaning of section 107 of CERCLA, 42 U.S.C. § 9607.

25. Defendants are liable to Plaintiffs for Natural Resource Damages resulting from releases of hazardous substances pursuant to section 107(a)(4)(C) of CERCLA, 42 U.S.C. § 9607(a)(4)(C).

VII. SECOND CLAIM FOR RELIEF

26. Plaintiffs reallege paragraphs 1 through 25.

27. Section 1002(a) of OPA, 33 U.S.C. § 2702(a), provides in pertinent part, as follows:

Notwithstanding any other provision or rule of law, and subject to the provisions of this Act, each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone is liable for the removal costs and damages specified in subsection (b) of this section that result from such incident.

28. Section 1002(b)(2)(A) of OPA, 33 U.S.C. § 2702(b)(2)(A), provides in pertinent part, as follows:

Damages for injury to, destruction of, loss of, or loss of use of, natural resources, including the reasonable costs of assessing the damage, which shall be recoverable by a United States trustee, a State trustee, an Indian Tribe trustee, or a foreign trustee.

29. The properties owned or operated by Defendants were and are facilities within the meaning of sections 1001(9) and 1002 of OPA, 33 U.S.C. §§ 2701(9) and 2702.

30. Defendants are responsible parties within the meaning of section 1001(32) of OPA, 33 U.S.C. § 2701(32).

31. The discharge of oil into the Thea Foss and Wheeler-Osgood Waterways, Commencement Bay or adjoining shorelines from the identified facilities owned or operated by Defendants has resulted in injury to, destruction of, or loss of natural resources within the trusteeship of one or more of the Plaintiffs.

32. Defendants are liable to Plaintiffs for Natural Resource Damages resulting from discharges of oil pursuant to section 1001 of OPA, 33 U.S.C. § 2701.

VIII. THIRD CLAIM FOR RELIEF

33. Plaintiffs reallege paragraphs 1 through 32.

1 34. Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), provides in pertinent part,
2 as follows:

3 The discharge of oil or hazardous substances (i) into or upon the
4 navigable waters of the United States, adjoining shorelines, or
5 into or upon the waters of the contiguous zone . . . or which may
6 affect natural resources belonging to, appertaining to, or under the
exclusive management authority of the United States . . . in such
quantities as may be harmful as determined by the President under
paragraph (4) of this subsection, is prohibited

7 35. Section 311(f)(2) of the CWA, 33 U.S.C. § 1321(f)(2), provides in pertinent part,
8 as follows:

9 Except where an owner or operator of an onshore facility can
10 prove that a discharge was caused solely by (A) an act of God, (B)
11 an act of war, (C) negligence on the part of the United State
12 Government, or (D) an act or omission of a third party without
13 regard to whether an such act or omission was or was not
14 negligent, or any combination of the foregoing clauses, such
15 owner or operator of any such facility from which oil or a
16 hazardous substance is discharged in violation of subsection
17 (b)(3) of this section shall be liable to the United States
18 Government for the actual costs incurred under subsection (c) of
19 this section for the removal of such oil or substance by the United
20 States Government

21 36. Section 311(f)(4) of the CWA, 33 U.S.C. § 1321(f)(4), provides in pertinent part,
22 as follows:

23 The costs of removal of oil or a hazardous substance for which the
24 owner or operator of a vessel or onshore or offshore facility is
25 liable under subsection (f) of this section shall include any costs
26 or expenses incurred by the Federal Government or any State
27 government in the restoration or replacement of natural resources
28 damaged or destroyed as a result of a discharge of oil or a
hazardous substance in violation of subsection (b) of this section.

37. The identified facilities owned or operated by Defendants are onshore facilities
within the meaning of section 311(f)(1) of the CWA, 33 U.S.C. § 1321(f)(1).

38. There have been discharges of oil or hazardous substances in harmful quantities
into the Thea Foss and Wheeler-Osgood Waterways, Commencement Bay and adjoining
shorelines from the identified facilities owned or operated by Defendants.

1 39. Discharges of oil or hazardous substances from the facilities owned or operated
2 by Defendants into the Thea Foss and Wheeler-Osgood Waterways, Commencement Bay or
3 adjoining shorelines have affected, damaged or destroyed natural resources belonging to,
4 appertaining to, or under the exclusive management authority of the United States.

