



Seattle Times -

Fine upheld for firm's work at cleanup site

By [Ian Ith](#)

Seattle Times staff reporter

A King County Superior Court judge has upheld \$48,500 worth of state citations against an Idaho construction contractor that allegedly exposed workers to dangerous contaminants during work at a Superfund **cleanup site** on Seattle's Harbor Island four years ago.

The company continues to deny it committed the violations, and a spokesman yesterday said it will keep fighting the citations.

Judge John Erlick last week ruled that Washington Group International of Boise, then operating as Morrison Knudsen, was required to abide by strict workplace-safety rules during an expansion project at Terminal 18.

Harbor Island has been listed as a Superfund **site** since 1983 because of high levels of pollution including arsenic, lead and carcinogenic polychlorinated biphenyls — PCBs.

After an assistant superintendent for Morrison Knudsen, Ron Slater, reported to the state that workers were being sickened by exposure to hazardous waste, the state Department of Labor and Industries in 2000 issued the fine, alleging 34 violations.

The department found that workers were required to move leaking drums of hazardous chemicals with no protective clothing, that the company provided no decontamination facilities, and that it didn't monitor air and soil for toxins and had no emergency plan.

Slater also had alleged the company was forcing workers to pump highly contaminated water from holding ponds directly into the waterway. But government inspectors couldn't verify that.

Labor and Industries also ordered Morrison Knudsen to pay \$140,000 in back pay for firing Slater after he blew the whistle. But the company went bankrupt and merged with Washington Group International, so Slater never got paid.

The company contested the citations to an industrial-appeals board, arguing it wasn't required to follow hazardous-waste rules because it hadn't been performing **cleanup** work but rather simple construction for the Port of Seattle's terminal expansion.

In 2002, the board agreed the rules didn't apply and dropped the citations.

Judge Erlick ruled last week, however, that the company clearly was engaged in a hazardous-waste **cleanup** and should have followed the rules.

Washington Group can appeal Erlick's ruling to the state Appeals Court. Otherwise the case will go back to the industrial-appeals board for a finding of whether the company actually committed the violations.

"We're convinced that if this goes back for a retrial, we'll prevail," said Jack Hermann, a Washington Group spokesman in Boise.

Even so, Slater, 62, now retired in Cle Elum, Kittitas County, said he felt vindicated by Erlick's ruling. He contends he was blacklisted from construction work after the episode. He had to drop his lawsuit against the company after it went bankrupt.

"It means all my fellow employees, all my friends — and my enemies — know that I wasn't wrong," he said.

"I am not a disgruntled employee. I am an honest, considerate and professional employee."

Ian Ith: 206-464-2109 or iith@seattletimes.com