5 40. Defendants are liable to the United States and State of Washington for Natural
6 Resource Damages resulting from discharges of oil or hazardous substances into the Thea Foss
7 and Wheeler-Osgood Waterways, Commencement Bay, or adjoining shorelines pursuant to
8 section 311(f) of the CWA, 33 U.S.C. § 1321(f).

9 IX. FOURTH CLAIM FOR RELIEF

10 41. Plaintiffs reallege paragraphs 1 through 40.

11 42. MTCA, provides at Wash. Rev. Code § 70.105D.040 as follows:

12 (1) Except as provided in subsection (3) of this section, the following persons are
13 liable with respect to a facility:

14 (a) The owner or operator of the facility;

15 (b) Any person who owned or operated the facility at the time of
disposal or release of the hazardous substances;

16 (c) Any person who owned or possessed a hazardous substance
17 and who by contract, agreement, or otherwise arranged for
disposal or treatment of the hazardous substance at the facility, or
18 arranged with a transporter for transport for disposal or treatment
of the hazardous substances at the facility, or otherwise generated
hazardous wastes disposed of or treated at the facility;

19 (d) Any person (i) who accepts or accepted any hazardous
20 substance for transport to a disposal, treatment or other facility
selected by such person, from which there is a release or a
21 threatened release for which remedial action is required, unless
such facility, at the time of disposal or treatment, could legally
22 receive such substance; or (ii) who accepts a hazardous substance
for transport to such a facility and has reasonable grounds to
23 believe that such facility is not operated in accordance with
chapter 70.105 RCW; and

24 (e) Any person who both sells a hazardous substance and is
25 responsible for written instructions for its use if (i) the substance

1 is used according to the instructions and (ii) the use constitutes a
2 release for which remedial action is required at the facility.

3 (2) Each person who is liable under this section is strictly liable, jointly and
4 severally, for . . . all natural resource damages resulting from the releases or
5 threatened releases of hazardous substances.

6 43. Materials disposed of and released in the Thea Foss and Wheeler-Osgood
7 Waterways and Commencement Bay from the identified sites owned or operated by Defendants
8 include hazardous substances within the meaning of Wash. Rev. Code § 70.105D.020(13).

9 44. The identified sites owned or operated by Defendants are facilities within the
10 meaning of Wash. Rev. Code § 70.105D.020(8).

11 45. The Thea Foss and Wheeler-Osgood Waterways and Commencement Bay are
12 facilities within the meaning of Wash. Rev. Code § RCW 70.105D.020(8).

13 46. Releases or threatened releases of hazardous substances have occurred in the Thea
14 Foss and Wheeler-Osgood Waterways and Commencement Bay within the meaning of
15 Wash. Rev. Code § 70.105D.020(32) and Wash. Rev. Code § 70.105D.040.

16 47. The natural resources that have been and continue to be injured, destroyed, or lost
17 by the release of hazardous substances from the identified facilities owned or operated by
18 Defendants include fish, shellfish, invertebrates, birds, marine sediments, and other such natural
19 resources.

20 48. The State of Washington has incurred response costs related to the assessment of
21 injury to natural resources caused by the releases of hazardous substances from the identified
22 facilities owned or operated by Defendants.

23 49. Pursuant to Wash. Rev. Code § 70.105D.040(2), Defendants are jointly and
24 severally liable to the State of Washington for all damages to natural resources in the Thea Foss
25 and Wheeler-Osgood Waterways and Commencement Bay, resulting from the release of
26 hazardous substances at or from Defendants' identified facilities.

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X. REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court enter judgment against

Defendants:

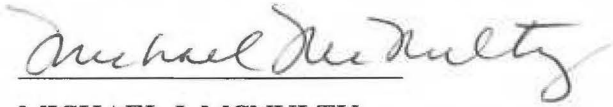
(1) For damages for injury to natural resources resulting from the discharges or releases of hazardous substances in the Thea Foss and Wheeler-Osgood Waterways and Commencement Bay, including the cost of assessing such damages; and

(2) Awarding Plaintiffs such other and further relief as this Court may deem appropriate.

FOR THE UNITED STATES OF AMERICA

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division

Date: 8-3-15



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1 FOR THE STATE OF WASHINGTON

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ROBERT W. FERGUSON
Attorney General

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6 Date: 7-30-2015



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COMPLAINT - 15

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1 PUYALLUP TRIBE OF INDIANS

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COMPLAINT - 16

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1 MUCKLESHOOT INDIAN TRIBE

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COMPLAINT - 17

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